

CONSTITUTION OF THE SOUTHERN UTAH UNIVERSITY STUDENT ASSOCIATION

NOVEMBER 25, 2003

PREAMBLE

We, the students of Southern Utah University (SUU), to create a fair and representative student government, do hereby establish this constitution for the Southern Utah University Student Association (SUUSA).

ARTICLE I

Membership

All full- and part-time students paying the full corresponding activity fees shall have privileges of membership.

ARTICLE II

Statement of Purpose

The purpose of the government of SUUSA is to:

- A. Promote unity within the student body;
- B. Voice student concerns to SUU Administration;
- C. Review and make recommendations concerning student fees;
- D. Support student involvement and activities;
- E. Promote quality education in all aspects of student life;
- F. Represent the student body in the decision-making and policy-development processes as prescribed in University policy; and,
- G. Communicate with all members.

ARTICLE III

Governmental Structure

The government of SUUSA consists of three branches: the Legislative, the Executive, and the Judicial.

ARTICLE IV

Governmental Documentation

All legislation, receipts, and meeting minutes will be kept on file for four years and made available for public inspection as required by Utah law.

- A. Meeting minutes must be kept for all Legislative, Executive Council and Judicial meetings.
- B. Receipts will be maintained for all expenditures of student fees.

ARTICLE V

Legislative Branch

SECTION 1: The Legislative Branch consists of the Senate and the Assembly of SUUSA.

SECTION 2: The Senate is the higher of the two legislative bodies and represents and serves the general student body.

SECTION 3: The Assembly represents and serves clubs chartered through SUUSA.

SECTION 4: Both legislative bodies have the power to establish committees to assist in their legislative functions.

SECTION 5: The President of each legislative body will appoint an administrative assistant. The primary duty of the assistant is to keep records of all legislation and meeting minutes.

SECTION 6: In both legislative bodies, a quorum is necessary to conduct business. A quorum consists of three-fourths of the voting members.

SECTION 7: A member of the respective body must present legislation. All bills must be posted for review by the respective bodies and the membership of SUUSA at least one week prior to a formal vote.

SECTION 8: All legislation takes effect when passed by a simple majority vote (see Article V, Section 6) and upon signature of the SUUSA President. The SUUSA President may veto the legislation and return it to the Senate with his or her objection(s) noted. The Senate may override a veto by a three-fourths vote; the legislation is then enacted. Should the SUUSA President not sign the legislation and return it within four school days of receipt, the legislation will automatically take effect.

SECTION 9: Within three days of a passed bill and upon petition by five percent of SUUSA membership who disagree with a bill passed by the Senate or Assembly, the bill must be remitted to the Senate for consideration and must pass by a three-fourths vote.

Senate

SECTION 10: The Academic Vice President is the President of the Senate, but has no vote unless the Senate is equally divided.

SECTION 11: The Senate elects a President Pro Tempore and provides other officers from this body as deemed necessary. The President Pro Tempore assumes the presidency of the Senate in the absence of the Academic Vice President (see Article VI section 11).

SECTION 12: The Senate is composed of three Senators from each of the colleges or schools of the University. Senators must be officially accepted in, or major in, a subject area within the college they represent.

A. When a new college or school is added, a special election must be held within four full academic weeks after fall semester has begun to fill the new positions.

B. When a college or school is eliminated or consolidated, those senators currently in office will complete their term.

SECTION 13: The Senate has the power to create, revise, ratify, delete, and direct governing policies of SUUSA as deemed necessary.

A. Senate will not create any policy that otherwise is appropriately created in another branch's or body's by-laws.

B. Every branch and legislative body has the power to create, revise and delete any policies that govern their respective body.

SECTION 14: Senate approves nominees for appointed positions with a three-fourths vote. Vacancies of positions will be filled within four weeks.

SECTION 15: The Senate approves the allocation of all student fees within SUUSA.

SECTION 16: Senators approve the allocation of course fees within the college or school they represent.

SECTION 17: The Senate establishes all election policies and procedures.

SECTION 18: The Senate alone has the power to appropriate funds allocated to the Senate. Senate has the power to evaluate and validate these appropriations.

SECTION 19: The Senate has the power to submit to SUUSA, by a three-fourths majority of the Senate, any proposed amendment to this Constitution.

Assembly

SECTION 20: The Clubs and Student Involvement Vice President (hereafter referred to as the Involvement Vice President) presides over the Assembly, but has no vote unless the Assembly is equally divided.

SECTION 21: The Assembly elects a President Pro Tempore and provides other officers from this body as deemed necessary. The President Pro Tempore assumes the presidency of the Assembly in the absence of the Involvement Vice President (see Article VI section 11).

SECTION 22: The Assembly is composed of two Delegates from each Club and Organization category. The Assembly will have no less than four categories.

SECTION 23: All Assembly Delegates must be active members of a chartered club or organization within the category they represent.

SECTION 24: Each Assembly Delegate is ratified by three-fourths majority vote of the Senate.

Section 25: The Assembly establishes procedures of governance for all chartered clubs or organizations of SUUSA.

SECTION 26: The Assembly alone has the power to appropriate student fees allocated to the Assembly.

ARTICLE VI

Executive Branch

SECTION 1: The Executive Branch consists of the Executive Council, the President's Cabinet, and the Student Activities Board (STAB).

SECTION 2: The Executive Council consists of the following elected offices: The President, Academic Vice President, Involvement Vice President, and Activities Vice President. These four individuals will be voting members of this body. All actions taken by the Executive Council will depend upon recommendation and approval of the SUUSA President. A Controller and an Executive Secretary will be appointed to this Council, but will have no voting privileges.

SECTION 3: All executive powers and responsibilities are vested in the SUUSA President.

The SUUSA President's duties are, but are not limited to:

- A. Act as the official representative of SUUSA both on and off campus;
- B. Appoint and preside over a Cabinet to assist in performing administrative responsibilities;
- C. Be responsible for all budgets and staff management of SUUSA;
- D. Veto legislation;
- E. Recommend approval or disapproval of the use of student space, student fees and tuition;
- F. Communicate with the President and Administration of SUU;
- G. Delegate duties he or she is unable to fulfill to appropriate Executive Council members;
- H. Serve as a member of the Board of Trustees for Southern Utah University; and,
- I. Convene the Senate in a special session whenever the demand arises; with adequate notification of no less than 24 hours prior to the special session.

SECTION 4: The primary responsibilities of the Controller are to:

- A. Manage the financial records of SUUSA in accordance with generally accepted standards and procedures of SUU, and under the direction of the SUUSA President; and,

B. Educate SUUSA officers on the proper procedures in requisitioning SUUSA monies.

SECTION 5: The primary responsibilities of the Executive Secretary are to:

- A. Keep and preserve accurate minutes of all Executive Council meetings; and,

B. Transcribe correspondence and carry out other assignments delegated by the SUUSA President and Executive Council.

SECTION 6: The duties of The Academic Vice President are, but are not limited to:

- A. Act as the President of the Senate;
- B. Be responsible for the training and effectiveness of the Senate;
- C. Enforce all bylaws, policies, and rules established to govern the Senate;
- D. Appoint Senators to represent the student body on various University committees;
- E. Serve as a member of Dean's Council;
- F. Fulfill any duties assigned by the SUUSA President or the Senate; and,
- G. Nominate new senators in the event of a vacancy.

SECTION 7: The duties of the Involvement Vice President are, but are not limited to:

- A. Preside over all proceedings of the Assembly;
- B. Enforce all bylaws, rules, and policies of the Assembly;
- C. Appoint delegates to committees as deemed necessary;
- D. Be responsible for the training and effectiveness of the Assembly;
- E. Coordinate all on campus organizations, and provide them with leadership training;
- F. Coordinate a club calendar with the Activities V.P.; and,
- G. Nominate new delegates in the event of a vacancy.

SECTION 8: The duties of the Activities Vice President are, but are not limited to:

- A. Oversee the master calendar of all student activities;
- B. Nominate an Assistant to the Vice President;
- C. Nominate members to STAB; and,
- D. Conduct the affairs of STAB (see Article VI, Section 10).

SECTION 9: The Activities Vice President has the power to appropriate student fees allocated to her or him in consultation with STAB.

SECTION 10: The primary duty of STAB is to organize and carry-out social activities and any other SUUSA sponsored activities. STAB in no way will be limited to a fixed number of members. Members of STAB have the power to choose assistants and organize committees upon approval of the Activities Vice President.

SECTION 11: SUUSA Succession: In case of a vacancy in the office of the SUUSA President, the Academic Vice President will become President. In case of vacancies in the offices of President and Academic Vice President, the Involvement Vice President will become President. In the event that the President, the Academic Vice President and the Involvement Vice President positions are all vacant, the Activities Vice President will become President. In case of a vacancy in the office of the Academic Vice President, the President Pro Tempore of the Senate will become the Academic Vice President. In case of a vacancy in the office of the Involvement Vice President, the President Pro Tempore of the Assembly will become Involvement Vice President. In case of a vacancy in the office of the Activities Vice President, the Assistant to the Activities Vice President will become the Activities Vice President. Senate must approve the succession of any individual to the Executive Council by a three-fourths vote.

ARTICLE VII

Judicial Branch

SECTION 1: The Judicial Council consists of a Chief Justice and four Associate Justices.

SECTION 2: All Justices, including the Chief Justice, are nominated by the SUUSA President, subject to approval by a three-fourths majority vote of the Senate.

SECTION 3: The duties of the Chief Justice are, but are not limited to:

- A. Certify that all elected and appointed officers of SUUSA meet the qualifications for office and are sworn into office as set forth in this Constitution;
- B. Administer the oath of office for all officers within SUUSA;
- C. Delegate assignments to the Associate Justices as deemed necessary;
- D. Preside over and act as the spokesperson for the Judicial Council; and,
- E. Keep informed of the legal affairs of SUUSA.

SECTION 4: The term of office for all members of the Judicial Council is until graduation, resignation, impeachment, automatic removal, or no longer than three years. All Justices must remain in good standing (see Article VIII, Section 2). The Chief Justice serves a one-year term and may be re-appointed on a yearly basis. In the event that the Chief Justice is not re-appointed, he or she retains a position within the Judicial Council. Any vacancy will be filled within four weeks.

SECTION 5: The Judicial Council has the power and responsibility to:

- A. Mediate all student, group, club or organization grievances against SUUSA or SUUSA officers in their official capacity as such;
- B. Conduct a Judicial Review upon any duly filed grievance;
- C. Issue directives and legal orders for compliance with this Constitution, and other student codes when appropriate;
- D. Resolve election disputes, ensure constitutionality of elections, and certify and publish election results;
- E. Participate in impeachment proceedings of any SUUSA officer or governing body that fails to comply, in a timely manner, with any judicial order that is served upon him or her; and,
- F. Act in any capacity required by SUU policy and procedure.

SECTION 6: Any student organization or individual member of SUUSA may file a grievance with the Judicial Council against a member or body of SUUSA for a violation of the following:

- A. SUUSA Constitution;
- B. Legislative Bylaws;
- C. Election Bylaws; and,
- D. Other SUUSA legislation, policies, procedures, actions or functions that violate the Constitution, or individual or group rights.

SECTION 7: Upon accepting appointment to Judicial Council, members agree to waive rights to, participate in any activities that conflict with the duties and interests of the Judicial Council, including, but not limited to, publicly endorsing or campaigning for candidates for SUUSA office. Any such conflicts are subject to Senate directive, which requires a three-fourths vote, and are then subject to SUUSA Presidential approval.

SECTION 8: Before any member of the Judicial Council declares candidacy for any elected office, he or she must first resign from the Judicial Council.

ARTICLE VIII

Qualifications and Elections of Officers

SECTION 1: The following are the generally elected officers of SUUSA: The President, the Academic Vice President, the Involvement Vice President, the Activities Vice President, and members of the Senate.

SECTION 2: No student will be elected or appointed to office or allowed to maintain SUUSA office unless he or she is a member of SUUSA and is in good standing at SUU.

Good standing is defined as not being on social or academic probation, or suspension, and having a minimum 2.5 cumulative GPA.

SECTION 3: The term for all offices is one year unless otherwise provided for in this Constitution. All officers remain in office until the end of their term or until a successor takes the oath of office.

SECTION 4: No person will hold two offices concurrently, elected or appointed, in the government of SUUSA.

SECTION 5: General elections for all elected SUUSA offices will be held on two consecutive Wednesdays in March.

SECTION 6: The oath of office for all elected and appointed officials is administered by the Chief Justice (see Article VII Section 3). This oath is administered at an inaugural event or in the presence of two or more witnesses and takes place on the third week prior to the end of the Spring Semester, or within two weeks of appointment. Failure to take the oath of office creates a vacancy in the office, which must be filled as provided by this Constitution. The Oath is: "I, (stated name) do solemnly affirm that I will faithfully execute the office of (stated office) and will, to the best of my ability, uphold and defend the Constitution of the Southern Utah University Student Association and the laws of the State of Utah." The oath of office must be taken by the elected or appointed officer and may not be taken in proxy.

SECTION 7: An appointed officer is said to be nominated but with no authority to act in the given position, until the day the Senate approves the appointment and said officer takes the oath of office. An officer is said to be elected when the proclamation of the results of the election are made public, but with no authority to act until said officer takes the oath of office.

ARTICLE IX

Impeachment, Automatic Removal, and Recall

SECTION 1: Impeachment may be brought against elected officers who have failed to uphold their duties outlined in this Constitution or upon failure to act in a manner that is deemed necessary for the effective operation of SUUSA, as determined by Senate. All elected officers and all members of the Judicial Council of SUUSA can be impeached.

SECTION 2: Any 100 members of SUUSA may, by petition, initiate impeachment against any officer(s) by following these requirements:

- A. Presenting a legibly signed petition to the Chief Justice which contains information to confirm membership of SUUSA, and;
- B. The petition must specifically state the alleged failure of the officer(s) to uphold his or her Constitutional duties. If the petition complies with these requirements, the Chief Justice will ensure that all signatures are those of members of SUUSA, and form an Impeachment Committee.

SECTION 3: Impeachment Committee: As the need arises, an Impeachment Committee must be formed. This committee will consist of:

- A. The Chief Justice of the Judicial Council;
- B. President and three Vice Presidents of SUUSA;
- C. Three members of the Senate;
- D. Three additional members of the Judicial Council; and,
- E. Two Delegates of the Assembly.

This committee will be chosen by the Chief Justice through the means of random selection in the presence of the Senate. No one being considered for impeachment may be a member of the Impeachment Committee. The Chief Justice is the spokesperson for the committee and does not have a vote unless there is a tie. If the Chief Justice is being considered for impeachment, the senior member of the remaining Judicial Council will be the Chair.

SECTION 4: The Impeachment Committee represents SUUSA in determining whether impeachment litigation is justified and should be carried out. The Impeachment Committee must communicate its decision in writing to the Academic Vice President.

SECTION 5: When the majority vote is in affirmative of impeachment, the Academic Vice President will then initiate Senate proceedings concerning the matter. The officer, being impeached; has the opportunity to be heard by the Senate, with the Academic Vice President presiding. In the event that the Academic Vice President is tried for impeachment, the President Pro Tempore of the Senate presides as a voting member. A three-fourths vote of the Senate is necessary to impeach and remove any officer. Any Senator not in attendance at an impeachment trial will automatically cast their vote against impeachment. Any Senator being tried for impeachment will not have a vote in the impeachment trial.

SECTION 6: Proxy ballots will not be allowed in impeachments trials. A quorum in an impeachment trial is defined as two-thirds of the Senate.

SECTION 7: An officer of SUUSA is automatically removed from office upon failure to maintain qualifications for office (see Article VIII, Section 2).

SECTION 8: The Executive Council, by a majority vote, has the power to release any appointed official from his or her position as the council deems necessary. The vacant position must be filled within four weeks and is subject to ratification by Senate.

ARTICLE X

Amendments

SECTION 1: Amendments to this Constitution may be proposed by either:

- A. A three-fourths vote of the entire Senate; or,
- B. A petition signed by 10 percent or more of the membership of SUUSA.

SECTION 2: Amendments become effective when ratified by a majority of those voting in a General Election of the SUUSA and approved by the Board of Trustees.

ARTICLE XI

Ratification

SECTION 1: This Constitution becomes effective upon approval of three-fourths vote of the Senate, a majority of those voting in a General Election, and the Board of Trustees.

SECTION 2: No provision of this Constitution is to be constructed in any way as binding upon University authority established by the State of Utah, in such a manner as to restrict the performance of statutory duties or exercise of rightful powers.