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# **The Student Government Code**

**2017-2018**

*4<sup>th</sup> Edition- Official*

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Special thanks to:

Louisiana State University: Rules of Court

Texas A&M: Student Government Code

University of Texas at Austin: Election Code

American Society for Public Administrators: Code of Ethics

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*“Writing laws is easy, but governing is difficult.”*

**-Leo Tolstoy**

## **Certification**

I certify that I have prepared this 2016-2017, Official 3<sup>rd</sup> Edition of the Student Government Code pursuant to S.G.C. I. §100.3(4) to the best of my ability. This document reflects all legislative, executive, and judicial changes impacting the governing laws of Student Government at Texas State University. Additionally, I certify the attached appendix has been modified for use during the 2016-2017 term.

/s/John Austin Garcia

**John Austin Garcia**  
**Supreme Court Chief Justice**

**Citing the Student Government Code: Recommended Models**

Long Form – The specific location of a rule may be listed followed by the long title of the document in which it is located. For example: Article I, Section II of the Constitution or Article III, and Section II, of the Election Code.

Short Form – This format is highly recommended for use in court documents or when referencing provisions of the code in Senate legislation or Executive/Judicial Orders. The title within which a specific rule is located under followed by the short form of the Code and the annotated reference of the specific section of the rule in question in the following manner:

S.G.C., colon, space

The Title’s Roman numeral, space

The three digit chapter number, a period

The section symbol (§) (done by typing Alt-2-1), no space

The article number in digit form, parenthesis

The section number in digit form, a space

Any other sub-section or other classification with no space separating.

For complex cites, use Example 6. Ignore bolding in examples.

Example 1: Article 3, Section I, Subsection B, Paragraph 1 of the Election Code							
Written	Election Code	Chapter	Article III	Section I	Subsection B	Paragraph 1	S.G.C.. III.
Abbreviated	S.G.C.. III.	§101	.3	(1)	(b)	1	§101.3(1)(b)(1)

Example 2: Article IV, Section II, Sub-Sections (a)-(d) of the Senate Standing Rules.						
Written	Standing Rules	Chapter	Article IV	Section II	Subsection A - and D	S.G.C.. VI. §200.4(2) (a)(b)(c)(d)
Abbreviated	S.G.C.. VI.	§200	.4	(2)	(a)(b)(c)(d)	

Example 2: Article V, Sections II and IV of the Budget and Finance Reform Act						
Written	Budget	Chapter	Article V	Section II and IV	Subsection A and D	S.G.C.. VII. §100.5(2),(4)(a)(d)
Abbreviated	S.G.C.. VII.	§100	.5	(2)(4)	(a)(d)	





# TITLE I - THE STUDENT GOVERNMENT CODE

*Created by S.B. 2013-2014/1 "Code of Laws Reform and Codification Standards Act"*

## CHAPTER 100 - ADMINISTRATIVE

### ARTICLE I. NAME AND SHORT TITLE

- §1 **AUTHORIZATION.** This Code is authorized pursuant to Article III(10)(j) of the Student Government Constitution.
- §2 **NAME.** This code shall be known as the Student Government Code.
- §3 **SHORT NAME.** The short title for the Student Government Code shall be S.G.C. for reference hereafter within this document, in the general operations of the Student Government, and in reference to all laws and Statutes contained herein.
- §4 **ORGANIZATION.** This title and chapter is a statute, codified separately for organizational purposes.
- §5 **SUSPENSION.** The rules and regulations contained within the S.G.C. may only be suspended by lawful amendment by way of a bill, or judicial review as outlined in the Constitution, or if some other method of suspension is provided for by the individual title or chapter.

### ARTICLE II. PURPOSE

- §1 **PURPOSE.** The purpose of this code is to codify all the statutes, which are the laws of Student Government, enacted by Student Government, and the other rules and procedures enacted under authority of the preceding governing documents of the Student Government for common reference by the Cabinet, Senate, House, courts, the University administration and the student body.
- §2 **JURISDICTION.** The S.G.C. serves as the organizational rules and guidelines for members and is applicable to person(s) seeking membership in Student Government. All process and procedures exist to promote an educational experience related to representation and self-governance, but no process or term should ever be interpreted to be legally binding outside of the context of behavior related to Student Government and as a representative of Texas State University.



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### ARTICLE III. ORGANIZATION

§1 **DIVISIONS OF THIS DOCUMENT.** The Student Government Code shall be divided into two categories. The first category will encompass Titles I, II, and III, and shall constitute the Student Government By-Laws as stipulated in the Texas State University System Rules and Regulations. The second category will encompass all other Titles and shall govern the daily, operational and administrative regulations of Student Government.

- (a) The By-Laws may only be amended every three years unless special permission is given by the Vice President for Student Affairs and University President.
- (b) The administrative regulations of Student Government and amendments to Titles not listed as a part of the by-laws may be approved for enactment by the Dean of Students.

§2 **DOCUMENT SECTIONS.** The S.G.C. shall be organized into titles, which shall further be divided into sub-titles as needed, chapters, articles, sections, sub-sections, numbers, roman numerals, letters, and such further common divisions as the Supreme Court Chief Justice may deem necessary to codify any statute or other rule or procedure, into a common format. The titles for the S.G.C. shall divide differing governing documents in order of decreasing precedence, excluding the Constitution, in the following manner:

- (a) Title I shall be called "The S.G.C." and shall include all statutory provisions for the organization, dissemination, and display of this code, as well as definitions for its interpretation (excluding the Constitution).
- (b) Title II shall be called "Code of Ethics" and shall include the most recent copies of the Code of Ethics as amended and ratified.
- (c) Title III shall be called the "Election Code" and shall include the most recent copies of the Election Code as amended and ratified.
- (d) Title IV shall be called "The President" and shall outline the policies and procedures to be used by the Student Body President in executing his or her constitutional powers. This title shall outline the Student Body President's operational and administrative procedures including keeping record of properly issued Executive Orders.

- (e) Title V shall be called "The Cabinet" and shall include the administrative mechanism and policy and procedures to be used by the Cabinet to execute their constitutional powers.
- (f) Title VI shall be called "The Legislature" and shall outline definitions and the standing rules of the House and Senate for the proper and orderly operation of meetings.
- (g) Title VII shall be titled "The Courts" and shall outline the operational procedures and rules for the conduct of judicial business including the recording of court orders and opinions.
- (h) Title VIII shall be titled "The Budget" and shall outline policies, procedures, rights and responsibilities relating to the use of student government funds.
- (i) Title IX shall be called "Statutes" and shall include bills which establish other policies and procedures as are necessary for the regulatory or administrative operation of Student Government.

§3 **ORGANIZATIONS OF OTHER CHAPTERS AND TITLES.** The chapters of the titles of the S.G.C. shall further divide the title or sub-title into distinguishable documents, categories, or enactments as may be enacted or amended from time to time by the Student Senate or the various entities of the Student Government.

§4 **STANDARDIZED PRESENTATION.** The S.G.C. shall be presented in standard, non-annotated form, including a cover and table of contents, certification statement with the Supreme Court Chief Justice signature affixed, and other items as he or she may direct. All documents shall be modified to meet a standardized format, so long as no modifications are made to the content of those documents. The Supreme Court Chief Justice shall also provide a recommended citation guide for citing the various statutes, rules or procedures, or the Student Government Constitution in documents in cases before the Supreme Court, in bills and resolutions of the Student Government, and orders amending rules or procedures in this Code. The Supreme Court Chief Justice shall also certify the S.G.C. as accurate according to the provisions of this chapter. The Supreme Court Chief Justice may also provide other non-binding parts to the code as he or she may deem necessary and proper to aid the reader in understanding or navigating its contents.

- (a) Titles shall be denoted by upper case roman numeral, sub-titles by digits, chapters by three digits, articles by upper case roman numeral, sections by the section symbol (§) and number, sub-sections by lower case letter enclosed in parenthesis, numbers by digits enclosed in parenthesis, roman numerals by lowercase roman numerals enclosed in parenthesis, letters by lowercase letter, and further common divisions by any use of the above characters at the discretion of the Supreme Court Chief Justice to codify all statutes, rules or procedures, into a common format.
- (b) The Supreme Court Chief Justice may correct grammar, spelling, punctuation and reformat and reorganize this code, with permission of the Supreme Court, so long as those actions do not in any way whatsoever result in a change of the intent, precedence or regulations therein.

§5 **STATUTES.** Statutes are defined as a written rule passed by the House or Senate and approved by the President. They start as bills and upon passage and approval become Student Government law. Statutes set forth general propositions of law that apply to specific situations. A statute may forbid a certain act, direct a certain act, make a declaration, or set forth mechanisms to aid members of Student Government in the operation of the Student Government. All bills are to become statutes as amendments to the S.G.C.

§6 **NATURE OF AMENDMENTS.** All bills which when passed and approved become statute and are amendments to the S.G.C. All bills regulating Student Government are subject to the ratification of the Student Senate, except in the case of Title VI, chapter 300, and shall be denoted with reference to the Senate or House bill from which such amendments were enacted below the specific chapter amended. All other amendments shall denote the student body petition number, executive order number, Supreme Court order number, or such other order number amending the statute or rule or procedure below the specific chapter amended.

- (a) All new titles or chapters shall cite the section(s) of the Student Government Constitution which authorize(s) new regulation pursuant to the powers granted under it.
- (b) All amendments must be formatted to conform to the language, style and format of the other sections of this the S.G.C.

- (c) The Supreme Court may make amendments to the Appendix section of this document and shall not require Senate approval so long as it is not changed in such a way that it no longer fulfills its purpose.

§7 **DATING AND RECORDING.** The chapters, sub-titles, and titles of the S.G.C. shall indicate the date of the last revision to that section.

#### **ARTICLE IV. DEFINITIONS**

§1 **DEFINITION.** In determining the meaning of any usage by the Student Government, unless the context indicates otherwise:

- (a) All references to President shall mean the Student Body President, unless otherwise stated.
- (b) All reference to Vice President shall mean the Student Body Vice President, unless otherwise stated.
- (c) All references to the Student Government Advisors shall include the Dean of Students and Assistant Dean of Students as co-advisors of Student Government.
- (d) Words importing the singular include and apply to several persons, parties, or things.
- (e) Words importing the plural include the singular.
- (f) Words importing the masculine gender include the feminine as well and vice versa.
- (g) Words used in the present tense include the future as well as the present.

#### **ARTICLE V. DISSEMINATION AND DISPLAY**

§1 **RESPONSIBILITIES OF THE SUPREME COURT CHIEF JUSTICE.** The Supreme Court Chief Justice is hereby vested the duty to enact the provisions of this chapter, including codifying the S.G.C. in compliance with this chapter. The Supreme Court Chief Justice shall update this Code to reflect all reported changes within one (1) calendar month, and present to the President for review.

- (a) The President shall forward to the Supreme Court Chief Justice any Executive Orders and any statutes passed by the Senate and signed by the President within fourteen (14) days.
- (b) The Chief Justice shall forward to the Supreme Court Chief Justice all court opinions and orders within fourteen (14) days of their issuance.

- (c) The Chair, Director, Commissioner, or chief student leader of any Student Government Commission shall forward to the Supreme Court Chief Justice all changes made to that particular commissions regulations within fourteen (14) days of their amendment.

§2 **UNIVERSITY ADMINISTRATIVE CHANNELS.** In accordance with Article II, Section 8, Article V Section 5(a) and Article 4 Section 11 of the Student Government Constitution legislation, once passed by either the House or Senate, legislation is transmitted to the President for signature or veto. The President will have five (5) days to either action on the legislation. If after five (5) days the President has not acted, the legislation will be considered signed.

- (a) If signed, the President will transmit the legislation to the Student Government Advisors with an attached memorandum from the President with his comments about the legislation and a summary of the bill or resolution's intent. If applicable, legislation will then be forwarded to the Vice President of Student Affairs and the University President.

- (1) Passed bills, which have been signed by the President and are related to amendment to Title I, II, and III shall always be forwarded to the Vice President for Student Affairs via the Dean of Students and the University President via the Vice President for Student Affairs for final approval.
- (2) Passed resolutions, which have been signed by the President shall be forwarded to the Dean of Students, and from the Dean of Students to the Vice President of Student Affairs for transmission to the appropriate department.
- (3) Passed Simple Resolutions, which have been signed by the President, shall be forwarded to the Dean of Students for whatever action the Dean of Students deems necessary.

- (b) If vetoed, the President will return the legislation back to the body it originated in and the Student Government Advisors. If it is a piece of legislation that was jointly passed in the Senate and House, it shall be returned to both chambers and the Student Government Advisors. In either case, the President shall author a veto statement via written memorandum declaring the legislation vetoed, and attach it to the legislation being returned. The President may use this memorandum to justify his actions or

suggest how the legislation may be made acceptable, but is not required to provide justification or suggested corrections.

§3 **PUBLICATION.** The most recent copy of the S.G.C. shall be made available for reasonable review by the general public in electronic format online as well as in physical form in the Student Government Office each semester.

§4 **REPORTING.** If changes have occurred, a copy of the S.G.C. shall be forwarded by the Supreme Court Chief Justice to the Dean of Students Office, the Texas State University Archive, the President, and the Chief Justice of the Supreme Court for reference as it is updated and in bound format within five (5) business days of the ending of each semester.

§5 **FUNDING.** All costs associated with the production and amending of this code shall be incurred by the Student Government annual budget.



## TITLE II - CODE OF ETHICS

### CHAPTER 100 - CODE OF ETHICS

Created by S.B. 2013-2014/2 "Code of Ethics and Oath of Office Reform Act"

#### ARTICLE I. ADMINISTRATIVE

§1 **AUTHORIZATION.** This Code of Ethics is hereby enacted pursuant to Article III(10)(d) of the Student Government Constitution.

§2 **PURPOSE.** As members of the Texas State University Student Government, we represent the Student Government, student body and University at all times and in all places. Understanding our duty, both constitutionally and ethically, we recognize that the rules set forth by our organization are not enough. Our ethical expectations must be made as clear as our institutional ones. All members of the Student Government have a responsibility to the students at Texas State and should be held to a higher standard as student leaders.

#### ARTICLE II. ETHICAL STANDARDS

- §3 **SERVING THE STUDENT BODY.** To serve the student body, beyond serving oneself, members of Student Government are dedicated to:
- (a) Represent our peers' interests to University officials above that of our own opinion or that of University administrators or others.
  - (b) Oppose all forms of discrimination and harassment.
  - (c) Recognize and support the students' right to know the affairs of the University.
  - (d) Engage with students and assess their needs and wants whenever possible.
  - (e) Be compassionate, benevolent and fair.
  - (f) Be clear and concise, thoughtful and prepared.
  - (g) Be respectful and exemplify the principles of servant leadership when speaking with constituents.
  - (h) Don't allow undue influence of others to prevent you from speaking your mind.
  - (i) Be prepared to make decisions that may not be popular.
- §4 **RESPECTING DUE PROCES.** To respect, support, and study the Student Government Constitution, be objective and expressive concerning the interests of students and to

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understand the defined responsibilities, rights and powers of every member of Student Government, members are committed to:

- (a) Understanding, researching, and doing preparatory work before meetings.
- (b) Work to improve and change rules and policies that are redundant or obsolete.
- (c) Eliminate rules that are overly restrictive to the representative purpose of Student Government.
- (d) Read the Student Government Constitution.
- (e) Respect the principle of representative government.
- (f) Limit unnecessary entanglements in the business and powers of the other components.
- (g) Respect information that is confidential.
- (h) Encourage and facilitate legitimate dissenting opinions.
- (i) Respect and abide decisions made by the majority.

§5 **STANDARDS.** Members should demonstrate high standards of work and professional integrity. To exemplify membership in Student Government, you are expected to:

- (a) Maintain truthfulness, honesty, and do not compromise them for personal gain.
- (b) Not abuse power or position.
- (c) Act as an ethical and responsible representative of Student Government and Texas State University at all times and all places.
- (d) Ensure that others receive credit for their work and contributions.
- (e) Guard against conflicts of interests.
- (f) Hold those around you accountable.
- (g) Respect superiors, subordinates, colleagues, and the student body.
- (h) Be objective, thoughtful, and never prejudge when hearing a court case.
- (i) Take responsibility for your own errors.

§6 **ETHICAL PRACTICES.** Strengthen our organization through ethical and transparent practices by:

- (a) Creating a capacity for open communication, creativity, and dedication.
- (b) Establish procedures that promote ethical behavior and hold individuals and groups accountable.
- (c) Provide members with administrative means for dissent, assurance of due process, and safeguards against reprisal.

- (d) Be respectful but firm when expressing student opinion.
- (e) Check student opinion against your own and insure you are not confusing the two.
- (f) Be attentive and participatory when working on Student Government business.
- (g) Promote organizational accountability through appropriate controls and procedures.
- (h) Encourage the organization to adopt, distribute, and periodically review the administrative process of our organization.
- (i) Keep up to date on emerging issues and potential problems.
- (j) Allocate time to meet with students so that their opinion is well represented.

### **ARTICLE III. OATH AND AFFIRMATION**

§1 **OATH OF OFFICE.** As prescribed in the Student Government Constitution, every elected and appointed member of Student Government shall swear an oath to the principles stated within this Code of Ethics, the laws of Student Government, and the Student Government Constitution. It shall read;

“I, [NAME], do hereby swear that I, in my capacity as [OFFICE] of Student Government of Texas State University will represent the students to the utmost of my ability and will discharge the duties of my office with integrity and honesty.

I further state that I will support and uphold the Student Government Constitution and Student Government Code of Texas State University and will strive to promote student government throughout the campus community.”



**TITLE III - ELECTION CODE**

Created by S.B. 2013-2014/4 "Election Code and Standing Rules Reform Act"  
Last Amended by S.B 2016-2017/9 "Election Code Modification Act"

**CHAPTER 100 - ADMINISTRATIVE**

**ARTICLE I. PURPOSE**

§1 **AUTHORIZATION.** This Election Code is hereby enacted pursuant to Article III(10)(e),(f) of the Student Government Constitution.

§2 **PURPOSE.** Title III, the Election Code, exists to facilitate and enforce a fair and educational experience for the election of student governance positions at Texas State University. The election of students is designed to expand their knowledge about running for office, navigating political systems, and building community coalitions for the purpose of express advocacy.

§3 **ENACTMENT.** This Election Code shall become effective and be implemented immediately after its passage and approval by the University President and shall supersede any and all previous election codes.

**ARTICLE II. ADMINISTRATIVE**

§1 **QUALIFICATIONS.** All candidates must adhere to the qualifications set forth in this code, University policy, and all statutes enforceable by the Election Board.

§2 **ELIGIBILITY.** All candidates must be deemed eligible in accordance with the Student Government Constitution, by the Dean of Students Office, and Election Board.

§3 **EXCLUSIVITY TO STUDENTS.** Only students on the official roll of the Office of the University Registrar may actively seek office or vote in campus-wide elections.

§4 **SUBMISSION OF CAMPAIGN AGENTS.** Each candidate shall be required to submit to the Election Board a list of agents they have authorized for their campaign on or before the Rules Reading Seminar date.

§5 **SUBMISSION OF CAMPAIGN WORKERS.** Each candidate is not required to submit a list of campaign workers. The candidate is free to use workers at their discretion. However, the candidate takes full responsibility of material produced by workers associated with their campaign.

THE III

### ARTICLE III. USAGES

- §1 **UNIVERSAL APPLICATION.** The provisions of this title are applicable to all Student Government elections and student referendums.
- §2 **PARTICIPANTS' COMPLIANCE.** All persons participating in campus-wide elections agree to comply with this code, Student Government Constitution, University policies, and local, state, and federal laws.
- §3 **UNSPECIFIED SITUATIONS.** The Election Board is empowered to regulate, administer, and take other actions as are necessary to provide direction and oversight of the Student Government elections and referendums in situations not embraced by this code.
- §4 **SINGULAR REFERENCES INCLUDE PLURAL.** References to the singular shall be construed to include the plural.
- §5 **CANDIDATE REFERENCES INCLUDE ALL CAMPAIGN STAFF.** References to candidates shall be construed to apply to their agents and workers as well, unless specified by the Election Board.
- §6 **RESPONSIBILITIES.** Candidates, agents, or workers for any campaign shall be responsible for the regulations relevant to their election, as defined by this election code.
- §7 **IGNORANCE NOT A DEFENSE.** Ignorance of the Election Code shall not be an acceptable defense in response to any offence committed in any election under this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code.
- §8 **SINGLE AND SEPARATE APPLICATION.** Each election under this code shall be considered a single and separate application of this code.
- §9 **RELEVANCY OF RULINGS.** Rulings made by the Election Board during any election period shall have full force and effect only for the election and associated runoff elections in which they are issued. All rulings shall set precedent for the Election Board, and any change by succeeding Boards must come with written justification citing the Election Code and any other applicable regulation.
- §10 **UNIVERSITY REGULATIONS.** All candidates, and their agents and workers, and the Election Board shall be responsible for following all applicable University regulations in

addition to the provisions contained within this code. University regulation shall be enforceable by the Election Board upon candidates.

§11 **OPERATING MEMORANDUM.** The Election Board shall publish an operating memorandum outlining the expected processes and procedures, dates, interpretations, advisory opinions and classification definitions for the coming election four weeks after the Election Board's appointment.

#### ARTICLE IV. DEFINITIONS

§1 **"APPELLATE COURT"** refers to the Supreme Court, as empowered by the Student Government Constitution to serve as the court holding the appellate jurisdiction over the Election Board.

§2 **"ENDORSEMENT" and "ENDORSING"** refer to any form of communication expressing support for a candidate.

§3 **"EXECUTIVE ALLIANCE"** refers to collaborative campaign plan or activity between a presidential and vice presidential candidate. No other candidates may engage in tangible or substantive endorsements nor shall they collaborate, share financial resources, or provide other tangible or substantive support for any fellow candidates, including the willful collusion of ideas.

§4 **"GENERAL ELECTION"** refers to the annual election of Student Government officers, as specified in the Student Government Constitution.

§5 **"REGULATORY BODIES"** include the Election Board and all other administrative bodies of the election process.

§6 **"RUNOFF ELECTION"** refers to all secondary elections held to resolve races not initially determined by a general or special election.

§7 **"SPECIAL ELECTION"** refers to an election called by the Student Government President, Senate as specified in Student Government Constitution.

§8 **"STUDENT GOVERNMENT"** refers to the Student Government of the Texas State University.

§9 **"ADVISORY OPINION"** refers to any opinion issued by the Election Board concerning any matter affecting the campus-wide elections that may not be included within the language

of the election code but shall be considered binding as an opinion of the Election Board and extension of this code, which shall be published primarily in the Operating Memorandum.

§10 **“AGENT”** refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.

§11 **“CAMPAIGN” and “CAMPAIGNING”** refer to statements, literature, activities, or deliberate uses or distribution of materials of any kind including electronic or virtual, that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office. Campaigning must only occur during the official campaign period as defined in this code.

§12 **“CAMPAIGN MATERIALS”** refers to all materials and literature of any kind, including electronic or virtual, concerning any candidate that has or are intended to have the effect of soliciting votes, support, or interest for a candidate or elective office.

§13 **“CAMPUS-WIDE ELECTIONS”** refers to any elections open to all students for the purpose of referenda or election.

§14 **“CAMPUS-WIDE ELECTIONS FILING AGREEMENT”** refers to the document signed by the candidate that acknowledges the candidate is aware of and will adhere to this code.

§15 **“CANDIDATE”** refers to any student consenting and/or endeavoring to be elected as expressed by filing to run for office in accordance with this and all applicable election codes.

§16 **“DAY”** is one 24-hour period. A day includes weekdays, Saturday and Sunday.

§17 **“BUSINESS DAY”** is one 24 hour period, non-weekend day, during a normal operating day for the University.

§18 **“DEFEATED CANDIDATES”** refers to candidates, whose elections already being decided, have lost in their respective elections.

§19 **“ELECTION BOARD”** refers to the Election Board established by and defined within this Code.

§20 **“MEMBER”** refers to any sitting member of the Student Government who is participating in campus-wide elections. Member may also be substituted for specific office or title.

§21 **“MEMBER-ELECT”** refers to a candidate whose election already being decided, has won his/her respective election, but who has not yet been sworn-in nor seated yet.

§22 **“POLLING LOCATION”** refers to any internet-enabled device that is being used to vote in campus-wide elections.



of the election code but shall be considered binding as an opinion of the Election Board and extension of this code, which shall be published primarily in the Operating Memorandum.

§10 **“AGENT”** refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.

§11 **“CAMPAIGN” and “CAMPAIGNING”** refer to statements, literature, activities, or deliberate uses or distribution of materials of any kind including electronic or virtual, that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office. Campaigning must only occur during the official campaign period as defined in this code.

§12 **“CAMPAIGN MATERIALS”** refers to all materials and literature of any kind, including electronic or virtual, concerning any candidate that has or are intended to have the effect of soliciting votes, support, or interest for a candidate or elective office.

§13 **“CAMPUS-WIDE ELECTIONS”** refers to any elections open to all students for the purpose of referenda or election.

§14 **“CAMPUS-WIDE ELECTIONS FILING AGREEMENT”** refers to the document signed by the candidate that acknowledges the candidate is aware of and will adhere to this code.

§15 **“CANDIDATE”** refers to any student consenting and/or endeavoring to be elected as expressed by filing to run for office in accordance with this and all applicable election codes.

§16 **“DAY”** is one 24-hour period. A day includes weekdays, Saturday and Sunday.

§17 **“BUSINESS DAY”** is one 24 hour period, non-weekend day, during a normal operating day for the University.

§18 **“DEFEATED CANDIDATES”** refers to candidates, whose elections already being decided, have lost in their respective elections.

§19 **“ELECTION BOARD”** refers to the Election Board established by and defined within this Code.

§20 **“MEMBER”** refers to any sitting member of the Student Government who is participating in campus-wide elections. Member may also be substituted for specific office or title.

§21 **“MEMBER-ELECT”** refers to a candidate whose election already being decided, has won his/her respective election, but who has not yet been sworn-in nor seated yet.

§22 **“POLLING LOCATION”** refers to any internet-enabled device that is being used to vote in campus-wide elections.

§23 **“POLLING STATION”** refers to any publicly accessible on-campus polling location designated for the use of voting in the campus-wide elections by the Election Board.

§24 **“RULING”** refers to any decision or ruling issued by the Election Board resulting from a hearing rectifying a violation of this code or clarifying the interpretation of a rule.

§25 **“STUDENT”** refers to any individual whose name appears on the current roster of the Registrar of the University.

§26 **“UNIVERSITY”** refers to Texas State University.

§27 **“WEEK”** is defined as seven constitutive calendar days.

§28 **“WORKER”** refers to any person that contributes time, effort, or services for the purpose of supporting or furthering a candidacy.

## **CHAPTER 101 - ENFORCEMENT**

### **ARTICLE I. HEARINGS AND PROCEDURES**

**§1 FILING OF COMPLAINTS.** Any student, except for members Justices of the Supreme Court, may file a complaint with the Election Board. All complaints must be filed under the name of the student filing the complaint, this information can be protected as confidential if so deemed by the Election Board.

**§2 TIMEFRAME FOR ACTING ON COMPLAINTS.** The Election Board shall act on all complaints within two (2) days after they are received by either dismissing the complaint or calling a hearing under the provisions of this chapter. If after the two (2) days, the Election Board cannot reach quorum, the Chair of the Election Board shall have sole jurisdiction over the matter so long as the Dean of Students concurs with the decision before publication of the ruling.

**§3 QUORUM.** Quorum shall be defined as four (4) Board members. No action may be taken without quorum.

(a) All decisions of the board shall be made by a majority vote.

**§4 DISMISSAL OF COMPLAINTS.** The Election Board may dismiss a complaint if:

(a) The complaint was not filed within thirty (30) days of finding the violation.

(b) The complaint fails to state a cause of action for which relief may be granted.

(c) If the complaint is deemed as being outside the board’s jurisdiction or the complaint is clearly not a violation of the Election Code.

**§5 NOTIFICATION OF HEARING.** If a complaint is not dismissed, then a hearing must be held.

- (a) The Election Board Chair shall inform, in writing or via e-mail, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing.
- (b) The parties are not considered notified until they have received a copy of the complaint. Acknowledgment of receipt is not necessary to proceed so long as it can be proven that contact was attempted.
- (c) A notice of hearing will be made public online and to all candidates seeking office 24 hours before the meeting.

**§6 TIMEFRAME FOR HEARING.** The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours and not during non-business days, after receipt of the complaint, unless all parties agree to waive either or both of these time constraint. The twenty-four (24) hour time constraints are waived if the complaint is filed during the voting period.

**§7 TEMPORARY RESTRAINING ORDERS.** At the time a notice of a hearing is issued, the Election Board Chair may issue a temporary restraining order if he determines that such action is necessary to prevent undue or adverse effects on any individual or entity.

- (a) Any restraining order, once issued, will remain in effect until a decision of the Election Board is announced after the hearing or until rescinded by the Election Board.
- (b) A temporary restraining order may be issued verbally or in writing to any candidate at any time for violations of this Election Code or Board orders. The subject of the verbal order shall be submitted to the Election Board and either rejected or upheld within 10 hours.

**§8 PUBLIC ACCESS.** All Election Board hearings, proceedings, records, and meetings must be open to the public, except for the deliberations and records related to deliberations that determine the outcome of hearings.

**§9 PRESENT AT HEARING.** All parties involved in a complaint, if called to do so by the Election Board, shall present themselves at the hearing or authorize an agent in writing to serve during the proceedings in their absence.

**§10 RIGHT TO COUNSEL.** Parties may be accompanied by any other student from whom they can receive counsel and have the option to be represented by that counsel.

**§11 ELECTION BOARD QUORUM & CHAIR.** For any hearing to occur, a majority of sitting Election Board members must be in attendance.

- (a) The Chair of the Election Board shall preside over the hearing.
- (b) In absence of the Chair, the responsibility to preside shall fall to an Election Board member as predetermined by the Chair.
- (c) If the Chair has not selected his temporary replacement the Election Board shall select a temporary Chair by consensus.

**§12 ELECTION BOARD HEARING PROCEDURE.** The Election Board shall determine the format for the hearing but must invite both the complaining and responding parties to appear physically before the Election Board to discuss the issues through a complaint, answer and rebuttal, format, when applicable. The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To this purpose, the following rules should prevail at all hearings:

- (a) Complaining parties shall be allowed no more than two witnesses; however, the Election Board may call other witnesses if it deems necessary.
- (b) If witnesses are unable to appear at the hearing signed affidavits may be submitted to the Election Board Chair for the purpose of testifying by proxy. The affidavit will be read aloud in the hearing.
- (c) All questions and discussions by the parties involved in the dispute shall be directed to the Election Board.
- (d) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.
- (e) Reasonable time limits may be set by the Election Board, provided they give fair and equal treatment to both sides.

**§13 DECISIONS.** Decisions, orders, and rulings of the Election Board must be agreed to by a majority of the Election Board present and shall be announced as soon as possible after the hearing.

- (a) Such decisions may be orally delivered immediately.

- (b) The Election Board shall issue a written ruling on all cases within twenty-four (24) hours of the hearing, and made available to the public.
- (c) The written ruling must set forth the findings of fact by the Election Board and the conclusions of Student Government regulation in support of it.
- (d) Written ruling and Operating Memorandums shall set a precedent for a time period of three election cycles for Election Board rulings and shall guide the Election Board in its proceedings.
- (e) Upon consideration of prior written rulings, the Election Board may negate the decision but must provide written documentation of reasons for doing so.
- (f) The Election Board is not a legal proceeding and as such the threshold of evidence is not a finding of fact.
- (g) Decisions shall be made based on a preponderance of evidence submitted and the Election Board's responsibility is to simply determine what is most likely to have occurred.

**§14 SUBMISSION OF DOCUMENTS FOR APPEAL.** If the decision of the Election Board is appealed, the Election Board must immediately submit its ruling and all accompanying documents of public record to the entity with appellate jurisdiction.

**§15 REQUEST FOR DOCUMENTS OR TESTIMONY.** The Election Board may compel any candidate, worker, agent or member of Student Government to appear before the Board and/or to provide documentation as necessary for each case. Failure by any member of Student Government, candidate, worker or agent to comply with this request shall result in their disqualification of candidacy and if not a candidate forwarding of the case to the Supreme Court, Student Justice or appropriate entity for disciplinary remedy.

**§16 FAILURE TO APPEAR.** Failure to appear to a hearing of the Board shall not result in a suspension of the hearing. The Board is to hear and decide the case even in the absence of those associated with it.

**§17 OATH OF AFFIRMATION OF TRUTH.** An oath or affirmation of truth shall be administered to all participating parties and witnesses prior to motions and arguments in every Election Board hearing, and serves as agreement on the part of the witness to tell the truth. Failure to abide the oath shall result in disciplinary penalty as prescribed by the board.

- (a) The oath or affirmation of truth shall be administered by the Election Board Chair or his/her designee.
- (b) The form for the oath or affirmation of truth shall be as follows:  
 "I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the laws of Student Government require."

§18 **INTERPRETATION.** Questions of interpretation must be submitted to the Board via formal written memorandum to the Election Board Chair. A request must contain the following;

- (a) A statement of pursuance under which the complainant is filing the action.
- (b) A statement of standing under which rules, or law the complaint is referring to.
- (c) A statement relating to the cause for action, or claim of harm, under which the Board can act to remedy.
- (d) A statement of the requested outcome of the complainant's filing.
- (e) Further format is to be stipulated in Appendix X.

## **ARTICLE II. REMEDIES AND SANCTIONS**

§1 **DEFINING CLASSES OF VIOLATIONS.** At the Rules Reading Seminar, the Election Board shall clearly define what would constitute each class of a violation in ascending order of severity from the less severe class C offense to the most sever class A offense.

§2 **CLASSES OF VIOLATIONS.** Violations of the Code shall be divided into three classifications. Classifications will be in ascending from minimal to extreme, where Class C shall be minimal and Class A shall be extreme:

- (a) Class C violation shall result in a moratorium of campaigning and/or a fine. Class C fines shall be limited to one-fourth (1/4) of the candidates total allowed spending for each individual Class C violation.
  - (1) Two (2) Class C violations shall constitute one (1) class B violation.
  - (2) Four (4) Class C violations shall constitute one (1) class A violation.
- (b) Class B violations shall result in a combination of suspension of campaigning and a fine. Class B fines shall be limited to one-third (1/3) of the candidates total allowed spending for each individual Class B violation. Class B violations may result in the candidates disqualification.
  - (1) Two (2) Class B violations shall constitute one (1) class A violation.

(c) Class A violation may result in a disqualification from the election. Class A fines shall be limited to one-half (1/2) of the candidates total allowed spending for each individual Class A violation. Whenever a class A violation is filed and accepted by the board, the board must discuss and vote on disqualification for each application of a class A offense.

(1) One (1) Class A violation must result in suspension of a candidate's campaign for no less than forty-eight (48) hours. The Election Board may also apply a fine with the suspension or disqualify the candidate if it so chooses.

(2) Two (2) Class A violations must result in suspension of a candidate's campaign for no less than four (4) days and if the Election Board so chooses shall result in disqualification.

(3) Three (3) Class A violations shall result in a disqualification of a candidate from running for office and shall disqualify the candidate from running for any office in Student Government indefinitely.

(d) This code may outline other violations and related, appropriate sanctions outside of this article which shall not be construed to be in conflict with these provisions.

**§3 FINE LIMITS.** If a candidate, or a candidate's agents or workers, commits a violation resulting in a fine, the Election Board has the authority to fine the candidate which shall be recorded as an expense during financial disclosure. Candidates, agents and workers will not be required to actually make payment for any fines.

(a) The total amount of any one fine against a candidate in an election cycle may not exceed the spending limit, though if multiple fines are issued and result in the candidate exceeding spending limitations, the candidate will be held responsible for said violation in accordance with this Election Code.

**§4 CONSEQUENCES OF CLASS C VIOLATION.** Within the ranges established by the Election Board, the Election Board shall select the amount of the fine or length of the suspension most appropriate to both the severity of the infraction and the intent of the violator as determined by the Election Board.

**§5 CONSEQUENCES OF CLASS B OR C VIOLATION.** If, after a hearing, the Election Board finds a candidate, or a candidate's agents or workers, has committed a Class B or Class C violation, the Election Board may restrict the candidate, from engaging in some or

all campaign activities for some of the remaining campaign period. If an order is issued covering only part of the remaining campaign period, it shall take effect within twenty-four (24) hours so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the voting period.

§6 **CONSEQUENCES OF CLASS B VIOLATION OR OTHER DISQUALIFICATION RULING.** If after a hearing, the Election Board finds that provisions of this code or the decisions, opinions, orders, or rulings of the Election Board or appellate entity with jurisdiction over the election in-question have been violated by a candidate, or a candidate's agents or workers, or finds a Class A violation to have been committed, the Election Board may disqualify the candidate.

§7 **FAILURE TO COMPLY.** Any person who fails to comply with an order or advisory opinion of the Board shall immediately be disqualified from candidacy and if they are not a candidate shall be forwarded to the Supreme Court, or appropriate entity for disciplinary remedy.

§8 **VOTER FRAUD.** Voter fraud shall be the most egregious form of code violation, punishable by nothing less than disqualification.

### **ARTICLE III. APPEAL**

§1 **APPEAL OF ELECTION BOARD ADVISORY OPINION.** Any party seeming to be adversely affected by a ruling of the Election Board may file an appeal with the Supreme Court within forty-eight (48) of the adverse decision's announcement.

(a) The Supreme Court will have appellate jurisdiction over the Election Board in all cases in which error on the part of the Election Board is charged.

§2 **DISCIPLINARY DECISION OF THE ELECTION BOARD.** A disciplinary decision of the Election Board shall stand and shall have full effect under all cases. If an appeal must be made it shall be made to the Supreme Court. The Supreme Court must respect the jurisdictional powers of the Election Board and at no time overextend their oversight.

§3 **HEARING OF APPEALS.** The Supreme Court shall hear appeals of the Election Board rulings as soon as possible, but not within twenty-four (24) hours after the Election Board delivers to the entity with appellate jurisdiction a copy of its written ruling in the case.



Appeals may be heard prior to this time, but only if the appellant waives the right to a written ruling and the entity with appellate jurisdiction agrees to accept the waiver.

§4 **REVIEWING ELECTION BOARD APPEALS.** The Supreme Court shall review findings of the Election Board when appealed.

§5 **DISQUALIFIED CANDIDATES.** Any person disqualified from running for office shall be prohibited from serving in any official capacity in student government indefinitely.

## **CHAPTER 102 - ELECTION TIMETABLE**

### **ARTICLE I. TIMETABLE**

§1 **FILING PERIOD.** The filing period shall open at 9:00 a.m. on Monday of the last full business week during the fall semester and shall remain open until 5:00 p.m. on Friday of the business week when classes begin during the spring semester.

§2 **VOTING PERIOD.** Voting in general elections will occur for four (4) consecutive business days starting on the second to last Monday in February.

(a) Online polling hours for the campus-wide elections shall be from 7:00 a.m. to 8:00 p.m. each day, except for the final day.

(b) Voting on the final day will be from 7:00 a.m. to 5:00 p.m.

§2 **RUNOFF VOTING PERIOD.** In the case of a run off race, voting will occur for four (4) consecutive business days starting on a Monday, one week after the run-off is announced.

(a) Online polling hours for the run off race shall be from 7:00 a.m. to 8:00 p.m. each day, except the final voting day.

(b) Voting on the final day will be from 8:00 a.m. to 5:00 p.m.

(c) New candidates shall not be permitted in runoff elections.

§3 **PROHIBITION OF ELECTION CODE CHANGE.** No changes to the Election Code may be enacted within eight (8) weeks of the campus-wide elections.

§4 **SUBMISSION OF CANDIDATE LIST.** Candidates shall submit the names and Student ID numbers of all agents by 12:01 p.m. (noon) on the day of the Rules Reading Seminar.

§5 **CONFIRMATION OF BALLOT.** The Election Board shall publicize a complete draft ballot in alphabetical order by last name, at least one (1) week prior to the campus-wide elections.

§6 **POSTING OF CANDIDATE INFORMATION.** The Election Board shall designate a publicly acceptable place to post the following information on each candidate: name, position sought, major(s), and a statement of no more than one hundred-fifty (150) characters. The Election Board shall be able to restrict any false information.

§7 **FILING COMPLAINTS.** Complaints can be filed with the Election Board from the moment the Election Board is appointed until seventy-two (72) hours after the certification of the final results.

§8 **WEB ADDRESS RELEASE.** The official web address used for voting shall be announced no later than the Rules Reading Seminar.

## **ARTICLE II. PROCEDURES AND GUIDELINES**

§1 **BALLOT ITEM CERTIFICATION.** Ballot items declared, pursuant to the Student Government Constitution, or University regulations, must be presented to the Election Board for certification at least three (3) business days prior to the voting period. All ballot items must contain exact wording of the items to be presented.

§2 **AVAILABILITY OF BALLOT INFORMATION.** On the ballot and the Student Government website, the Election Board Reserves the right to restrict any untrue information otherwise the link shall be provided to the following information on each candidate:

- (a) Name;
- (b) Position sought;
- (c) Registered major(s);
- (d) A Statement of no more than one-hundred fifty (150) words.

§3 **DEBATE.** No less than one (1) week prior to the voting period, the Student Government Election Board must hold a debate between any contesting executive alliances or individual candidates, the format of which shall be determined by the Election Board.

§4 **NEWSPAPER ADVERTISEMENT.** The Election Board shall submit to the student newspaper of the University a summary of election related information or purchase advertising space which shall including:

- (a) All polling stations.
- (b) The names of all candidates who have filed and have met the criteria for office.

§2 **RULES READING SEMINAR AGENDA.** The Election Board shall set the agenda for Rules Reading Seminar and must include example of name placement on the ballot in accordance with this Election Code, clarification of the Operating Memorandum,

explanations of this Election Code, review of the election timetable, Election Code violations, appellate process, and questions and answers from the candidates.

**§3 RULES READING SEMINAR ATTENDANCE.** Attendance at the Rules Reading Seminar is required of each candidate.

- (a) Failure to attend this seminar or an individual make up session shall result in a disqualification to run for office.
- (b) In exceptional circumstances, candidates may send agents to represent them with special permission from the Election Board should such a proxy be justified. In addition the candidate must set up a one on one appointment by the last seminar so long as the following are true:
  - (1) The candidate failed to attend because of a certified by a health professional documented illness, or injury,
  - (2) A death in the family, or
  - (3) The candidate was involved in a school related travel as documented and approved by an authorized University official.
  - (4) Attendance to class, as authenticated by the student's schedule.

**§4 CANDIDATE ELIGIBILITY.** The Election Board Chair shall transmit to the Dean of Students Office the list of new candidates who have filed each week during the filing period. The Chair will send a final list of all who attended the Rules Reading Seminar by the second week day in February.

- (a) The Election Board will check that the students who have filed are constitutionally and statutorily compliant and eligible to run for office.
- (b) The Dean of Students will check that the students who have filed are academically and disciplinarily eligible to run for office.

**§5 WRITE-IN CANDIDATES.** Write in candidates shall be allowed, so long as they meet all constitutional and statutory qualifications. All write-in candidates must have at least five (5) votes to be considered. Students wishing to run as write-in candidates must release any privacy holds currently filed with the Office of the Registrar prior to ballot certification.

## **ARTICLE II. CAMPAIGNING LIMITS**

§1 **SPENDING LIMITS.** Spending limits for candidates shall be strictly followed and violations of such limitations considered among the most severe violations of this Election Code.

§2 **AUTHORIZED CAMPAIGN PERIOD.** Public, printed, verbal, and electronic campaigning shall be prohibited until the day after the final Rules Reading Seminar Campaigning will be permitted until the final voting day of the general election. Campaigning is permitted in the case of a runoff election from the day after the run off race is announced until the final day of voting.

§3 **UNAUTHORIZED CAMPAIGNING.** All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the sanctioned campaign period.

- (a) This prohibition includes all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use.
- (b) This prohibition does not include the personal, recruitment of individual agents and workers or solicitation of personal advise by a candidate
- (c) Violations of this restriction must be considered by the Election Board as among the most severe violations of this Election Code.

### **ARTICLE III. POLLING LOCATIONS & STATIONS RESTRICTIONS**

§1 **PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING LOCATION PERIMETER.** No campaigning or campaign materials may exist within fifty (50) feet of any polling location or station.

- (a) This must be considered one of the most severe violations of the Election Code.
- (b) An act of campaigning shall be defined as active solicitation for votes.

§2 **INTERNET-READY DEVICES.** All reported and published polling stations must have an internet-ready, wired device available on voting days, from 8:00 a.m. to 5:00 p.m., for the express purpose of facilitating voting.

### **ARTICLE IV. COMPLIANCE AND ELIGIBILITY**

§1 **ELIGIBILITY.** Eligible individual students may file as candidates for a position in their respective college or file for a position as a Senator At-large, Vice President or President.

§2 **ADHERENCE TO QUALIFICATIONS.** All candidates must adhere to the qualifications set forth in the Student Government Constitution, the S.G.C, Title III – Election Code, and University policies.

§3 **IF NO ONE FILES.** In the event that no one files to run for a particular office, the Election Board may extend the filing for that particular race for a period of up to three (3) days.

§4 **POSTING OF CANDIDATE LISTS.** The Election Board shall post online the names and positions sought of all candidates who have filed upon certification by the Dean of Student Office.

§5 **FILING DOCUMENTS.** Candidates wishing to run for office shall submit electronically the following information: specific office sought, Texas State email, Student ID number, current address, phone number, and college.

§6 **MUTUAL EXCLUSION OF FILING FOR OFFICE.** Candidates may file to run for only one Student Government office per election cycle.

§7 **CANDIDATE INFORMATION.** Upon request information about who has filed for specific offices may be released.

§8 **RULES READING SEMINAR.** At the time of filing, candidates shall be informed of the Rules Reading Seminar date.

§9 **WITHDRAWAL.** Any candidate wishing to withdraw from an election may do so by turning in a written statement to the Election Board. Candidates who are written and win a seat must affirm in writing that they wish to be elected before taking office

## **CHAPTER 104 - VOTING AND RESULTS**

### **ARTICLE I. POLLING PLACE**

§1 **CONSISTENT POLLING STATIONS.** The same polling stations must be used on all voting days including in a runoff.

- (a) Physical polling stations will be open from 8:00 a.m. to 5:00 p.m. on the Texas State San Marcos campus.
- (b) The Election Board shall establish at least one polling station during Student Government elections and will abide University policy in reference to student referendums.

§2 **POLLING RIGHTS.** The Election Board may not deny the right to vote to any person standing in line to vote at the time the polling station closes, unless the electronic polling hours have concluded for that day.

## **ARTICLE II. CERTIFICATION**

§1 **BALLOT POSITION.** The position of each candidate on the ballot shall be in alphabetical order by last name, in each respective category of elected office starting with the President at top, Vice President second, College Senators next and At-Large Senators at the bottom of the ballot.

§2 **CERTIFICATION OF VOTES.** The Dean of Students and the Election Board Chair shall certify the votes in all races following the closing of the polls.

§3 **ELECTION RESULTS.** Results of any election under this code shall be announced no later than twenty-four (24) hours after the online voting ends for the election.

## **ARTICLE III. ANNOUNCEMENT**

§1 **LOCATION OF RESULTS.** The location of both the announcement and posting of the results is to be announced by the Election Board no later than the Rules Reading Seminar.

- (a) Generally, the results should be issued within two (2) hours after the close of voting
- (b) If necessary a run-off race will be declared upon the conclusion of announcement of results.

## **CHAPTER 105 - ASSOCIATION**

### **ARTICLE I. FILING AND ASSOCIATION**

§1 **FILING AGREEMENT.** All candidates will sign a filing agreement which will stipulate the fact that the candidate agrees to abide by all regulations relating to the Election Code and that ignorance of the rules is no defense for a violation. The Election Board shall decide specific language with the approval of the Dean of Students.

**§2 FORMATION OF AN EXECUTIVE ALLIANCE.** Two eligible students, one seeking the office of the President and the other the office of Vice President, may create an executive alliance.

- (a) Candidates who properly form and conduct executive alliances under the election code are not subject to the restrictions of association found in this chapter or other regulations found in the Election Code.
- (b) Candidates wishing to properly form and conduct an executive alliance under this code shall report such upon alliance filing.
- (c) The Election Board shall confirm the authenticity of this alliance by confirming with both candidates their intent via a formal written statement.

## **ARTICLE II. PROHIBITIONS AND RESPONSIBILITIES**

**§1 EARLY CAMPAIGNING OR ENDORSING.** No campaigning or endorsing will be allowed until the official campaign period has begun as determined by the Election Board.

**§3 CANDIDATE RESPONSIBILITIES.** Candidates are responsible for all actions and conduct of their agents and workers and any other associates.

**§4 ELECTRONIC MEDIA.** All campaign materials must be in compliance with University regulations governing the use of electronic media.

**§5 DESTRUCTION OF MATERIALS.** No candidate, agent, or worker shall remove, obscure, or damage any sign which is in compliance with the posting policies of the University.

**§6 DEFACING.** No person shall deface any property of another candidate or the property of the University.

**§7 VERBAL HARRASSMENT.** Candidates, as well as their agents and workers, shall not engage in campaigning activities that subject students, staff, faculty, or the administration to demeaning verbal harassment as determined by the University's institutional rules.

**§8 REQUIREMENT TO USE NETID.** Students must use their Texas State University Student Net ID, and only their own, and password in order to log in to the online voting system.

**§9 UNIVERSITY RESOURCES.** No candidate, agent or worker or any endorsing party may use University resources to advance their campaign.

**§10 ID COLLECTION.** The collection of personal identifiers or student identification to facilitate voting is prohibited in accordance with the policies of the University, and shall be an egregious violation of this code, punishable by nothing less than disqualification for candidates, referral



to Student Justice Supreme Court and/or other disciplinary entity.

§11 **REASONABLE LATITUDE.** Reasonable latitude will be allowed by the Election Board to electioneering activities during the campaigning process, as long as those activities are in line with the regulations specified within this code, the general information catalogs and in accordance with University policy.

§12 **RESTRICTED ACTIVITY.** Any activity which is not expressly allowed within the boundaries of this Election Code is hereby expressly denied except by clear and distinct ruling by the Election Board prior to Commission of the activity.

- (a) Campaigning within academic buildings is permissible subject to college or administrative approval
- (b) Campaigning in the LBJ Student Center Teaching Theater is prohibited.
- (c) Campaigning within residence halls is permissible, subject to approval from the Department of Housing and Residential Life.
- (d) If campaigning is prohibited in a Residence Hall or academic building for one candidate, it shall be deemed prohibited for all candidates.

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§14 **ORGANIZATION ENDORSEMENT.** Chartered Student Organizations may not provide any monetary or material support of any candidate.

## CHAPTER 106 - FINANCIAL DISCLOSURE

### ARTICLE I. FINANCIAL DISCLOSURES FORMAT

§1 **CAMPAIGN EXPENDITURE RECORDS.** Each candidate must keep accurate and up-to- date records of all campaign income and expenditures and submit a report even if they have no income or expenses. Donations shall include any and all discounts not available to the student population at large. Documentation should include but is not limited to:

- (a) Printed receipts proving income and expenditures.
- (b) Market value for all items purchased or detonated.
- (c) Any fines applied by the Election Board.

§2 **EXECUTIVE ALLIANCE EXPENDITURES.** Except in the case of a bona fide Executive Alliance, candidates must file an individualized report, provide proof of individualized purchase, and fund their campaign separately from all other candidates.

§3 **FUNDRAISING LIMIT.** Candidates shall limit the amount of funds they raise up to their expense limit plus \$150 for a potential run off.

§4 **TEMPLATE.** A template process for financial disclosures for use by all candidates will be developed by the Election Board and provided to each group by the first day of filing. The filing form should follow the format found in Appendix XI.

- (a) The Election Board shall establish a report form that catalogs expenses by a candidate into no less than three broad categories; fines, donations, and original expenses.

§5 **PROHIBITED AFFILIATION.** Except in cases of a bona fide executive alliance as provided for in this code, no candidate is allowed to contribute financially or provide any other form of tangible or substantive support, including but not limited to campaign materials, to another candidate's campaign.

- (a) Sharing campaign money, campaign materials, and resources between and amongst candidates who are not in a bona fide executive alliance is strictly prohibited.

### ARTICLE II. RECORD KEEPING PROCEDURES

§1 **RECORD KEEPING.** Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.

§2 **RECEIPTS.** Receipts must be provided for all campaign expenditures.

§3 **CONTRIBUTIONS.** Contributions to a candidate by individuals are allowed, but all contributions must be documented in a financial disclosure statement in accordance with this code.

- (a) Non-student groups may not donate to a candidate's campaign.
- (b) Student organizations receiving student service funds or other University funds shall not contribute funds, items, or support of any kind.
- (c) This provision shall not be construed to prohibit any Texas Student media coverage or endorsement of campus-wide Student Government elections.
- (d) It shall be prohibited to use any item, fund, office, supply, or material support of any kind of University origin.

§4 **FINANCIAL DISCLOSURES.** Each candidate's financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- (a) Contributions and expenditures of non-monetary assets or in-kind contributions must be listed and valued at their fair-market value, as determined by the Election Board.
- (b) Each financial disclosure statement must have all expenditure receipts attached.
- (c) All expenses must be included in the financial disclosure report.
- (d) The Election Board may request and require candidates to provide bank statement summaries for verification. The personal information of the candidate may be redacted from any such summary.

§5 **ENDORSEMENTS AND FUNDING.** All campaign materials distributed by and/or paid for by an endorser of a candidate must be included in the candidate's campaign expenditures.

- (a) If an endorser pays for campaign materials promoting multiple candidates, the full cost of those materials must be included in the campaign expenditures of each candidate promoted by the materials.
- (b) Except in the case of a bona fide Executive Alliance, no candidates may pay for the campaign materials of another, conduct joint events, or pool money for a campaign, including joint banking accounts.

§6 **FORMS.** The Election Board shall provide all necessary standardized forms for the purpose of this Election Code by the filing deadline.

§7 **REPORTING EXPENSES.** The financial disclosure statements must contain all the expenses incurred by the candidate before and during the campaign period.

§8 **PUBLIC RECORDS.** Each candidate's financial records shall be available for public inspection upon submission to the Election Board.

- (a) Each candidate or executive alliance must submit a spreadsheet in digital format summarizing their campaign expenditures to the Election Board for each disclosure required.
- (b) This summary of records shall be placed online by the Election Board within (3) three business days after records are submitted.

§9 **DISQUALIFICATION.** Failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, shall qualify the candidate for disqualification by the Election Board.

§10 **ADDITIONAL REGULATION.** The Election Board may establish exact specifications for reporting timelines, format, location, and accuracy so long as it reasonably justified to enforce the provisions of reporting in this Election Code.

### **ARTICLE III. SPENDING LIMITS**

§1 **SPENDING LIMITS.** Candidates in all Student Government campus-wide elections shall adhere to the following spending limits:

- (a) Executive Alliance, President and Vice President running together: \$4,000 in any general election or special election; and,
- (b) President, if running alone: \$2,000 in any general or special election; and,
- (c) Vice President, if running alone: \$2,000 in any general or special election; and,

(d) Senators: \$750 in any general election or special election.

§2 **RUNOFF EXPENSE LIMIT.** Candidates and executive alliances shall be allowed an extra \$150 each for campaigning in a runoff election.

§3 **EXCEEDING EXPENDITURES.** Candidates whose campaign expenditures exceed 5% over their designated spending limit shall be immediately disqualified by the Election Board. Violations of a smaller amount shall be classified as a severe violation of the Election Code.

§4 **TOTAL EXPENDITURES.** Total expenditures shall include all campaign expenditures and fines issued by the Election Board.

## **CHAPTER 107 - RECOUNTS AND PROTESTS**

### **ARTICLE I. PROCEDURE FOR RECOUNTS AND PROTESTS**

§1 **INITIATING RECOUNT OR PROTEST.** Any person intending to protest the election must give the Election Board a sealed, written statement of the grounds on which such protest relies within three (3) business days after the last day of election by delivering the letter to the Dean of Students Office. This statement may include any and all supporting evidence to sustain such a contest.

- (a) All protests will be opened and read upon receipt, by the Election Board, in the presence of one of the Student Government Advisors. Discussion of the protest shall remain between the Election Board and the individuals involved until all protests have been filed.
- (b) A Student Government Advisor shall be present for all deliberations on the protest. All requests for recounts and protests shall be heard by the Election Board within two (2) business days. Upon reviewing the contestant's written statement the Election Board shall submit a written report to the Dean of Students and all candidates running for office within five (5) business days of the protest filing deadline. Any additional evidence or violations that are uncovered shall be included in the protest. The Election Board shall consider violations by a candidate other than the defendant that are uncovered as a separate protest. If a hearing is deemed necessary by the Election Board, it shall be held within seven (7) business days after the last day of the election. The Election Board shall give at least one (1) day notice of the date, time and place of the hearing to all the parties involved. All hearings shall be open to the public.

- (1) Each party shall be allowed ten (10) minutes to present his or her case. At this time, evidence may be presented to the Board. The contesting candidate shall be allowed to speak first.
  - (2) The Election Board will then, if necessary, question each party.
  - (3) Each party will be allowed one, three (3) minute closing statement.
  - (4) A complete written transcript and/or audio recording will be made public online following the decision.
- (c) In determining the validity of a protest, the Election Board shall determine the validity of the claim and the seriousness of the charge. The Election Board may choose to sustain or dismiss the protest. If the Election Board sustains the charge, the Board has two options: 1) to call for a run-off election or 2) disqualify the offending person or persons. If the disqualified candidate receives a majority of the votes cast in the election, the person who received the second highest amount of votes shall win the election.
- (d) The rules in this chapter apply to run-off elections as well.
- (e) After the Election Board rules, either party may within two (2) business days, submit a written appeal to the Supreme Court.
- (f) Any disqualified candidates shall lose the right to run or be placed as a write-in candidate for office for twelve (12) months from the date of the offense.
- (g) Any person contesting the election on the grounds of information technology malfunction must file a written notice with the Dean of Students Office immediately. If the Dean of Students Office, in conjunction with Student Affairs Information Technology, and Election Board determines the protest is valid, then remedy shall be offered by the extension of voting beyond the voting deadline of the amount of time during the information technology malfunction. Other remedies can be agreed upon by the contestant, Dean of Students Office and Election Board during this review.





## TITLE IV - THE PRESIDENT

Created by S.B. 2013-2014/3 "Administrative Regulation Reform Act"

### CHAPTER 100 - THE EXECUTIVE OFFICERS

#### ARTICLE I. POWERS OF THE PRESIDENT

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(d),(h) of the Student Government Constitution.
- §2 **PRESIDENTIAL POWERS TO DELEGATE.** The President may delegate the responsibilities granted to him under the Constitution and the rules and regulations of student government to Executive Officers. The President shall retain responsibility for the proper and legal execution of these responsibilities and may be punished accordingly should a failure occur.
- (a) Executive Officers shall be defined as all Directors and Executive Staff.
- §3 **EXECUTIVE ORDERS.** Per the constitution the President is vested with the Executive Power and shall provide Executive Orders which may direct officers and members of the Executive Officers and the Cabinet to take any action delegated to them therein by the Constitution and rules and regulations of student government. The President shall also make strictly ceremonial proclamations if he so chooses.
- §4 **EXECUTIVE ORDERS AS POLICY.** The President establish policy for the Cabinet, Chief of Staff and Commissions through executive order or approve any such policy the Cabinet or Commissions may establish. Executive Orders may be used to provide functional regulation to statutes which are incomplete or unclear or to execute the powers granted to the President by the Student Government Code and Constitution.
- §5 **RECESS APPOINTMENTS.** The President may make appointments to positions they are empowered by the Constitution or statute to fill when the Senate is not in session, but if the President wishes this recess appointment to remain in effect upon the resumption of the Senate, he must submit the person for approval in a manner that complies with the Constitution within fifteen (15) business days.
- §6 **SPECIAL ASSISTANTS.** The President has the power to commission special assistants with specific responsibilities and roles which may assist the President and Cabinet but may

not be responsible for the execution of another officer's responsibilities. They shall be granted status as an Executive Officer.

- (a) These special assistants shall not be eligible for a wage expect in special circumstances and with the permission of the Dean of Students, and if this is the case they shall be accountable to report time worked for their wage to the Dean of Students Office or Student Government Advisor.
- (b) Special Assistant pay may never exceed that of the Chief of Staff.
- (c) The President must submit the appointment of special assistants to the Senate for confirmation by a majority vote.

§7 **REPORTING.** The President will report to the Senate new Commission or Cabinet policy, Executive Orders and other regulatory interments, in writing, within five business days.

#### **ARTICLE I. EXECUTIVE STAFF**

§1 **COMPOSITION.** The Executive Staff shall consist of the Chief of Staff and any Special Assistants.

§2 **PURPOSE.** To primarily support the President in the execution of Student Government's business and to support the Vice President and Cabinet as necessary.

§3 **REPORTING STRUCTURE.** The President may assign the reporting structure within the Cabinet and Executive Staff and in which case that reporting structure must be followed by said officers.

§4 **DUPLICATION OF RESPONSIBILITIES.** No officer, student worker nor the Chief of Staff or member of the Cabinet, shall assume the responsibilities, duties, or powers of any other position in the Executive Staff or Cabinet.

§5 **LIMITATION ON SIZE AND PAY.** One paid position shall be authorized in the Executive Staff.

§6 **CHIEF OF STAFF.** The Chief of Staff shall be hired by the President to support the President, Vice President and Cabinet. They shall assist in ensuring the completion of the day to day functions of Student Government. Their responsibilities shall include:

- (a) Advisor to the President.
- (b) Administrative duties for the Cabinet and staff meetings including, taking minutes, attendance and formal voting records.

- (c) Maintaining the schedules for the President and Vice President.
- (d) Be the student manager, if no other Dean of Students Staff is available, for any Student Workers hired.
- (e) Managing the office and maintaining office supplies.
- (f) Keeping clean the office space.
- (g) Other duties as assigned.
- (h) Assisting the President as assigned.

§7 **STUDENT WORKERS.** When student workers are hired they will be hired by the Dean of Students and in accordance with University policy and made available to all students. The student workers will have set job responsibilities and will not be called upon to do unusual or extraordinary tasks. Creation of Student Worker positions will require Dean of Students approval. Student worker responsibilities shall include:

- (a) Answer office phones and take messages.
- (b) Schedule appointments for the President, Vice President and Chief of Staff.
- (c) Make copies, scan and prepare documents as needed.
- (d) Log documents in need of signature.
- (e) File as needed.
- (f) Other tasks as assigned.

## CHAPTER 101 - EXECUTIVE ORDERS

### ARTICLE I. CODIFICATION OF EXECUTIVE ORDERS

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(d) of the Student Government Constitution.
- §2 **PURPOSE.** Executive Orders, which provide functional regulation to statues which are incomplete or unclear, shall be recorded subsequent to this chapter. All other Executive Orders, memoranda or ceremonial proclamations shall not be recorded.
- §1 **RECORDING.** Codification of Executive Orders shall occur pursuant to S.G.C.: I. §100.5(1)(a). Each individual Executive Order shall be codified as a new chapter in ascending order from 201 and shall follow the same format as outlined is S.G.C.: I. §001.3(1).
- §2 **AMENDMENT.** Withdrawal of or amendments to previous Executive Orders shall be reordered as such in the already established chapter for the order and shall not be recorded as a new chapter.
- §3 **CODING.** Executive orders shall be coded by the initials for “Executive Order” followed by the number in ascending order from 10 in ascending order followed by a period (.) and the academic years divided by a forward slash (/). An example: E.O. 10.2012/2013.
- §4 **FORMAT.** Executive Orders must be issued in a format confirming to the order found in S.G.C.: IV. §201.

## TITLE V - THE CABINET

*Last Amended by S.B. 2016-2017.7 " Cabinet Reorganization Act"*

### CHAPTER 100 - CABINET, COMMISSIONS AND DIRECTORS

#### ARTICLE I. ADMINISTRATIVE

**TITLE IV - AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article III(10)(a),(d),(h) of the Student Government Constitution.

**TITLE V - PURPOSE.** This title exists to provide regulation over the various functions of the Cabinet and Commissions. Its primary purpose shall be to outline the job responsibilities for Directors, the purpose of Commissions and establish other regulations on the Cabinet as necessary.

#### ARTICLE II. THE CABINET

§1 **COMPOSITION.** The Cabinet shall be comprised of the Chairs of each of the Commissions, the President, the Vice President, the Senate Pro-Tempore, the House Leader, and Supreme Court Chief Justice. The Vice President shall serve as vice Chair of the cabinet and Chair in the event the President cannot attend.

§2 **PURPOSE.** The Cabinet is the primary forum, under the direction of the President, for the officers of Student Government to advise the President. The Cabinet has a collective responsibility to support each other and the President in order to achieve to the common vision of Student Government. As such members shall support or not oppose publicly decisions made in Cabinet, with the exception of the Chief Justice who shall provide his official court opinion without restriction. Generally, the Cabinet will make their recommendations to the President based on consensus, but majority vote will prevail otherwise. All members of Cabinet are encouraged to support consensus and majority vote recommendations. Members of Cabinet will keep confidential the discussions in Cabinet. The President can accept, reject, or change whatever the Cabinet recommends. In advising the President the Cabinet may:

- (a) Review legislation passed by the Senate or House and provide the President their recommendations on signing or vetoing the legislation.

- (b) Review and assist the President in proposing an annual budget, with each Director proposing specific allocations for their Commission.
  - (c) Meet with the Student Government Advisors at least monthly.
  - (d) Confirm recess appointments until reviewed by the Senate is possible.
  - (e) Review and provide advice to the President on University and Student Government appointments.
  - (f) Review and approve replacement Senators as forwarded by the Senate Committee on Selections and Appointments and decide which of the names is forwarded to the Senate for confirmation.
  - (g) Review changes to any rules or regulations of Student Government before the Senate, unless the President overrides this requirement.
- §3 **MANAGEMENT POWERS OF COMMISSISON CHAIRS.** Commission Chairs shall have direct supervisory and administrative control of the Commissions they Chair but they, along with their Commission, shall report and comply with all lawful instructions of the President.
- §4 **RANK OF CABINET MEMBERS.** Commission Chairs serve at the pleasure of the President and may be released from that obligation on authority of the President at any time. The Vice President, Supreme Court Chief Justice, and House Leader are permanent constitutional officers and members of Cabinet and cannot be removed from Cabinet or their office by the President.
- §5 **INSTALLATION OF NEW CABINET UPON NEW TERM.** Directors shall offer their resignation upon the end of the President's term or the special election of a new President or the installation of the Vice President as President.
- §6 **REPORTING TO THE SENATE.** All Cabinet positions shall report to the Senate when called to do so.
- §7 **CABINET MEETINGS.** Cabinet shall meet once weekly on a day as decided by the President.
- (a) Cabinet meetings may be closed to the public under Executive Session.
  - (b) Failure to attend two (2) Cabinet meetings shall warrant removal from the cabinet and/or impeachment.
  - (c) A summary of the meeting will be published with a week after the meeting.

§8 **COMMISSION MEETINGS AND ATTENDANCE.** Commissions shall meet as business warrants at times and locations as decided by the Chair. Two (2) absences from a Commission meeting is grounds for removal from the Commission and/or impeachment.

§9 **EXEMPTION FROM SENATE COMMITTEES.** Directors shall be exempt from service on all Senate committees. With the permission of the President members of Commissions may be exempt from attendance to Senate committees so long as that absence is necessary for them to complete Commission related business.

### **ARTICLE III. COMMISSION CHAIRS AS DIRECTORS**

§1 **DIRECTOR POWERS.** All Directors or the President may delegate their responsibilities to persons within their Commission so long as it is approved by the President. The Director is still responsible to see that all responsibilities and expectations are met. All Directors will have other powers and duties including:

- (a) Serve as Chair of the Commission they are charged with.
- (b) Be a Senator or *ex officio* Senator.
- (c) Attend weekly Monday night Senate meetings.
- (d) Attend weekly Cabinet meetings.
- (e) Supervisory powers over their Commission's allocated budget.
- (f) Remove and add members of their Commission, with permission of the President.
- (g) Other tasks, expectations and responsibilities as assigned by the President.

§2 **THE DIRECTOR OF PROGRAMS AND MARKETING.**

- (a) Develop a marketing and public relations plan for Student Government.
- (b) Serve as spokesperson and press secretary for Student Government
- (c) Design marketing tools and organize marketing campaigns for events and projects.
- (d) Maintain the Student Government website, social media and other media applications events.
- (e) Maintain the brand, standard, logo and formal seal of Student Government.
- (f) Coordinate the Student Government Roundtable events.
- (g) Coordinate the Student Government Fall and Spring Banquet

- (h) Ensure the Programs and Marketing Commission performs and fulfills its function.
- (i) Assist other directors in the marketing of Student Government events and programs.

§3 **THE DIRECTOR OF GOVERNMENT AFFAIRS.**

- (a) Be the President's representative from Student Government in federal, state and local government and must act as such and not speak on behalf of his or her own preferences.
- (b) Attend weekly or bi-weekly City of San Marcos Council Meetings.
- (c) Assist the President in representing the Texas State student body at the local, state and federal levels of government.
- (d) Advise the Cabinet on issues ongoing in local, state, and federal government.
- (e) Be or designate someone to be the City Council liaison.
- (f) Set the goals of the Government Affairs Commission and ensure the Commission meets its statutory and written expectations including deadlines and projects.

§4 **THE DIRECTOR OF FINANCE.**

- (a) Shall have a background in or be majoring or minoring in Finance or related fields of study, or have been the chief financial officer of another organization with comparable budget to that of Student Government.
- (b) Keep track of Student Government expenses and awarding of funds.
- (c) Report on the budget at each Cabinet meeting.
- (d) Set the goals of the Finance Commission and ensure the Commission meets its statutory and written expectations including deadlines and projects.

§5 **THE DIRECTOR OF FRESHMEN LEADERSHIP**

- (a) The Director of the Freshmen Leadership shall have served at least one year as a member of Student Government.
- (b) Attend Freshmen Council meetings and Freshmen Council Executive meetings. (c) Supervise the Freshmen Council and Coordinator for Freshmen Council.
- (d) Supervise the Coordinator for Freshman Mentorship.
- (e) Provide a Student Government focused leadership and technical training.



- (f) Work to provide a mentorship program between the Freshmen Council and Senators.
- (g) Set the goals of the Freshmen Leadership Commission and ensure the Commission meets its statutory and written expectations including deadlines and project.
- (h) Encourage participation in University leadership events including the Leadership Institute Conference.
- (i) Coordinate, plan, and execute the duties of the freshman tailgate.

§6 **THE DIRECTOR OF STUDENT SERVICES.**

- (a) Have a reasonable understanding of all student services provided by the University.
- (b) Have Actively seek out the opinion, concerns, and issues of all students at Texas State University.
- (c) Be able to effectively organize and assign tasks to members of the commission and see that members completely execute tasks assigned to them.
- (d) Have experience with the legislative procedure in the Senate, including the drafting of legislation.
- (e) Ensure the Student Services Commission performs and fulfills its function.
- (f) Ensure that all applicable service rules and regulations are followed
- (g) Assist with other matters and planning when called on by the President to do s

## CHAPTER 101 - EXECUTIVE AND CABINET APPLICATION

### ARTICLE I. GENERAL ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(d) of the Student Government Constitution.
- §2 **APPLICATION AND SCOPE.** This chapter shall apply to all positions within the Executive Office, Cabinet, Commissions and University Committees and shall be subject to a mandatory application process before the appointment of any position. The application is to be open to the public and administered by the President in a fair and systematic manner to be overseen by the Senate Select Committee on Selections and Appointments.
- §3 **PURPOSE.** The purpose of this chapter shall be to ensure that positions of Student Government are made available to the student body and that qualified applicants are given equal opportunity to apply for a position.
- §4 **REPORTING.** The President is to report to the Senate Select Committee on Selections and Appointments his preferred requirements per position.
- §5 **DATE TO COMPLY.** Applications for positions must be made public during the first week after spring elections have concluded and shall close within ten (10) business days. The President may reopen the application for a period of ten (10) business days if a position is not filled or if the original applicants are not satisfactory.)

### ARTICLE II. FAIR APPLICATION GUIDELINES

- §1 **BASIC REQUIREMENTS** Each application pursuant to this chapter shall be required to contain basic information to be provided by the applicant to the President and reviewable by the Senate. Review responsibility shall be vested in the Committee on Selections and Appointments. This application shall include the following items for completion by the applicant:
- (a) Name
  - (b) Date
  - (c) Student ID
  - (d) Texas State Email

**§2 POSITION SPECIFIC REQUIREMENTS.** Depending on the position additional information regarding qualification of ability may be required including:

- (a) A resume or Vita.
- (b) Cover Letter.

## CHAPTER 102 - COMMISSIONS

### ARTICLE I. AUTHORIZATION OF COMMISSIONS AND RULES AND REGULATIONS

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(d),(h) of the Student Government Constitution.
- §2 **REGULATION OF THE CABINET.** All Cabinet Commissions shall be regulated by the Senate and shall establish by statute a Policy and procedures statement that shall govern their operation. The President shall, through Executive Order, provide regulation in the event a situation occurs that is not contained within any provision of the Student Government Code. The Senate shall have the power to review and amend these regulations at any time, including Executive Orders. Executive Orders do not require Senate approval before being implemented. Any changes to policy and procedure must be reported to the Supreme Court Chief Justice within five (5) days of doing so.
- §3 **REPORTING AMENDMENTS.** Statutes establishing Commissions or amending and their rules and procedures shall be recorded in subsequent chapters of this title.
- §4 **MEETINGS.** Meetings shall be held at a time and place as prescribed by the President or Commission Chair.
- §5 **MEMBERS.** Senators are to fill Commissions as voting members and may never serve in more than one (1) Commission and more than one (1) committee.
- (a) The President may appoint non-senator *ex officio* members with the Senate's approval.
  - (b) Each Senator is required to provide the President a list of Commissions they wish to serve on in rank order with one (1) being most preferred and five (5) being the least preferred. The President will take into consideration these rankings but shall assign all Senators to each Commission based on the organization's need.
  - (c) Representatives may serve on Commissions in an *ex officio* capacity unless otherwise prescribed by statute.
  - (d) *Ex officio* members of Commissions shall have no vote.

## CHAPTER 103 - PROGRAMS AND MARKETING COMMISSION

### ARTICLE I. AUTHORIZATION AND PURPOSE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(a)(d) of the Student Government Constitution.
- §2 **PURPOSE.** This Commission is known as the Programs and Marketing Commission and the Chair of the Commission is known as the Director of Programs and Marketing who must act as coordinator of Student Government programs and liaison between press outlets, athletics programs, and the Student Government. This commission must:
- (a) Coordinate, plan, and execute two (2) open forums for students each semester.
  - (b) Coordinate, plan, and execute the distribution and posting of surveys and informal polling and engagement events.
  - (c) Coordinate, plan, and execute the fall and spring banquets and other special events.
  - (d) Oversee all Freshman Council sponsored events with the assistance of the Freshman Leadership Director and coordinators.
  - (e) Be responsible for communication with and between all components of Student Government, the general public and media of all forms.
  - (f) Establish and update a Student Government “Marketing Standards Handbook” which must outline the standardized Student Government and officer seals, motto, and style guide for Student Government.
  - (g) Create a yearly marketing plan and goals.
  - (h) Assist with marketing and support for other programs and projects established within other commissions.
  - (i) Provide other services authorized by statute.
  - (J) Work with the advisors and the Office of Institutional Research to distribute a Satisfaction survey as determined by the cabinet and Advisors.

## CHAPTER 104 - GOVERNMENT AFFAIRS COMMISSION

### ARTICLE I. AUTHORIZATION AND PURPOSE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III (10) (a), (d) of the Student Government Constitution.
- §2 **PURPOSE.** The Commission shall be known as the Government Affairs Commission the Chair of the Commission shall be known as Director of Government Affairs. The Commission shall:
- (a) Act as liaison with the Texas State University Systems Office.
  - (b) Represent the interests of Texas State student in local, state and federal government.
  - (c) Plan, coordinate and execute a Texas State capitol day.
  - (d) Advocate and recommend to the aforementioned governments for specific student driven reforms
  - (e) Advise the President and senate on all governmental relations.
- §3 **COMPOSITION.** The Commission shall be comprised of at least three Senators, not including the Chair and one Representative of the house as an ex officio member.

## CHAPTER 105 - FINANCE COMMISSION

### ARTICLE I. AUTHORIZATION AND PURPOSE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(a),(d) of the Student Government Constitution.
- §2 **PURPOSE.** The Commission shall be known as the Finance Commission and the Chair of the Commission shall be known as the Director of Finance. This Commission shall:
- (a) Review, amend, and approve or disapprove the budget.
  - (b) Provide oversight of Student Government spending.
  - (c) Coordinate fundraising of other revenue as called for by the Senate.
  - (d) Advise the President on issues relating to finance.
  - (e) Execute all provisions found in S.G.C.. IX. §102 and §103 by overseeing the Student Government Scholarship, S.T.A.R. Grant, and other external funding mechanisms under the purview of Student Government.
- §3 **COMPOSITION.** The Commission shall be comprised of at least three Senators, not including the Chair and shall include one seat for a graduate representative as an *Ex officio* member.
- (a) When the Finance Commissions meets to discuss and decide the allocation of scholarships a Sub-Commission shall be created with seven (7) student members, five (5) of which may come from the Finance Commission.
    - (1) This Sub-Commission shall be vested with the power to review and allocate the Student Government and Bookstore Scholarship only.
    - (2) The President may select other Senators to serve if the Sub-Commission is not filled.

## CHAPTER 106 - FRESHMEN LEADERSHIP COMMISSION

### ARTICLE I. AUTHORIZATION AND PURPOSE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(a),(d) of the Student Government Constitution.
- §2 **PURPOSE.** This Commission shall be known as the Freshmen Leadership Commission and it shall select at minimum twenty (20) students defined as freshmen by University policy and approved by the President. The Chair of the Commission shall be known as the Director of Freshmen Leadership. The Commission's objective shall be:
- (a) To teach the selected freshmen about Student Government and prepare them for future service to Student Government and Texas State University.
  - (b) To familiarize the selected freshmen with campus pride and traditions.
  - (c) To provide leadership learning opportunities, centered on Student Government.
  - (d) To advise the President and Senate on freshmen concerns.
  - (e) Coordinate, plan, and execute the freshman tailgate.
  - (f) Provide any other services authorized by statute.
- §3 **COMPOSITION.** The Commission shall be comprised of three Senators, not including the Chair, and one *ex officio* member from the House.
- §4 **THE FRESHMEN COUNCIL.** The Director shall select one of the commission members to support and advise a council of the freshmen class. This Coordinator for the Freshmen Council will assist the Director and must have served at least one year in Student Government prior to their appointment. The freshmen shall not technically be members of the Commission but instead shall form a Freshmen Council as a subordinate unit of the Commission.
- (a) Freshmen Council members shall be required to maintain a 2.5 GPA.
  - (b) They must be classified as freshmen by Texas State University.
- §5 **COUNCIL COMPOSITION.** The President, in consultation with the Commission Director, will establish each year a standard application for admittance to the Freshmen Council and set a deadline for application entry and will review said applications and appoint members to the Commission ten (10) business days after application deadline.
- §6 **MENTORSHIP PROGRAM.** The Director shall select one of the commission members to coordinate a mentorship program between the Freshmen Council and all other components of



Student Government. This Coordinator for Mentorship shall establish a successful cross training for freshmen through assignment to a Student Government mentor.

## CHAPTER 107 - STUDENT SERVICES COMMISSION

### ARTICLE I. AUTHORIZATION AND PURPOSE

§1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III (10) (a), (d) of the Student Government Constitution

§2 **PURPOSE.** This Commission shall be known as the Student Services Commission and it will oversee those services that fall under its jurisdiction. The Chair of the commission will be known as the Director of Student Services. The Commission's objective must be:

- (a) To focus on issues, concerns and opinions brought to the attention of Student Government
- (b) Review and research any and all issues brought to Student Government by discussing the issue with the constituents, university administration, and all other components related to the issue brought forward.
- (c) Draft, review and plan for legislation to address student concerns and opinions.
- (d) Encourage the creation of new university policies that will ultimately benefit the student body as a whole.
- (e) Review legislation that has been brought to the Senate floor and discuss any recommended amendments to the legislation.
- (f) Assist in the coordination of the homecoming tailgate.
- (g) Follow up on legislation passed by the senate by checking in with university administration.

§3 **COMPOSITION.** This Commission must be comprised of at least three Senators, not including the Chair, and one graduate representative as an *ex officio* member.

## CHAPTER 200 - FRESHMEN COUNCIL POLICY AND PROCEDURE

### ARTICLE I. GENERAL ORGANIZATION

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(a),(d) of the Student Government Constitution.
- §2 **AMENDMENT AND SUSPENSION.** In addition to the Senate's constitutional power to amend this statute, this Policy and Procedure statement may be amended by Executive Order of the President or temporarily suspended by a verbal directive of the President. It may also be amended by a two-thirds vote of the Freshmen Leadership Commission, with permission of the President. Any changes must be provided to the Dean of Students for final approval.
- §3 **PURPOSE OF OFFICERS.** The officers of Freshmen Council shall help achieve the Freshmen Leadership Commissions stated objectives.
- §4 **THE CHAIRPERSON.**
- (a) Have no vote in the Council except in the event of a tie.
  - (b) Be an *Ex officio* member of the Council.
  - (c) Maintain order at all times.
  - (d) Know the basics of parliamentary procedure.
  - (e) Not debate from the Chair except in the case of an appeal.
  - (f) At no time decide on a question involving the constitutionality of a piece of petitions.
  - (g) Shall create the Council meeting agendas.
  - (h) Follow the order of business as prescribed by the agenda unless the rules are suspended.
  - (i) Remain impartial at all times while conducting meetings.
  - (j) Make clear to all of the council members the issue in question.
  - (k) Execute all powers and duties found in the Freshmen Council Policy and Procedure, and ensure that the Council functions in compliance with the Student Government Constitution, Student Government Code, and all University policies and the rules and regulations of the Texas State University System Board of Regents.
  - (l) Shall have the power to nominate Freshmen Council members and *ex officio* members to vacate executive officer positions with two-thirds majority confirmation vote by the Freshmen Council.

- (m) Be the only person authorized to recognize individuals wishing to speak during a Council meeting.
- (n) Not recognize anyone except Council members, the President, Student Government Advisors, Cabinet members and *ex officio* Freshmen Council members during the Old Business and New Business sections of the Agenda.
- (o) Recognize qualified persons wishing to speak in a fair and impartial manner.
- (p) Have the power to establish Ad-Hoc Committees and Special Committees made up of selected Councilmembers.
- (q) Shall appoint the Chairs of Ad-Hoc and Special Committees at his/her discretion.
- (r) Shall act as a liaison between the Council and all other Student Government branches.

**§5 THE VICE CHAIRPERSON.**

- (a) Assume the position of interim Chairperson in the event of the Chairperson's absence.
- (b) Shall become Chairperson in the event the office of the Chairperson becomes vacant.
- (c) Shall be a Council Member.
- (d) Assist the Chairperson in managing and scheduling the Council's council and executive business.
- (e) Serve on the Freshmen Council Executive Board and attend meetings as required.

**§6 THE CLERK.**

- (a) Assume the duty of the Freshmen Council Secretary.
- (b) Keep a permanent record of all Freshmen Council proceedings in the form of minutes that are to be posted within one week after the meeting.
- (c) Be responsible for the printing of all Freshmen Council literature.
- (d) Keep a record of all absences and excuses.
- (e) Keep an accurate and up-to-date Freshmen Council roster.
- (f) Be responsible for updating and maintaining the Freshmen Council TRACS page.
- (g) Be responsible for maintaining the Freshmen Council's record of petitions.
- (h) Be responsible for the carrying out of all official correspondence for the Freshmen Council including delivery of the Freshmen Council Minutes to the Student Government President and any other member of the campus community who requests a copy.

- (i) Be an *Ex officio* member of the Council.
- (j) Be responsible for maintaining the computerized Freshmen Council Voting Record, which shall be made available for public access.

**§7 THE PARLIAMENTARIAN.**

- (a) Know the basics of Parliamentary Procedure once elected.
- (b) Have the final say in all matters of procedural conflict on the Freshmen Council floor.
- (c) Point out errors in procedure to the Chairperson of the Freshmen Council.
- (d) Record all questions of order and other questions of procedure for future reference.
- (e) Keep time during periods of limited debate and/or speech.
- (f) Remove any person deemed out of order by the Chairperson or by the Parliamentarian himself.
- (g) Be an *Ex officio* member of the Council but shall have no authority to author, debate, or sponsor petitions.

**§8 THE HISTORIAN.**

- (a) Keep an archive of all petitions for future viewing.
- (b) Be a Freshmen Council member.
- (c) Catalog and collect items throughout the course of the year that may be useful for future Freshmen Council members.
- (d) Be responsible for updating and maintaining the Freshmen Council Facebook and other social media.

**ARTICLE II. COUNCIL MEETINGS GENERAL PROVISIONS**

§1 **MOTIONS.** A motion may be carried to only three levels at one given time.

§2 **DECISIONS OF THE CHAIR.** Decisions of the Chair may be overridden by the majority vote of Council members present.

§3 **IMPARTIAL CHAIR.** The Chairperson or acting Chairperson of the Freshmen Council shall at no time decide on a question involving the constitutionality of a piece of petitions or other issues of actions of the Freshmen Council.

§4 **OPEN MEETINGS.** All Freshmen Council meetings shall be open to the public.

§5 **PETITION ORIGINAL INTENT.** No petitions may be amended so as to change the original intent.

§6 **DEFEATED PETITIONS.** Once petitions have been considered and defeated, no petitions containing the same principle subject matter shall be considered again during the same semester it was presented. However, the original petitions may be reconsidered once.

§7 **RECONSIDERING.** A motion to reconsider may be made and seconded only by Council members who voted on the prevailing side in the original vote. A motion to reconsider is debatable if the item to be reconsidered is debatable. A motion to reconsider requires a majority vote for passage. Upon passage of a motion to reconsider, the petitions may be debated and amended. Upon termination of debate on the petitions, a new vote shall be taken.

### **ARTICLE III. FRESHMEN COUNCIL MEETING PROCEDURES**

§1 **ROBERTS RULES OF ORDER.** The most up to date edition of Robert's Rules of Order will be the sole source of parliamentary procedures unless otherwise provided by this Policy and Procedure Statement.

§2 **MEETING DATES AND TIMES.** The Freshmen Council shall meet on a schedule as decided by the President and Freshmen Leadership Director.

§3 **QUORUM.** No official business may be conducted by the Council without the presence of a quorum. A quorum for the conduct of business shall be two-thirds of the Council membership.

§4 **MEMBERSHIP.** Membership shall be determined by the total number of Council members on the roll at the time a meeting is called to order.

§5 **ORDER OF BUSINESS.** Order of Business shall be determined by the agenda. The general order of business may be:

- (a) Call to Order
- (b) Roll Call
- (c) Approval of Minutes
- (d) Guest Speakers
- (e) Public Forum
- (f) Old Business
- (g) New Business
- (h) Chairperson's Report

- (i) Coordinator's Report
- (j) Announcements
- (k) Adjournment

§6 **GUEST SPEAKERS.** A guest speaker must be on the posted agenda in order to address the Freshmen Council. A guest speaker shall not be allowed to speak during the Old Business or New Business sections of the agenda. A guest speaker shall be limited to no more than fifteen minutes of speaking time. There shall be an initial question and answer period of ten minutes after speaking time has expired. Question and Answer time can be extended by a motion made by a Freshmen Council member, seconded and approved by a simple majority vote of the Freshmen Council voting body.

§7 **ORDER OF GUEST SPEAKERS.** The order of speakers for Freshmen Council meetings with multiple speakers shall be decided by the Chairperson.

- (a) Non-council members may be allowed to address the Freshmen Council under the rules for guest speakers if adequate notice is given to the Chairperson of Freshmen Council prior to the start of the meeting. Otherwise, non-council members may address the Freshmen Council during the Public Forum for a maximum of two (2) minutes. Public Forum shall be limited to two (2) students for a maximum of four (4) minutes of speaking.

§8 **THE AGENDA.** The agenda shall be sent out on the Friday preceding any formal Freshmen Council meeting except in cases where an emergency meeting has been called.

§9 **CONDUCT.** Members of the Freshmen Council shall conduct themselves in an orderly fashion at all times while on the Council floor. Excessive persistent disruptions, which impacts the normal business of the meeting shall be defined as disorderly. The Chairperson and the Parliamentarian of the Council shall have the authority to decide what actions are disorderly. Disorderly person(s) will be asked to leave the Freshmen Council chambers by the either officer.

§10 **ON TOPIC DEBATE.** During debate all Council members shall confine their remarks to the subject at hand or shall be ruled out of order.

§11 **UNLIMITED SPEAKING TIME.** Any Council member who has the floor shall not be interrupted by another Council member or officer for any purpose except as provided in

Robert's Rules of Order or unless the member consents to yield the floor to that Council member or officer.

- §12 **ENFORCEMENT.** All rules of debate and decorum shall be enforced by the Parliamentarian and transgressors of these rules shall be considered out of order.
- §13 **RESULT OF BEING CALLED OUT OF ORDER.** All Council members ruled out of order shall automatically lose the floor. Any Council member ruled out of order two or more times may be asked to leave the Freshmen Council chambers by the Parliamentarian.
- §14 **PRECEDENT OF REGULATIONS.** Except in the cases of conflict with the Policy and Procedure Statement, Robert's Rules of Order shall prevail in matters of procedure unless a motion to suspend the rules has been approved.
- §15 **SUSPENSION OF THE RULES.** A motion to suspend the rules will enable the Order of Business on the agenda to be amended with two-thirds approval of the Freshmen Council. A motion to suspend the rules can also enable the Chairperson to recognize anyone in the Freshmen Council chambers. All motions to suspend the Rules shall require a two-thirds vote.
- §16 **DRESS CODE.** Proper attire is required at Freshmen Council meetings in order to vote. Proper attire at a minimum should be business casual for both male and female members and wardrobe selections should be those that both preserve and honor the dignity of the meeting. Wardrobe selection should include, but is not limited to: a collared shirt, or sweater, with slacks for male members and either slacks, skirt or a dress for female members. Complimentary footwear should be worn. Proper attire in question will be determined by the Chairperson of the Freshmen Council.
- §17 **PRESENT TO VOTE.** Freshmen Council members must be present on the Freshmen Council chamber in order to vote.
- §18 **ABSTAIN.** Members not wishing to vote may abstain. Members wishing to abstain shall not be counted when determining the number needed to obtain a majority.
- §19 **PASSING TO VOTE LATER.** Undecided Council members may pass and then cast their vote at the conclusion of voting before the final vote is announced.
- §20 **TIE VOTES.** A tie vote shall be considered broken by the Chairperson.
- §21 **DIVISION OF THE HOUSE.** At the desire of any Council member present, a division of the house can be called as prescribed in Robert's Rules of Order.



§22 **ROLL CALL VOTES.** All votes on petitions and amendments to petitions shall be taken by roll call vote unless there is an appropriate motion to suspend the rules. All other motions may be considered as outlined in Robert's Rules of Order.

#### **ARTICLE IV. PETITIONS**

§1 **PURPOSE.** A Freshmen Council petition is a recommendation to another organization or the official support of any actions external to Freshman Council. A Freshmen Council petition is a formal statement expressing the opinion, will, or intent of the Freshmen Council as a representative body of the freshmen of Texas State University or which is addressed to the President for action. Each petitions shall carry:

- (a) The name or names of sponsor(s) and the author(s).
- (b) A title if the sponsor or co-sponsor wished to give it one.
- (c) Each petition passed by the Freshmen Council shall carry:
  - (1) The date it was first introduced by the Freshmen Council.
  - (2) A place for the signature of the Freshmen Council Chairperson, Freshmen Council Clerk, and the Freshmen Council coordinator.
  - (3) A place for the date on which the petition passed in the Freshmen Council.
  - (4) Any amendments approved by the Freshmen Council.

§2 **SUBMITTING PETITIONS.** All petitions to be placed on the agenda must be submitted to the Council Chairperson no later than noon on the Friday preceding the Council meeting. Thereafter, petitions to be placed on the agenda shall require special permission from the Chairperson and shall not be accepted at all after 1:00 p.m. on Monday.

- (a) **First Reading** – At the first meeting the petition shall be placed under New Business during formal meetings with quorum present. No debate or discussion may take place on new petitions.
- (b) **Second Reading** – At the next formal meeting following the meeting in which the petitions were first read, the petitions shall have a second reading under Old Business.
- (c) **Move for Adoption** – After second reading under Old Business, it may then be moved and seconded for adoption. At this time, amendments to the petitions may be proposed and voted on. All amendments must be pertinent to the petitions being

considered. Upon termination of debate, if the petitions have not been taken from the floor, a roll call vote shall be taken to determine passage or failure of the petitions.

- (d) Upon passage of a petition it shall be forwarded to the President. If the President does not approve of the petition he may return it to the Freshmen Council with specific recommendations to improve upon.

#### **ARTICLE V. SPECIAL COMMITTEES OF FRESHMEN COUNCIL**

§1 **PURPOSE.** Ad-Hoc Committees can be established throughout the academic year by the Chairperson of the Freshmen Council, petitions, or motion and approved by a simple majority of the Freshmen Council to study specific problems or concerns of the freshmen class and recommend solutions to the Freshmen Council. Freshmen Council members may not serve on more than one Ad-Hoc committee.

§2 **POWERS OF COMMITTEE.** No Ad-Hoc committee shall have the authority to amend, delete, or change in any way the nature, purpose, or content of any petition referred to it, but may draft and recommend amendments thereto.

- (a) Ad-Hoc committee members will be appointed by the Chairperson of the Freshmen Council.
- (b) Ad-Hoc committees shall have petition review power over all petitions submitted to their committee, but shall not be able to kill or amend a petition.
- (c) Will be dissolved as soon as the Chairperson of the Freshmen Council and the Chairperson of the Committee feel the project is completed, or by petitions or motion.

#### **ARTICLE VI. SELECTION OF OFFICERS**

§1 **APPLICATION.** All candidates for Freshman Council executive office will submit their names, and desired position to the Director of the Freshmen Leadership Commission at least one week before selections.

§2 **DECIDING OFFICERS.** The Director of the Freshmen Leadership Commission, with the President shall establish standardized questions for all candidates and a matrix for the Council to grade candidates. This matrix will be used by the Freshmen Leadership Commission, the Council and the President to grade the oral presentation and interview. The order of selection shall be as follows:

- (a) Chairperson
  - (b) Vice-Chairperson
  - (c) Parliamentarian
  - (d) Clerk
  - (e) Historian
- §3 **CANDIDATE PRESENTATIONS.** Candidates for office shall make an oral presentation and answer questions of the Freshmen Leadership Commission, the Council and the President.
- §4 **COMPOSITION OF GRADING MATRIX.** The grading matrix shall be tallied by the Freshmen Leadership Director, and transmitted to the President. Whomever has the highest grade for each position will take office, unless the President disagrees. If the President disagrees, the President shall remand the final decision to the Freshman Leadership Commission for further consideration and final selection. The President shall announce the results at the next regular meeting of the Council.
- §5 **PRESIDENTS POWER TO BREAK A TIE.** In the event of a tie, the President may take steps to identify who the best candidate is and decide who shall be installed.

#### **ARTICLE VII. ABSENCE POLICY**

- §1 **EXCESSIVE ABSENCES.** Two unexcused absences from Freshmen Council meetings in one semester, either from general assembly or committee meetings, shall be just cause for removal of a Council member.
- §2 **RECORDING ABSENCES.** All absences will be recorded as excused and unexcused.
- §3 **REPORTING ABSENCES.** All excuses shall be turned into the Chairperson and the Freshmen Council Clerk and/or the Freshmen Council coordinator no later than 5:00 p.m. of the Friday for the meeting missed that same week (except holidays).
- §4 **RECORDING ATTENDANCE.** The Freshmen Council Clerk shall keep an attendance file of all excuses for absences along with an up-to-date running attendance record. Excuses will be kept on file for a period dating back one year. This file will be open to the public.
- §5 **FAILURE TO INFORM.** Absent Council members who fail to turn in an excuse shall have their absences recorded as unexcused.

- §6 **ACCEPTABLE EXCUSES.** Freshmen Council Clerk shall keep a running list of excused and unexcused absences. Excused absences shall include:
- (a) Death in the Family.
  - (b) Illness.
  - (c) School sponsored trips.
  - (d) Other extraordinary circumstances as defined by the Council Clerk.
  - (e) Representing the Freshmen Council in an official capacity.
- §7 **WARNING FOR ABSENCES.** When a Council member acquires one unexcused absence they shall be warned that they have one more unexcused absence before removal from office via e-mail.
- §8 **REMOVAL BECAUSE OF ABSENCES.** Once a Council member acquires two (2) unexcused absences, the Director of the Freshmen Leadership Commission shall meet with the member and discuss the reason for absences. After this warning should the member receive another unexcused absence the Director of the Freshmen Leadership Commission shall ask the member to resign. If the member refuses the request to resign, the Director will request permission from the President to remove the member. With approval the Director will remove the member.
- §9 **REVOKED VOTING RIGHTS IF ABSENT.** A Council member not present for roll call shall be recorded as absent and have no vote.
- §10 **RECORDING TARDY.** The Freshmen Council Clerk shall record in the minutes a tardy when a Council member arrives after roll call.
- §11 **RESPONSIBILIY OF TARDY MEMBER.** When a tardy Council member arrives to the Freshmen Council meeting, he shall check with the Freshmen Council Clerk after the Freshmen Council meeting and the absence shall be removed if qualified.

#### **ARTICLE VIII. FRESHMEN COUNCIL REMOVAL**

- §1 **POWERS TO REMOVE.** The President, Freshmen Leadership Commission, Freshmen Leadership Director, or Senate may remove any Freshmen Council member in a manner outlined in Robert Rules of Order for reasons including but not limited to:
- (a) Violations of Senate statute.
  - (b) Violation of this policy and procedures statement.

- (c) Conduct unbecoming of a member of Student Government.
- (d) Other reasons as described by the President.

THE VI

## TITLE VI - THE LEGISLATURE

*Last Amended by S.B. 2014-2015.7 "Supreme Court Powers Act"*

### CHAPTER 100 - BILLS, RESOLUTIONS AND STATUTE

#### ARTICLE I. ADMINISTRATIVE

§1 **AUTHORIZATION.** This Title and all of its regulations are authorized pursuant to Article III(10)(d)(e) of the Student Government Constitution.

#### ARTICLE II. DEFINITIONS

§1 **CLASSIFICATION OF LEGISLATION.** Legislation or statutes shall be classified in three categories; Bills, Resolutions, and Simple Resolutions.

§2 **BILLS.** Bills may embrace more than one topic at a time. Bills shall pertain to the expenditure and raising of Student Government funds to regulate Student Government, to establish statutes, or execute other powers of Student Government. All bills written to regulate Student Government shall do so as an amendment to this Code. Each bill shall be titled as an Act, and be given a brief overall summary of the bill. The legislative writing standard format to be used for Senate Bills shall be followed as shown in Appendix I.

**SIMPLE RESOLUTIONS.** Simple Resolutions shall be used to express the opinion of Student Government as a student organization and shall do so only when addressing an issue outside of Texas State University or the Texas State University system or upon addressing an individual person or persons directly. Each resolution shall be titled in a similar format to: "A Resolution for..." or other variations and have a brief overall summary of the resolution. The legislative writing standard format to be used for Simple Resolutions shall be followed as shown in Appendix II.

§4 **RESOLUTIONS.** Resolutions may not embrace more than one topic and shall express the opinion of the student body. Resolutions expressing the opinion of the student body by way of their representatives in Student Government shall explicitly state that representative nature and shall be the primary vehicle for expressing student opinion to the University and Texas State University System. The legislative writing standard format to be used for Senate Resolutions expressing student opinion. Each resolution shall be titled in a similar format to :

“A Resolution in Support of...” or other variations and have a brief overall summary of the resolution. The legislative writing standard format to be used for Resolutions expressing student opinion shall be followed as shown in Appendix III.

### ARTICLE III. REGULATION

- §1 **REGULATORY POWERS.** The Senate is vested with the majority of regulatory power as outlined in the Student Government Constitution. This is done through bills which when passed become statute. This is true for House bills as well. However the Senate is the originator of all statutes relating to regulation outside of the House. The House is the originator of all statutes relating to the regulation of the House, the House’s regulatory power is limited to that purpose. The Constitution vests the House with the power to approve or disapprove of specific changes as outlined in the Constitution, without the power to amend. Per the Constitution and as defined by statute these areas include:
- (a) Changes to the rules relating to the Supreme Court.
  - (b) Changes to the Constitution.
  - (c) Changes to Title VIII Chapter 100, the Budget and Finance Reform Act.

## CHAPTER 200 - STANDING RULES AND REGULATIONS OF THE SENATE

### ARTICLE I. AUTHORIZATION OF STANDING RULES

§1 **SCOPE AND PURPOSE.** The Senate shall establish a *Standing Rules and Regulations of the Senate* or Standing Rules, for short, which shall be authorized herein by this chapter. The Standing Rules shall be confined to the internal rules and operations of the Senate and shall never regulate or infringe on the other branches of government.

### ARTICLE II. SENATE ORGANIZATION

§1 **MEMBERSHIP.** Senate Membership and appointment of the Senate shall be established by and set forth in the Student Government Constitution.

§2 **THE CHAIRPERSON.** The Chairperson of the Senate shall be the Vice President. Should the Senate decide that the Vice President is not performing his duties correctly they may temporarily relieve him of his duties through passage of a Simple Senate Resolution to that effect. The Pro-Tempore shall temporarily act as Chairperson if the Vice President is unable to perform his duties. The Vice President has the discretion to temporarily delegate the duty of Chairperson to the Pro-Tempore. The Chairperson shall preside over all formal meetings of the Senate. Qualifications, powers, and duties shall be established and set forth in the Student Government Constitution. The Chairperson shall:

- (a) Have no vote in the Senate except in the event of a tie or when the vote is by secret ballot.
- (b) With the consent of the Senate, set the chambers agenda.
- (c) Maintain order at all times.
- (d) Be thoroughly versed in parliamentary procedure.
- (e) Not debate from the Chair except in the case of an appeal.
- (f) At no time decide on a question involving the constitutionality of a piece of legislation.
- (g) Follow the order of business as prescribed by the agenda unless the rules are suspended.
- (h) Remain impartial at all times while conducting meetings.
- (i) Make clear to all Senators the issue in question;



- (j) Execute all powers and duties found in the Student Government Constitution, the Senate Standing Rules, and ensure that Senate functions in compliance with all University policies and the rules and regulations of the Texas State University System Board of Regents.
- (k) Appoint Senate Committee Chairpersons with two-thirds approval of the Senate.
- (l) Remove the Chairperson and/or members of any committees for not fulfilling the responsibilities taken while under oath.
- (m) Be the only person authorized to recognize individuals wishing to speak during a Senate meeting.
- (n) Not recognize anyone except Senators, the President, the Student Government Advisors, Cabinet members, and *Ex officio* members.
- (o) Recognize qualified persons wishing to speak in a fair and impartial manner.

§3 **THE SENATE PRO-TEMPORE.** The Senate Pro-Tempore is the second highest ranking member of the Senate. The Pro-Tempore shall be elected by a majority of the Senate, at the first meeting of the a new Senate session each year or any specially called meeting for that purpose, using the procedures found in Roberts Rules of Order. In the event the Senate Pro-Tempore is installed by the Senate as Chairperson. The Pro-Tempore shall have powers specific to his office which shall include:

- (a) Assume the duties of Chairperson in the absence of the Vice President.
- (b) Preside as Chairperson when the Senate is moved into Committee of the Whole.
- (c) Meet with the Chair of all committees as deemed necessary by the Vice President.
- (d) Be a Student Senator.
- (e) Assist the Vice-President in the managing and scheduling of the Student Government Senate's legislative business.
- (f) Chair the Select Committee on Selections and Appointments.

§4 **INSTALLATION OF THE SENATE.** Installation of a Senator may be conducted at the first meeting of the new Senate by the newly installed President, Vice President, or Senate Pro-Tempore and as needed once the Select Committee on Selections and Appointments has nominated and the Senate has confirmed new Senators to fill vacant seats.

§5 **FORFEITURE OF OFFICE.** A Senator shall automatically forfeit his/her membership in the Senate if the Senator ceases to be enrolledch in that college which they represent.

§6 **MEETING ATTENDANCE.** Senators shall be required to attend all Senate and committee meetings. The absence policy shall be strictly enforced in accordance with the rules established in this document.

§7 **SENATE CLERK.** The Senate Clerk shall be nominated by the Vice President and shall assume the duties of Senate secretary. He shall also:

- (a) Keep a permanent record of all Senate proceedings in the form of minutes that are to be posted within one week after the meeting.
- (b) Keep a record of all absences and excuses.
- (c) Keep an accurate and up-to-date Senate roster.
- (d) Be responsible for maintaining the Senate's record of legislation.
- (e) Be responsible for carrying out all official correspondence for the Senate.
- (f) Be an *ex officio* member of the Senate.
- (g) Be responsible for informing the Senate Chairperson when legislation has been officially given to the President for his action.
- (h) Be responsible for maintaining the Senate voting record.

§8 **THE PARLIAMENTARIAN.** The Senate Parliamentarian shall be nominated by the Vice-President and shall have final say in all matters of procedural conflict on the Senate floor.

- (a) Have a thorough knowledge of the Senate and Parliamentary procedures including the most up to date edition of Robert's Rules of Order and the Standing Rules. He shall also:
- (b) Point out errors in procedure to the Chairperson of the Senate.
- (c) Record all questions of order and other questions of procedure for future reference.
- (d) Keep time during periods of limited debate and/or speech.
- (e) Remove any person deemed out of order by the Chairperson or by the Parliamentarian.
- (f) Act as Sergeant at Arms.
- (g) Be an *ex officio* member of Senate with no authority to author, debate, or sponsor legislation.

### **ARTICLE III. LEGISLATIVE AND SENATE PROCEDURES**

- §1 **QUORUM.** The Senate shall require a quorum of two-thirds the total voting membership as apportioned by the Constitution to conduct any business.
- §2 **ORDERS OF BUSINESS.** The Order of Business shall be determined by the agenda. The agenda shall be determined by the Chairperson of the Senate and confirmed by the Senate. The general order of business may be as such in Appendix XX.
- §3 **GUEST SPEAKERS.** A guest speaker must be on the posted agenda in order to address the Senate. A guest speaker shall not be allowed to speak during the Old Business or New Business sections of the agenda. A guest speaker shall be limited to no more than fifteen minutes of speaking time. All persons requesting time on the agenda shall be given fair and impartial consideration.
- (a) The order of speakers for Senate meetings with multiple speakers shall be determined by the Chairperson of the Senate.
- §4 **PUBLIC FORUM.** Students may be allowed to address the Senate under the rules for guest speakers if adequate notice is given to the Chairperson of the Senate prior to the start of the meeting. Otherwise, students may address the Senate during the Public Forum for a maximum of two (2) minutes. Public Forum shall be limited to two (2) students for a maximum of four (4) minutes of speaking.
- §5 **DEBATE AND DECORUM.** Members of the Senate shall conduct themselves in an orderly fashion at all times while in the Senate chamber. Excessive unruliness shall be defined as any premeditated or persistent distraction which disrupts the normal business of the meeting and is deemed as disorderly. The Chairperson of the Senate and the Parliamentarian of the Senate shall have the authority to decide what action is disorderly.
- (a) During debate, all Senators shall confine their remarks to the subject at hand or they shall be ruled out of order.
- (b) Any Senator who has the floor shall not be interrupted by another Senator or officer for any purpose except as provided in Robert's Rules of Order or unless he consents to yield the floor to that Senator or officer.
- (c) All rules of debate and decorum shall be enforced by the Parliamentarian and Chairperson.

- (d) All Senators ruled out of order shall automatically lose the floor. Any Senator ruled out of order two times may be asked to leave the Senate Chambers by the Chairperson or Parliamentarian.
- (e) Except in the cases of conflict with the Standing Rules, Robert's Rules of Order shall prevail in matters of procedure unless a suspension of the rules has been passed.
- (f) Proper attire is required at Senate meetings in order to vote. Proper attire at a minimum should be business casual for both male and female members. Wardrobe selections should be those that both preserve and honor the dignity of the meeting. Wardrobe selection should include, but is not limited to, a collared shirt, or sweater, with slacks for male members, and either slacks or skirt with a dress for female members. Complimentary footwear should be worn. Proper attire in question will be determined by the Chairperson.

§6 **COMMITTEE OF THE WHOLE.** A Committee of the Whole shall be formed by a motion "to consider the question in the Committee of the Whole" and must pass with a two-thirds vote of the Senate.

- (a) Be a committee composed of the entire Senate.
- (b) Be formed when the assembly decides that a particular question can best be discussed with the more liberal Senate rules.
- (c) Be chaired by the Senate Pro-Tempore.
- (d) Move to "rise and report" when the necessary business is completed.
- (e) Cease to exist upon passage of this motion, which requires a two-thirds vote of the Committee of the Whole.
- (f) Not have its business recorded in the official Senate minutes. However, the Committee of the Whole will submit a report that is to be entered into the minutes.
- (g) Be used to consider disciplinary matters within the Senate, excluding any impeachment hearings.

§7 **EXECUTIVE SESSION.** Executive Session shall be used to consider all disciplinary matters, less than impeachment.

- (a) Be called by the Chairperson of the Senate.
- (b) Follow the guidelines for executive session as outlined in Robert's Rules of Order.

- (c) Be placed on the posted agenda and shall follow guidelines for placing legislation on the agenda.
  - (d) Only have Student Government members and advisors in attendance.
- §8 **VOTING.** Senators must be present in the Senate chamber in order to vote.
- §9 **ABSTENTION.** Members not wishing to vote may abstain. Members wishing to abstain shall not be counted when determining the number needed to obtain a majority.
- §10 **UNDECIDED.** Undecided Senators may pass and then cast their vote at the conclusion of voting before the final vote is announced.
- §11 **TIE VOTES.** A tie vote is considered a lost vote unless the tie is broken by the Chairperson.
- §12 **DIVISION OF THE HOUSE.** At the desire of any Senator present, a division of the house can be called as prescribed in Robert's Rules of Order.
- §13 **ROLL CALL.** All final votes on legislation shall be taken by roll call vote.
- §14 **EX OFFICIO MEMBERS.** The Senate shall have *ex officio* members including twelve (12) non-voting *ex officio* seats. Two (2) to be filled by members of the Freshmen Council, two (2) to be filled by Texas State transfer students, six (6) seat for the Graduate House, one (1) to be filled by a Representative from the Residence Hall Association, and one (1) to be filled by a student who represents the interests of students from the Round Rock campus. Each of the freshmen and transfer *ex officio* members must have fewer than thirty (30) Texas State credit hours. Other *ex officio* members may be commissioned in accordance with the Constitution and Student Government Code. All *ex officio* members of the Senate shall:
- (1) Serve as advisors to the Senate, President, and Vice-President in freshmen, transfer, graduate student or other special issues.
  - (2) Have a voice in all debate and discussion and will be encouraged to actively participate in all Senate matters.
  - (3) Have no official vote in Senate matters or committees.
  - (4) May be exempt from committee participation by the Select Committee on Selections and Appointments or the President.
  - (5) May author legislation.
  - (6) May sponsor legislation, so long as it has a second sponsor by a full Senator.
  - (7) Take an oath of office and comply with all Student Government Rules and Regulations.

(8) The Transfer and Freshman *ex officio* members will apply through the Select Committee on Selection and Appointments and be confirmed by two-thirds majority vote of the Senate.

§15 **SUSPENSION OF RULES.** The Rules contained in this chapter may be suspended by a two-thirds majority vote of the Senate in specific instances, which shall expire upon the conclusion of the meeting in which the rule was suspended.

#### ARTICLE IV. LEGISLATION

§1 **CODING LEGISLATION.** Each measure will receive a code determined by its type, and set by the Senate Clerk, the legislation shall thereafter be referenced to, in any formal capacity, by this code. Senate Resolutions will be designated by the "SR"; Simple Senate Resolutions will be designated by the "SSR"; Senate Bills will be designated by the "SB"; and Constitutional Amendments will be designated by "CA"; Joint Resolutions will be designated by the "JR". Following this there will be the last two (2) digits of the two (2) years constituting the academic year in which the measure is introduced. Following these two digits will be the number assigned by the Senate Clerk. Each measure will be numbered successively, according to its type, beginning at the start of each school year. Every resolution or bill shall carry:

- (a) The name(s) of any author(s).
- (b) The name(s) of sponsor(s).
- (c) A title, in accordance with the naming convention found in S.G.C. VI §100.2(2),(3),(4) and Appendix I, II, III. Each piece of legislation passed by the Senate shall carry: ,
  - (1) The date it was first introduced by the Senate.
  - (2) A place for the date on which the legislation passed the Senate.
  - (3) A place to indicate committee assignment should the legislation be sent to a committee.
  - (4) Any amendments approved by the Senate.

§2 **SUBMITTING LEGISLATION.** All legislation to be placed on the agenda must be submitted to the Senate Clerk no later than 5:00 PM on the Wednesday preceding the Senate

meeting. Thereafter, legislation to be placed on the agenda shall require special permission of the Chairman of the Senate and shall not be accepted at all after 2:00 PM on Monday.

(a) All legislation must be submitted to the Chairman of the Senate for his/her signature by 3 PM of the Monday meeting.

§3 **PATH OF LEGISLATION.** All legislation shall have a first reading under New Business during formal meetings with quorum present. At this time the Chairperson of the Senate shall assign the legislation to the appropriate committee(s) to consider the proposed legislation and report back to the Senate at the next formal meeting.

§4 **READING AND DEBATE PROCEDURE.** At the next formal meeting, following the meeting in which legislation was first read and after the proposed legislation has received Committee attention, legislation shall have a second reading under Old Business. At this time, amendments to the legislation may be proposed and voted on. A motion for Adoption must occur after the second reading under Old Business. It may then be moved and seconded for adoption. At this time, debate may occur and amendments to the legislation may be proposed and voted on. All amendments must be pertinent to the legislation being considered. Upon termination of debate, if the bill has not been taken from the floor, a vote shall be taken to determine passage or failure of the legislation.

§5 **EMERGENCY STATUS.** A piece of legislation may be granted emergency status by a two-thirds vote of the Senate or by declaration of the Chairperson of the Senate. A piece of legislation successfully granted emergency status will not require a second reading. A senator wishing to make a piece of legislation emergency must give proper justification as to why the legislation needs to be made emergency. Each piece of legislation successfully granted emergency status must contain all necessary legislation coding in order to be immediately considered. If the senator wishes his/her legislation to be considered for emergency status, it is the senator's responsibility to provide no fewer than one copy of proposed legislation for every two members of the current Senate, to be available at the commencement of all Senate committee meetings.

#### **ARTICLE V. COMMITTEES OF THE SENATE**

- §1 **DEFINITION.** A committee reviews legislation specific to its jurisdiction, investigates student concerns, does research on behalf of its members to help create new legislation, makes recommendations on how to improve campus life, or performs Senate administrative functions as necessary.
- §2 **STANDING COMMITTEES.** The Senate may authorize, disband, or reauthorize standing committees through Simple Senate Resolution.
- §3 **SELECT COMMITTEES.** Senate Select committees may meet on an as needed basis as business warrants and must be granted all necessary powers to execute their charge herein:
- (a) The Senate Select Committee on Selections and Appointments will oversee the selection of senators to fill vacant senate seats and follow procedures to ensure fair nomination of qualified applications.
    - 1) The committee will establish a Senate Application each year and publish the application in the event of senate vacancy. The application will be open to any eligible student so that interested persons can apply to fill the seat.
    - 2) The committee may establish a reasonable screening process for applicants.
    - 3) The committee must review all applicants, determine which of them meets the committee's criteria for nomination, and forward approved names to the Senate Pro-Tempore.
    - 4) The senate Pro-Tempore will make nominations via formal memorandum from the list of committee-approved candidates and transmit tis memorandum to the cabinet or senate.
    - 5) The Cabinet has the option to review the list of accepted candidates and either den or ascent to the list; the President may waive this review, resulting in automatic transmittal of the approved candidates to the senate.
    - 6) The senate Pro-tempore will ensure that the final candidate list is transmitted to the senate
    - 7) The senate will have final say on who of the recommended candidates is confirmed to the senate by a way of majority vote.
    - 8) The Senate Po-tempore is responsible for the execution of this subsection
  - (b) The Conference Committee shall meet on an as needed basis to discuss, review, plan for, and follow up on pieces of legislation that have or will be brought to the



senate floor. The committee will work alongside the Student Services Commission to ensure communication and effective organization within Student Government.

- 1) The committee shall be assembled by the Vice President and the Senate Pro Tempore
- 2) The committee shall include Senators who have shown the interest in the topic(s) which are to be discussed. There is no limit to the number of senators in the committee.
- 3) The Committee will meet at a time and place chosen by the Vice President and Senate Pro Tempore
- 4) The Committee can also invite members of the House to collaborate on efforts being taken. The House leader shall be in charge of gathering members from the House to join meetings set by the Vice President and Senate Pro Tempore.
- 5) All meetings shall be classified as Senate Conference Meetings, must have an agenda, and will be chaired by the Vice President, Senate Pro Tempore, and if present, the House Leader.
- 6) Chairs of the meeting shall assign a member to take minutes at these meetings, and all minutes shall include any action plans the committee has drafted. All minutes shall then be forwarded to the Student Services Director.
- 7) These meetings shall be considered close meetings, unless otherwise decided by the chairs of the meeting.

§4 **COMMITTEE CHAIRS.** Committee Chairs shall be nominated by the Chairperson of the Senate with approval of two-thirds of the Senate and shall outline the purpose of the committee and coordinate the committees function. They shall also:

- (a) Determine the time, place, and frequency of meetings and notify members according to guidelines established by the Chairperson of the Senate.
- (b) Give periodic reports of the committees' findings to the Senate according to deadlines established by the Chairperson of the Senate.
- (c) Preside over all committee meetings.
- (d) Be responsible for the recording of all committee member's absences and minutes of the committee meetings and shall forward them to the Senate Clerk.

- (e) Be Student Senators.
  - (f) Meet with the Chairperson of the Senate and the Senate Pro-Tempore as deemed necessary by the Chairperson of the Senate.
  - (g) Appoint a Co-Chairperson with two-thirds approval of the committee.
  - (h) A Committee Secretary shall be appointed by the Committee Chairperson to take minutes.
- §5 **VICE CHAIR.** Committee Vice Chairperson shall be an assistant to the Chairperson and preside at meetings when the Chairperson is absent. The Vice Chairperson shall also;
- (a) Assist the Chairperson.
  - (b) Keep record of attendance of members.
  - (c) Maintain a record of excuses for absences by committee members.
  - (d) Keep the Chairperson informed of attendance violations.
  - (e) Enforce absence policy as outlined in Article VI of this document.
- §6 **SECRETARY.** Committee Secretary shall take minutes and attendance at each meeting and submit them to the Senate Clerk every Monday.
- §7 **COMMITTEE MEMBERSHIP.** Committee Members shall be appointed and removed by the Chairperson of the Senate at his discretion and shall attend all committee meetings scheduled by the Committee Chairperson. Committee members shall also study, research, revise, and propose legislation.
- §8 **LIMITS ON NUMBER OF COMMITTEES.** Senate members may serve on no more than two (2) standing Senate committees and two temporary, select, ad-hoc, or special committees at one time.
- §9 **LIMITS ON NUMBER OF COMMISSIONS.** Senate members may serve on no more than one (1) commission at any one time.
- §10 **POWERS OF COMMITTEES.** Amendments to any bill or resolution shall require a full vote of the Senate to be adopted. Committees shall have legislative review power over all legislation submitted to their committee.
- §11 **MEETING TIME AND PLACE.** Committees will meet every week or on a regular basis as determined by the committee Chairperson.
- §12 **SUBCOMMITTEES.** Senate Committee Chairpersons may form sub-committees to address special project and issues that are being undertaken by their respective Senate Committees.

- (a) Senate sub-committees may contain persons who are not members of the Senate upon approval of the Chairperson of the Senate.
- (b) Each Senate sub-committee non-Senate members shall be allowed to fully participate in the discussion within the sub-committee, and shall attend all meetings, and shall act in an advisory capacity.
- (c) Senate sub-committee non-senate members shall not have an official vote on the sub-committee.

§13 **AD-HOC, TEMPORARY, AND SPECIAL COMMITTEES.** Ad-hoc, temporary, and special committees are created by the Senate by a motion or legislation when the need arises for a committee of a temporary nature. The following provisions apply to these temporary committees:

- (a) Be appointed by the Chairperson of the Senate with two-thirds approval of the Senate.
- (b) Chair shall be nominated by the Senate Chairperson and confirmed by the committee members by a majority vote.
- (c) Will be dissolved upon a motion of the Senate, end of the Senate session or the completion of the temporary assignment.

## ARTICLE VI. SPECIAL PROVISIONS

§1 **LEVELS OF AMENDMENTS.** A motion may be carried to only three levels at one given time.

§2 **APPEALING A DECISION.** Decisions of the Chair may be overridden by the majority vote of those Senators present.

§3 **JUDICIAL PROTECTION.** The Chairperson of the Senate shall at no time decide on a question involving the constitutionality of a piece of legislation or other issues of actions of the Senate.

§4 **OPEN MEETINGS.** All Senate meetings shall be open to the public. Should a sensitive matter require a closed meeting, this rule may be suspended by a two-thirds vote of those Senators present.

§5 **ORIGINAL INTENT.** No legislation may be amended so as to change the original purpose.

§6 **LIMITING SCOPE OF RESOLUTIONS.** No legislation, except bills, shall embrace more than one subject.

§7 **DEFEATED LEGISLATION.** Once legislation has been considered and defeated no legislation containing the same principle subject matter shall be considered again during the same semester it was presented. However, the original legislation may be reconsidered once.

§8 **RECONSIDERATION.** A motion to reconsider may be made and seconded only by Senators who vote on the prevailing side in the original vote. A motion to reconsider is debatable if the item to be reconsidered is debatable. A motion to reconsider requires a majority vote for passage. Upon passage of a motion to reconsider, the legislation may be debated and amended. Upon termination of debate on the legislation, a new vote shall be taken.

§9 **SPECIAL ELECTIONS.** Special elections shall be elections which fill vacancies for convention delegates, selection of the Outstanding Senator Award, superlative awards and other elections of Senate Officers.

§10 **ELECTIONS OF OFFICERS.** All elections and special elections of the Pro-Tempore or Committee Chairperson shall be presided over by the Chairperson of the Senate unless the Chairperson is a candidate, whereby the Senate Pro-Tempore shall preside over the election. Thereafter, the Chief Justice shall preside over the meeting as soon as his/her candidacy has ended.

- (a) Nominations and Election of officers shall happen at two separate meetings of the Senate.
- (b) Nominations shall fall under new business and shall occur at the meeting immediately following the vacancy or as required by other statute. No speeches shall be made at the time of nomination and nominations are not debatable.
- (c) Elections shall fall under old business and shall occur at the next meeting of the Senate, following nominations. The candidates will each rise in order of their nomination and provide an introduction and candidate speech. Upon conclusion of the candidate speeches the candidates will answer questions of the Senate. Once every nominee and has spoken and answered questions the Senate will initiate a debate on the slate of candidates before them. Once the debate has ended ballots will be handed out and voting shall occur.
- (d) The Chairperson shall be aided by the Parliamentarian, Senate Clerk and any other Student Government member who is not a senator.

- (e) All elections shall be by a secret ballot.
- (f) The Parliamentarian will certify the election results
- (g) Winners shall be determined by a majority vote.
- (h) In the event of a tie, the run-off will be immediately broken by way of a secret ballot until the tie is broken.

## **ARTICLE VII. ATTENDANCE POLICY**

*Amended by: S.B 2014-2015.05 "Senate Attendance Policy Act"*

- §1 **AUTHORITY.** Authority and responsibility for this policy shall rest with the Senate Chairperson with oversight and assistance from the Supreme Court Chief Justice.
- §2 **UNIVERSAL APPLICATION.** The rules and limitations on absences found in this Article are applicable to the General Meeting of the Senate each Monday and any committee meetings, including required events.
- §3 **EXCUSED ABSENCES.** Each Senator is allowed a limited number of absences from Senate or Committee per semester so long as the absence meets certain criteria which include:
- (a) One (1) excused absence for sickness. A sickness absence must be reported to the Chairperson, in writing, by 6:00 p.m. on Monday prior to the start of the Senate meeting in order for the excused absence to be considered to be valid.
  - (b) One (1) excused absences for an academic related activity which is set to occur at the same time as the Senate meeting. An academic related absences must be reported to the Chairperson by the Sunday at 5:00 p.m. prior to the expected absence in order for the excused absence to be considered valid.
    - (1) An event which qualifies as an "academic related activity" is defined as an officially sanctioned academic event worth course credit.
    - (2) If the Chairperson has reasonable cause to suspect that the academic event being used to justify an excused absence does not fit the definition as provided he shall be empowered to require documentation from the Senator proving it meets the definition.
  - (c) One (1) excused absences for university, student organization, work or other kind of conference or event. An excuse for university, student organization, work or other

kind of conference or event must be submitted to the Chairperson by Thursday at 5:00 p.m. prior to the expected absences in order for the excused absence to be considered valid.

- (d) Two (2) documented illnesses will be excused so long as documentation from a medical service provider is presented to the Chairperson any reasonable time prior to the missed meeting, or within 72 hours after the absence in order for the excused absence to be considered valid.

- (1) If a Senator is to be absent for more than two (2) meetings because of documented illness they must send a written request for a temporary leave of absence which will excuse up to four (4) additional missed meetings due to documented illness.

- (e) A reasonable number of excused absences, as defined by the Chairperson, will be allowed for bereavement in the event of a death in the family, so long as there is no probable cause for Chairperson to suspect abuse of this policy.

- (f) Should the Chairperson or other officer record an absence as unexcused and the Senator feels his excuse is justified he may appeal to the Supreme Court to amend the decision. An appeal will be filed with the Supreme Court Chief Justice in writing or other format as he prescribes.

§4 **RECORD KEEPING.** The Senate Clerk shall keep a continuous record for the Senate and Committee meetings of those present, absent, early leave, and tardy.

- (a) Each committee chairperson shall keep an attendance record and report it to the clerk every Monday.

§5 **ABSENCES.** Any Senator not reporting as present during roll call shall be considered absent. Any Senator more than 30 minutes late will be considered absent and not allowed to speak or vote.

§6 **EARLY LEAVE.** Any Senator who wishes to leave the meeting during regular business shall make a request to the Chairperson that they be removed the roll. The time the Senator left will be recorded in the minutes. A Senator who is granted leave will be marked as tardy if they leave and the meeting continues for a time greater than the amount of time they were present.

- §7 **TARDY.** A Senator who enters the meeting after roll call shall request to be added to the roll, the request will be marked in the minutes and a tardy recorded on the Senators attendance record. Any two (2) recorded tardy shall constitute one (1) absences.
- §8 **REPORTING.** The Chairperson shall ensure that the clerk keeps the attendance record and will keep on file all excuses reported to him. The attendance record will be transmitted to the Supreme Court Chief Justice and Senate Pro-Tempore each Friday.
- §9 **ABSENCE LIMIT.** When a Senator acquires on unexcused absence he shall be given a written warning by the Chairperson or designee. This notification shall inform the Senator that he has one more unexcused absences before referral to the Supreme Court Chief Justice, and the possibility of impeachment. If a Senator receives a second absences they will qualify for Impeachment.
- (a) Any four (4) absences from committee meetings each semester shall qualify a Senator for impeachment.
  - (b) After a Senator has received a second absence the Chairperson shall forward their name to the Supreme Court Chief Justice.
  - (c) Upon being informed of a violation of the two absence limit the Supreme Court Chief Justice will ask for that Senator's resignation, in writing. Should the Senator refuse to resign or is not contactable, the Supreme Court Chief Justice may work with Senators to prepare Articles of Impeachment. Should the Supreme Court Chief Justice fail to do this it shall be the responsibility of either the Senate Pro-Tempore or Chairperson ensure it is done.

#### **ARTICLE VIII. IMPEACHMENT TRIAL**

- §1 **CHAIR IMPEACHED.** Should the Chairperson of the Senate be impeached he shall relinquish the chair to the Chief Justice. If the Pro-Tempore is acting as chair they shall relinquish the chair to the Chief Justice. Should the chair be held by any other member or officer, and under impeachment, the Senate is to refer to the Roberts Rules of Order for proper remedy.
- §2 **SENATOR IMPEACHED.** Should a Senator be impeached he shall have no vote until all removal proceedings are completed.

## CHAPTER 300 - STANDING RULES AND REGULATIONS OF THE HOUSE

*Amended by: H.B. 2014-2015.01 " Revision of the House Acts"*

### ARTICLE I. AUTHORIZATION OF STANDING RULES

§1 **SCOPE AND PURPOSE.** The House shall establish a *Standing Rules and Regulations of the House* or Standing Rules which shall be authorized herein by this chapter. The Standing Rules shall be confined to the internal rules and operations of the House and shall never regulate or infringe on the other branches of government. These rules are subject to amendment by the House exclusively, with Presidential approval.

### ARTICLE II. HOUSE ORGANIZATION

§1 **MEMBERSHIP.** House Membership and appointment of the House shall be established by and set forth in the Student Government Constitution.

§2 **THE CHAIRPERSON.** The Vice President shall serve as the Chairperson of the House until the floor is yielded to the House Leader or unless the House acts by Simple House Resolution to install the House Leader as Chairperson. In either case the House Leader shall be Chairperson of the House. The Chairperson shall preside over all formal meetings of the House. Qualifications, powers, and duties shall be established and set forth in the Student Government Constitution. The Chairperson shall:

- (a) Have no vote in the House except in the event of a tie or when the vote is by secret ballot;
- (b) With the consent of the House, set the chambers agenda;
- (c) Maintain order at all times;
- (d) Be thoroughly versed in parliamentary procedure;
- (e) Not debate from the Chair except in the case of an appeal;
- (f) At no time decide on a question involving the constitutionality of a piece of legislation;
- (g) Follow the order of business as prescribed by the agenda unless the rules are suspended;
- (h) Remain impartial at all times while conducting meetings;
- (i) Make clear to all Representatives the issue in question;



- (j) Execute all powers and duties found in the Student Government Constitution, the House Standing Rules and Regulations, and ensure the House functions are in compliance with all University policies as well as the rules and regulations of the Texas State University System Board of Regents;
- (k) Appoint House Committee Chairpersons with two-thirds approval of the House;
- (l) Remove the Chairperson and/or members of any committees for not fulfilling the responsibilities taken while under oath;
- (m) Be the only person authorized to recognize individuals wishing to speak during a House meeting;
- (n) Not recognize anyone except Representatives, the President, the Student Government Advisors, Guest Speakers, and Ex-Officio members during the Old Business and New Business sections of the Agenda;
- (o) Recognize qualified persons wishing to speak in a fair and impartial manner.

§3 **THE HOUSE LEADER.** The House Leader is the second-highest ranking member of the House. The House Leader shall be elected by a majority of the House, at the first meeting in the fall or any specially-called meetings for that purpose, using the procedures found in Roberts Rules of Order. In the event the House Leader is installed as Chairperson they shall assume all of these duties and powers as well as:

- (a) Assume the duties of Chairperson in the absence of the Vice President;
- (b) Preside as Chairperson when the House is moved into Committee of the Whole;
- (c) Meet with the Chairpersons of all committees as deemed necessary by the Chairperson;
- (d) Be a Graduate Student Representative;
- (e) Assist the Chairperson in the managing and scheduling of the House's legislative agenda;
- (f) Chair the Select Committee on Selections and Appointments;
- (g) Chair the House Budget and Finance Committee;
- (h) If installed as Chairperson of the House by a simple resolution the House Leader shall act as Chair until such time as the House prescribes or upon the conclusion of the House Leader's term as a Graduate Representative;

(i) If installed as Chairperson of the House by the House Leader shall act as Chair until such time as the House Leader no longer requires such.

§4 **HOUSE SECRETARY.** The Secretary shall be nominated by the House Leader and confirmed by two-thirds of the House and shall assume the duties of House Secretary. They shall also:

- (a) Keep a permanent record of all House proceedings in the form of minutes that are to be posted by Monday prior to the next meeting by 11:59pm;
- (b) Keep a record of all absences and excuses;
- (c) Keep an accurate and up-to-date House roster;
- (d) Be responsible for maintaining the House's record of legislation;
- (e) Be responsible for carrying out all official correspondence for the House;
- (f) Be responsible for informing the Chairperson of the House when legislation has been officially given to the President for his/her action;
- (g) Be responsible for maintaining the House voting record.

§5 **THE PARLIMENTARIAN.** The House Parliamentarian shall be nominated by the House Leader and confirmed by two-thirds of the House and shall have final say in all matters of procedural conflict on the House floor. Have a thorough knowledge of the House and Parliamentary procedures including the most up-to-date edition of Robert's Rules of Order and the Standing Rules. They shall also:

- (a) Point out serious errors in procedure to the Chairperson of the House.
- (b) Record all questions of order and other questions of procedure for future reference.
- (c) Keep time during periods of limited debate and/or speech.
- (d) Remove any person deemed out of order by the Chairperson or by the Parliamentarian.
- (e) Act as Sergeant-at-Arms.

### **ARTICLE III. LEGISLATIVE AND HOUSE PROCEDURES**

§1 **VACANCIES.** The Duties and Powers of the House stipulate that it shall confirm the House Select Committee on Selections and Appointment by a majority vote.

§2 **QUORUM.** Quorum shall be defined as two-thirds the total membership.

- (a) Membership shall be determined by the total number of Representatives active on the roll at the time a meeting is called to order.
- §3 **ORDERS OF BUSINESS.** Order of Business shall be determined by the agenda. The agenda shall be determined by the Chairperson of the House and confirmed by the House. The general order of business may be:
- (a) Call to Order
  - (b) Roll Call
  - (c) Orders of the Day
  - (d) Approval of Minutes
  - (e) Guest Speakers
  - (f) Public Forum
  - (g) Executive Reports
  - (h) Commission Reports
  - (i) Committee Reports
  - (j) Old Business
  - (k) New Business
  - (l) Adjourn
- §4 **GUEST SPEAKERS.** A Guest Speaker must be on the posted Agenda in order to address the House. A Guest Speaker shall not be allowed to speak during the Old Business or New Business sections of the agenda. A guest speaker shall be limited to no more than fifteen minutes of speaking time. All persons requesting time on the agenda shall be given fair and impartial consideration.
- (a) The order of speakers for House meetings with multiple speakers shall be determined by the Chairperson of the House.
- §5 **PUBLIC FORUM.** Students may be allowed to address the House under the rules for guest speakers if adequate notice is given to the Chairperson of the House prior to the start of the meeting. Otherwise each student may address the House during the Public Forum for a maximum of two (2) minutes. Public Forum shall be limited to four (4) students.
- §6 **DEBATE AND DECORUM.** Members of the House shall conduct themselves in an orderly fashion at all times while on the House floor. Excessive unruliness shall be defined as any premeditated or persistent distraction which disrupts the normal business of the meeting and

is deemed as disorderly. The Chairperson of the House and the Parliamentarian of the House shall have the authority to decide what action is disorderly.

- (a) During debate all Representatives shall confine their remarks to the subject at hand or they shall be ruled out of order.
- (b) Any Representative who has the floor shall not be interrupted by another Representative or officer for any purpose except as provided in Robert's Rules of Order or unless he consents to yield the floor to that Representative or officer.
- (c) All rules of debate and decorum shall be enforced by the Chairperson and Parliamentarian. Transgressors of these rules shall be considered out of order.
- (d) All Representatives ruled out of order shall automatically lose the floor. Any Representative ruled out of order two times may be asked to leave the House Chambers by the Chairperson or Parliamentarian, and shall be removed from the roll. The removal of the Representative from chambers shall be considered as an unexcused absence.
- (e) Except in the cases of conflict with these Standing Rules, Robert's Rules of Order shall prevail in matters of procedure unless a suspension of the rules has been called for.
- (f) Proper attire is required at House meetings in order to vote. Proper attire at a minimum should be business casual for both male and female members and wardrobe selections should be those that both preserve and honor the dignity of the meeting. Wardrobe selection should include, but is not limited to, a collared shirt, or sweater, with slacks for male members and either slacks or skirt with a conservative blouse for female members. Complimentary footwear should be worn. Proper attire in question will be determined by the Chairperson.

§7 **COMMITTEE OF THE WHOLE.** A Committee of the Whole shall be formed by a motion "to consider the question in the Committee of the Whole" and must pass with a two-thirds vote of the House.

- (a) Be a committee composed of the entire House.
- (b) Be formed when the assembly decides that a particular question can best be discussed with the more liberal House rules.
- (c) Be chaired by the House Leader.

- (d) Move to "rise and report" when the necessary business is completed.
  - (e) Cease to exist upon passage of this motion, which requires a two-thirds vote of the Committee of the Whole.
  - (f) Not have its business recorded in the official House minutes. However, the Committee of the Whole will submit a report that is to be entered into the minutes.
  - (g) Be used to consider disciplinary matters within the House, excluding any impeachment hearings.
- §8 **EXECUTIVE SESSION.** Executive Session shall be used to consider all disciplinary matters, less than impeachment.
- (a) Be called by the Chairperson of the House.
  - (b) Follow the guidelines for executive session as outlined in Robert's Rules of Order.
  - (c) Be placed on the posted agenda and shall follow guidelines for placing legislation on the agenda.
  - (d) Only have Student Government members and advisors in attendance.
- §9 **VOTING.** Representatives must be present on the House floor in order to vote or as set forth by the House Rules of Order.
- §10 **ABSTINTION.** Members not wishing to vote may abstain. Members wishing to abstain shall not be counted when determining the number needed to obtain a majority.
- §11 **UNDECIDED.** Undecided Representatives may pass and then cast their vote at the conclusion of voting before the final vote is announced.
- §12 **TIE VOTES.** A tie vote is considered a lost vote unless the tie is broken by the Chairperson.
- §13 **DIVISION OF THE HOUSE.** At the desire of any Representative present, a division of the house can be called as prescribed in Robert's Rules of Order.
- §14 **ROLL CALL.** All final votes on legislation shall be taken by roll call vote.
- §15 **EX OFFICIO MEMBERS.** The House may have *ex officio* members including five (6) non-voting *ex officio* seats. Two (2) to be filled by members of the Freshmen Council, two (2) to be filled by Texas State Transfer students, (1) seat per member of the Graduate Council, one (1) to be filled by a Representative from the Residence Hall Association and one (1) to be filled by the Chief Justice. Each of the freshmen and Transfer *ex officio* seats must have fewer than twelve (1) Texas State credit hours. Such *ex officio* members of the House shall:
- (1) Serve as advisors to the House;

- (2) Have a voice in all debate and discussion and will be encouraged to actively participate in all House matters;
- (3) Have no official vote in House matters or in internal committees;
- (4) May author legislation;
- (5) May sponsor legislation, so long as it has a second sponsor by a full Representative;
- (6) Take an oath of office and comply with all Student Government Rules and Regulations;
- (7) The *ex officio* seats will apply through the Select Committee on Selection and Appointments and be confirmed by two-thirds majority vote of the House.
- (8) The Chief Justice shall not be a sponsor or author of legislation.

#### ARTICLE IV. LEGISLATION

§1 **CODING LEGISLATION.** Each measure will receive a code determined by its type, and set by the House Clerk, the legislation shall thereafter be referenced to, in any formal capacity, by this code. House Resolutions will be designated by the "HR"; Simple House Resolutions will be designated by the "SHR"; House Bills will be designated by the "HB"; and Constitutional Amendments will be designated by "CA". Following this there will be the last two digits of the two years constituting the academic year in which the measure is introduced. Following these two digits will be the number assigned by the House Secretary. Each measure will be measured successively, according to its type, beginning at the start of each school year. Every resolution or bill shall carry:

- (a) The name or names of sponsor(s) and the author(s);
- (b) A title if the sponsor or co-sponsor wished to give it one;
- (c) Each piece of legislation passed by the House shall carry:
- (d) The date it was first introduced by the House.;
- (e) A place for the date on which the legislation passed the House;
- (f) A place to indicate committee assignment should the legislation be sent to a committee;
- (g) Any amendments approved by the House.

- §2 **SUBMITTING LEGISLATION.** All legislation to be placed on the agenda must be submitted to the House Secretary no later than 5:00 PM on the Wednesday preceding the House meeting. Thereafter, legislation to be placed on the agenda shall require special permission of the Chairperson of the House and shall not be accepted at all after 5:00 PM on Thursday. All legislation must be submitted to the Chairperson of the House for his/her signature by 8 AM of the Friday meeting.
- §3 **PATH OF LEGISLATION.** All legislation shall have a first reading under New Business during formal meetings with quorum present. At this time the Chairperson of the House shall assign the legislation to the appropriate committee(s) to consider the proposed legislation and report back to the House at the next formal meeting.
- §4 **READING AND DEBATE PROCEDURE.** At the next formal meeting following the meeting in which legislation was first read and after the proposed legislation has received Committee attention, legislation shall have a second reading under Old Business. At this time amendments to the legislation may be proposed and voted on. Move for Adoption-After second reading under Old Business, it may then be moved and seconded for adoption. At this time amendments to the legislation may be proposed and voted on. All amendments must be pertinent to the legislation being considered. Upon termination of debate, if the bill has not been taken from the floor, a vote shall be taken to determine passage or failure of the legislation.
- §5 **EMERGENCY STATUS.** A piece of legislation may be granted emergency status by a two-thirds vote of the House or by declaration of the Chairperson of the House. A piece of legislation successfully granted emergency status will not require a second reading. A Representative wishing to make a piece of legislation emergency must give proper justification as to why the legislation needs to be made emergency. Each piece of legislation successfully granted emergency status must contain all necessary legislation coding in order to be immediately considered. If the Representative wishes his/her legislation to be considered for emergency status, it is the Representative's responsibility to provide no fewer than one copy of proposed legislation for every two members of the current House, to be available at the commencement of all House committee meetings.

## ARTICLE V. COMMITTEES OF THE HOUSE

- §18 **DEFINITION.** Permanent Committees shall be constituted each year and shall make recommendations on their specific area of oversight. Permanent committees are as listed in this article.
- §19 **DIVERSITY INCLUSION COMMITTEE.** The Diversity and Inclusion Committee (DIVC) shall focus efforts on ensuring that diversity, in all its forms, is honored and respected by fostering an environment of inclusiveness. The DIVC shall review all legislation regarding issues of student diversity and inclusion including, but not limited to, programs, activities, and initiatives. Additionally, the DIVC shall serve as a valuable resource to the House on all matters associated with student diversity and inclusion.
- §20 Committee (SMTC) shall focus efforts on gaining and growing interest in the Student Government and the House through an online presence with the use of social media. The SMTC shall review all legislation concerning social media issues concerning the House including, but not limited to, the use of social media and implementation of new technology platforms within social media by the House, and shall recommend to the House action upon all potential outward-reaching communications for the House.
- §21 **CAMPUS LIFE.** The Campus Life Committee shall focus efforts on addressing campus concerns and issues expressed by any and all students attending Texas State University. This committee is charged with bringing all of these matters to the House to determine best course of action in order to bring these matters regarding campus life to the attention to appropriate administration. Furthermore, the Campus Life Committee shall serve as a valuable resource to the House on all matters associated with the improvement of campus life.
- §22 **BUDGET AND FINANCE COMMITTEE.** The Budget and Finance Committee is charged with advising the House on matters concerning the financial affairs of the House, creating and maintaining fiscal responsibility while acting as a control function for discretionary spending in the House. The role shall include, but not be limited to, assessing the financial impact of policies and activities within the House, monitoring the House's financial activities, and undertaking other appropriate projects as requested.
- §23 **SELECT COMMITTEES.** House Select Committees shall meet on an as needed basis as business warrants and shall be outlined, with their charge, herein:



- §24 **COMMITTEE CHAIRS.** Committee Chairs shall be nominated by the Chairperson of the House with approval of two-thirds of the House and shall outline the purpose of the committee and coordinate the committees function. They shall also:
- (a) Determine the time, place, and frequency of meetings and notify members according to guidelines established by the Chairperson of the House;
  - (b) Give periodic reports of the committees' findings to the House according to deadlines established by the Chairperson of the House.
  - (c) Preside over all committee meetings.
  - (d) Be responsible for the recording of all committee member's absences and minutes of the committee meetings and shall forward them to the House Secretary.
  - (e) Be Student Representatives.
  - (f) Meet with the Chairperson of the House as deemed necessary by the Chairperson of the House.
  - (g) Appoint a Co-Chairperson with two-thirds approval of the committee.
  - (h) A Committee Secretary shall be appointed by the Committee Chairperson to take minutes.
- §25 **VICE CHAIR.** Committee Vice Chairperson shall be an assistant to the Chairperson and preside at meetings when the Chairperson is absent. The Vice Chairperson shall also;
- (a) Assist the Chairperson.
  - (b) Keep record of attendance of members.
  - (c) Maintain a record of excuses for absences by committee members.
  - (d) Keep the Chairperson informed of attendance violations.
  - (e) Enforce absence policy as outlined in Article VI of this document.
- §26 **SECRETARY.** Committee Secretary shall take minutes and attendance at each meeting and submit them to the House Secretary.
- §27 **COMMITTEE MEMBERSHIP.** Committee Members shall be appointed and removed by the Chairperson of the House at his/her discretion and shall attend all committee meetings scheduled by the Committee Chairperson. Committee members shall also:
- (a) Study, research, revise, and propose legislation.

- §28 **LIMITS ON NUMBER OF COMMITTEES.** House members may serve on no more than two standing House committees and two temporary, select, ad-hoc or special committees at one time.
- §29 **LIMITS ON NUMBER OF COMMISSIONS.** House members may serve on no more than one commission at any one time.
- §30 **POWERS OF COMMITTEES.** Amendments to any bill or resolution shall require a full vote of the House to be adopted. Committees shall have legislative review power over all legislation submitted to their committee.
- §31 **MEETING TIME AND PLACE.** Committees will meet every week or on a regular basis as determined by the committee Chairperson.
- §32 **SUBCOMMITTEES.** House Committee Chairpersons may form Subcommittees to address special project and issues that are being undertaken by their respective House Committees.
- (a) House Subcommittees may contain persons who are not members of the House upon approval of the Chairperson of the House.
  - (b) Each House subcommittee non-House members shall be allowed to fully participate in the discussion within the subcommittee, and shall attend all meetings, and shall act in an advisory capacity;
  - (c) House subcommittee non-House members shall not have an official vote on the subcommittee.
- §33 **AD-HOC, TEMPORARY, AND SPECIAL COMMITTEES.** Ad-hoc, temporary, and special committees are created by House or may be created by a motion or legislation when the need arises for a committee of a temporary nature:
- (a) Be appointed by the Chairperson of the House with two-thirds approval of the House.
  - (b) Chair shall be nominated by the Chairperson and Confirmed by the committee members by a majority vote.
  - (c) Will be dissolved as soon as the Chairperson of the House and the
  - (d) Chairperson of the committee feel the project is completed, or by legislation or motion.

## ARTICLE VI. SPECIAL PROVISIONS

- §1 **LEVELS OF AMENDMENTS.** A motion may be carried to only three levels at one given time.
- §2 **APPEALING A DECISION.** Decisions of the Chair may be overridden by the majority vote of those Representatives present.
- §3 **JUDICIAL PROTECTION.** The Chairperson of the House shall at no time decide on a question involving the constitutionality of a piece of legislation or other issues of actions of the House.
- §4 **OPEN MEETINGS.** All House meetings shall be open to the public. Should a sensitive matter require a closed meeting, this rule may be suspended by a two-thirds vote of those Representatives present.
- §5 **ORIGINAL INTENT.** No legislation may be amended so as to change the original purpose.
- §6 **LIMITING SCOPE OF RESOLUTIONS.** No legislation, except bills, shall embrace more than one subject.
- §7 **DEFEATED LEGISLATION.** Once legislation has been considered and defeated no legislation containing the same principle subject matter shall be considered again during the same semester it was presented. However, the original legislation may be reconsidered once.
- §8 **RECONSIDERATION.** A motion to reconsider may be made and seconded only by Representatives who vote on the prevailing side in the original vote. A motion to reconsider is debatable if the item to be reconsidered is debatable. A motion to reconsider requires a majority vote for passage. Upon passage of a motion to reconsider, the legislation may be debated and amended. Upon termination of debate on the legislation, a new vote shall be taken.
- §9 **SPECIAL ELECTIONS.** Special elections shall be elections which fill vacancies for convention delegates, selection of the Outstanding Representative, and other elections of House Officers.
- §10 **SPECIAL ELECTIONS OF OFFICERS.** All special elections of the House Leader or Committee Chairperson shall be presided over by the Chairperson of the House unless the Chairperson is a candidate, whereby the House Leader shall preside over the election. Thereafter, any Representative who is not a candidate shall preside over the meeting as soon as his/her candidacy has ended.

- (a) The Chairperson shall be aided by those Representatives he selects who are not candidates.
- (b) All special elections shall be by a secret ballot.
- (c) Winners shall be determined by a plurality vote.
- (d) All introductions, speeches, questions, and discussions shall immediately proceed balloting.
- (e) In the event of a tie, the run-off will be immediately broken by way of a secret ballot until the tie is broken.

**ARTICLE VII. ARTICLE IX. ABSENCE POLICY**

§1 **DEFINITION.** A Representative not present at the time of roll call shall be considered absent. Two unexcused absences from House meetings in one semester, either from general assembly or committee meetings, shall be just cause for removal of a Representative.

§2 **SUBMITTING AN EXCUSED ABSENCE.** All excuses shall be turned into the Chairperson, Secretary, and House Advisor no later than 5PM of the Friday afternoon for the meeting missed that same week (except holidays).

- (a) Absent Representatives who fail to turn in an excuse shall have their absences recorded as unexcused.

- (b) The Chairperson shall transmit this information to the House Secretary each week.

§3 **RECORDING ABSENCE.** The House Secretary shall keep a running list of excused and unexcused absences and a written record kept of the reasoning for the excused and unexcused absences. Excused absences shall include:

- (a) Major Family Event.

- (b) Documented illness.

- (c) Academic, not other organization nor work related, or student government sponsored out-of-town trips,

- (d) Representing the House in an official capacity.

§4 **REPORTING.** The Chairperson shall keep an attendance file of all excuses for absences along with an up-to-date running attendance record. Excuses will be kept on file for a period dating back one year. This file will be open to the public for examination. The Supreme Court Chief Justice will be transmitted these files each week by the Chairperson.

§5 **TWO ABSENCE LIMIT.** When a Representative acquires one unexcused absence he shall be given a written warning by the Rules and Ethics Committee Chair or designee that he has one more unexcused absence before removal from office by a formal memorandum with date and reason for issuance.

(a) The Chairperson shall, every two weeks, name all those who are currently recorded as having two absences.

(b) Once a Representative acquires two unexcused absences the Rules and Ethics Committee Chair shall immediately ask for his/her resignation. Should the Representative not submit his/her resignation by the next House meeting, the Rules and Ethics Committee shall issue Articles for Impeachment and issue it at the next regular meeting of the House.

(1) Should the Rules or Regulations Chair fail to do this it shall be the responsibility of either the Chairperson or House Leader to ensure it is done.

(2) The power of the House to impeach its members shall not be subject to the proper execution of these responsibilities should any officer in trusted to enforce this rule fails to do.

§6 **APPEALING AN ABSENCE.** Should the Chairperson or other office record an absence as unexcused and the Representative feel his/her excuse is justified he may appeal to the Supreme Court to amend the decision. An appeal will be filed with the Chairperson via a formal, dated written memorandum and placed on the agenda as new business at the next regularly scheduled meeting.

§7 **EXTENDED LEAVES OF ABSENCE.** Should a Representative be unable to attend meetings several weeks running due to illness or other approved absences, he shall contact the Chairperson within two weeks. The Chairperson shall see that the minutes reflect this extended leave. Upon returning the Representative will still be required to turn in a written excuse for the attendance file.

§8 **TARDY.** If a Representative enters a meeting after roll has been called the Representative must ask by way of formal motion to be added to the roll. The House Secretary will make note of the time.

(a) The House Secretary shall make record of tardy Representatives.

- (b) When a tardy Representative arrives to the House meeting, he shall speak with the Rules and Ethics Committee to see if the tardy is acceptable;
  - (1) No tardy of ten (10) minutes or more shall be excused.
  - (2) Representatives tardy for twenty (20) minutes or more shall be considered absent and not allowed to vote.
- (c) If a Representative is tardy two times in one (1) semester it will count as one unexcused absence. If a Representative is tardy four (4) times in one semester it shall equal two (2) absences.

§9 **COMMITTEE ATTENDANCE.** All committee absences shall be recorded in the roll call by the Committee Chair and the committee chair shall report the absences to the Chairperson, House Secretary, House Leader, and the Rules and Ethics Committee.

- (a) Tardy Representatives shall be recorded and reported in the same way.
- (b) Representatives twenty (20) minutes tardy shall be considered absent and not allowed to vote.

§10 **COMMITTEE ATTENDANCE REPORTING.** Committee members shall turn in written excuses to the committee Chair no later than one week after the meeting missed. These absences shall be reported to the Supreme Court Chief Justice, the Chairperson the House Leader and the House Secretary.

§11 **APPEALING COMMITTEE ABSENCE.** All excuses for committee absences shall be ruled either accepted or denied by the Supreme Court.

- (a) No tardy more than ten (10) minutes long shall be excused.
- (b) An appeal will be filed with the Committee Chairperson via a formal, dated written memorandum and will be responded to in the same format within five (5) business days.

## **ARTICLE VIII. IMPEACHMENT TRIAL**

§1 **CHAIR IMPEACHED.** Should the Chairperson of the House be impeached, he shall relinquish the Chair to the House Leader until all impeachment proceedings are completed. In the event the House Leader is Chairperson and is under impeachment they shall relinquish the Chair to the Supreme Court Chief Justice.

§2 **ACCUSED VOTE IS SUSPENDED.** Should a Representative be impeached he shall have no vote.

T. H. O. VII

## TITLE VII - THE COURTS

*Last Amended by S.B. 2015-2016.2 " Appeals Clarification Act"*

### CHAPTER 100 - JUDICIAL CODE

#### ARTICLE I. ADMINISTRATIVE

§1 **AUTHORIZATION.** This Title and all of its regulations are authorized pursuant to Article III(10)(h),(i),(j) of the Student Government Constitution.

§2 **PURPOSE.** To establish a policy and procedure for the proper and orderly conduct of judicial business.

§3 **TERMS OF OFFICE.** The terms and conditions of office for officials of the Supreme Court and other judicial officers shall be those designated under the Student Government Constitution and Student Government Code.

§4 **DEFINITIONS.** Unless specified the term "Constitution" "constitutional" or "statute" or any variation of these words shall reference the Student Government Constitution and Student Government Code.

(a) A "business day" shall be defined as a day of normal business operation for the University between Monday and Friday between 8:00 AM and 5:00 PM.

§5 **ABSENCE.** Notice of an absence must be submitted to the Chief Justice, twenty-four (24) hours in advance of the missed Supreme Court meeting or hearing.

(a) Absences in excess of two (2), no matter the circumstances or excuse shall be just cause for impeachment.

**RECORDING.** Documentation for excused absences must be submitted to the Chief Justice no later than twenty-four (24) hours after the missed Supreme Court meeting or hearing.

**ABSENCE OF CHIEF JUSTICE.** If the Chief Justice is, at any time, temporarily unable to perform his duties or if his office is vacant, an alternate shall take his place until such time a permanent replacement is confirmed. This alternate shall be the next longest serving justice, and if all Associate Justice shall have served for the same period the oldest of the longest serving Associate Justice shall serve as Chief.

§8 **OATH OF OFFICE.** All officials of the Supreme Court shall take an oath of office before taking office. This oath shall be administered by the Chief Justice. If the Chief Justice is to take the oath, it shall be administered by the President.



- (a) All members of the Judicial Branch shall notify the Chief Justice of the intent to resign from his position. Upon notification, the Chief Justice shall inform the President of the vacancy.

§9 **RULES OF LAW.** The Supreme Court shall provide an adequate remedy to all complaints filed, so long as the complaint is within the Supreme Court's constitutional jurisdiction and provides a remedy which affords equitable, practical, and appropriate relief under the circumstances.

- (a) The Supreme Court shall use Acts of the Senate and House, the Student Government Code, Constitution, as well as the principles and spirit of Student Government law to base its decisions. It shall cite its reasoning's and justifications under those documents pertaining to each case.
- (b) The Supreme Court shall hear information relevant to the case.
- (c) All Student Government legislation, Orders, the Student Government Code, and University regulations shall be given a strict construction. Any ambiguous provision shall be interpreted in such a way as to give full meaning and effect to that provision with reference to the intent of the provision. If the intent of a given provision cannot be determined, the Supreme Court shall use the context of the provision, as well as general principles of justice and equity, to give full meaning to the provision in question.

§10 **JURISDICTION AND APPEALS.** As provided for in the Constitution, the Supreme Court shall have jurisdiction over all appeals. When the justices accept hearing an appeal the following shall apply:

- (a) At no time will the Supreme Court embrace issues not cited in the complaint or appeal.
- (b) The Court cannot ignore the question or issue within the original complaint and appeal. In addition, the Court may address any related interpretative, factual, procedural or other issues that may affect the original case and appeal.
- (c) The Court will assume all powers of the judicial body that originally heard the complaint, question, or issue so that the court may resolve the case as quickly and effectively as possible.
- (d) The Court shall issue orders and or opinions to resolve the appeal effectively and completely.

§11 **COUNSEL.** Any party brought before the Supreme Court has the right to a maximum of two (2) Texas State students to serve as counsels. This right shall not be suspended by any court or component of Student Government. Any party that elects representation by counsel shall be bound to all actions and statements made by said counsel.

§12 **STANDING.** Any aggrieved party, who is a Texas State student, must demonstrate to the court a connection to the action on which the complaint is based.

- (a) An aggrieved party must file in the complaint the rules that have been broken or applied incorrectly and how this has impacted them.
- (b) Members of the Supreme Court and Supreme Court staff shall not have standing to file complaints with the court.

§13 **STATUTE OF LIMITATIONS.** No case shall be heard by the Supreme Court more than sixty 60 business days after the alleged act, occurrence, or transaction that constitutes the basis of the case.

- (a) Should a contested action occur during a recess of court business the start date for the statute of limitations shall begin on the first day that court business resumes.
- (b) Actions outside of the sixty (60) class day statute of limitations shall still be admissible to establish a pattern of behavior related to the case and is completely admissible as evidence.

§14 **ORIGINAL JURISDICTION.** The Supreme Court shall have original jurisdiction as prescribed in the Student Government Constitution.

§15 **JUDICIAL MEMORANDUM.** All administrative matters of the Supreme Court shall be issued by Judicial Memorandum; this includes, but is not limited to: all internal appointments, resignations, and expenses. All Judicial Memorandums issued by the Chief Justice are public record. Each Judicial Memorandum, as well as all injunctions, advisory opinions or Court Orders and Opinions must be forwarded to the Director Rules and Standards.

§16 **TIMELINE.** All requests shall be responded to within 10 days whereby the court will inform the requestor of the status of the request and if accepted shall include a hearing date to be set no more than seven (7) days from the date of contact.

- (a) The Court Clerk shall assign a docket number to the case and notify the Chief Justice of the complaint within one (1) class day of receiving a filed complaint.
- (b) Within three (3) business days of receiving a filed complaint from the Court Clerk, the Chief Justice shall notify the Supreme Court, the President, the Student Vice President, the Dean of Students, the complainant, and the respondent of the complaint and shall arrange a date and place for the hearing to be held.
- (c) The Chief Justice shall notify the Court Clerk and the Supreme Court of the date and time of the hearing. Within twenty-four 24 hours, the Clerk shall forward this information to the complainant and the respondent by official Texas State e-mail.
- (d) All hearings shall be heard by the Supreme Court within seven (7) business days of the filing of a Notice of Complaint.
- (e) If a case arises from a Student Government Election, the hearing involving that case shall be held within twenty-four 24 hours of the filing of a Notice of Complaint with the Court Clerk.

## ARTICLE II. GENERAL PROCEDURES

- §1 **MEETINGS.** Apart from hearings, the Supreme Court may meet in open door proceedings with the attendance of the Court Clerk and any counsel to address administrative or hearing related issue. They shall meet informally to discuss with any person planning to be before the Court to discuss and clarify procedural issues. Pretrial preparatory meetings between complainant and respondent shall be closed to the public and all other court members unless permitted by the Chief Justice.
- §2 **COMPLAINTS.** All causes of action pursued in the Supreme Court shall be initiated by the filing of a Notice of Complaint with the Court Clerk. The court shall hear no case unless a complaint has been filed and the justices agree by majority vote to hear the case. A complaint filed with the Supreme Court shall conform to the template found in the Appendix V of this document and shall be made available to the complainant by the Court Clerk. Complaints shall contain basic information as outlined in the appendix including:
- (a) A statement of pursuance under which the complainant is filing the complaint, usually in the form of a question.
  - (b) A statement relating to the cause for action, or claim of harm, under which the court can act to remedy, citing the relevant Student Government rule or regulation that has been violated.
  - (c) A summary of the requested action to be taken by the court.
  - (d) A citation of the Student Government Code or Constitution which grants the complainant standing with the Supreme Court. The Supreme Court shall decide if the statement of standing is within their jurisdiction.
- §3 **REMEDY.** The court shall, by the consent of the majority issue Court Orders to rectify, provide temporary or permanent relief in regards to the harm as filed in the Notice of Complaint.
- (a) Justices shall be prohibited from filing a complaint or any other request before the Supreme Court or any lower court.
- §4 **REQUEST FOR AN ADVISORY OPINION.** A request for an Advisory Opinion may be made to request the Supreme Court review specific language of any Student Government, Code, statute, regulation or action to test its meaning and constitutionality so long as no person or entity requires relief or correction. The request for an Advisory Opinion shall be in accordance with Appendix X.

- (a) A request for an Advisory Opinion shall be heard, decided and made public in the same way as a Complaint.
- (b) A request for an Advisory Opinion shall contain all the same provisions as a Complaint except for the Cause of Action. The Cause of Action shall be replaced with a single question about a single section of the rule or statute in question.
- (c) A Supreme Court Advisory Opinion shall have the same force and effect as any other court opinion.

§5 **POSTING REQUIREMENTS.** The Court Clerk shall provide the complainant with a citation, which shall contain:

- (a) A list of the charges and/or claims brought against the respondent.
- (b) The date, time, and place of the scheduled proceedings.
- (c) The penalties for failure to appear before the Court, including default judgment, and suspension and/or expulsion from office.

§6 **HEARING AND MEETING NOTICE.** After receiving notification from the Chief Justice, the Court Clerk shall post a notice for any hearing and meeting of the Supreme Court where decisions are made on the Texas State Student Government website.

§7 **BRIEFS.** Both parties to a case and any interested parties may file briefs with the Court Clerk. Briefs must be received by the Court Clerk no later than thirty30 hours prior to the commencement of a hearing.

- (a) In the event of an election hearing, briefs must be submitted no later than fifteen15 hours prior to the hearing.
- (b) Briefs must conform to the template provided to both parties by the Court Clerk. The template can be found in the Appendix VI of this document. The brief submitted to the Court Clerk shall not exceed eight (8) typed pages.
- (c) Supplementary documents must be submitted at the same time as the brief. If supplementary documentation is not included with the brief, it may be presented at the hearing with a majority vote of the justices.
- (d) The Court Clerk, acting under the direction of the Chief Justice, shall distribute copies of all briefs at least five (5) hours before the scheduled hearing, to all parties including the respondent, the complainant, and counsel.

- (e) The Chief Justice reserves the right to deny the admission of an excessive number of briefs.

§8 **TRANSCRIPTION OF PROCEEDINGS.** All proceedings of the Supreme Court shall be recorded with an audio recorder or written transcript. Parties may access the recording upon request to the Chief Justice. Anything recorded during the hearing will be stored in a court archive for 5 years.

- (a) Any interested parties shall contact the Chief Justice to request access to the recordings. Access must be granted or denied within two (2) business days of the request.
- (b) The Court Clerk shall present a thorough written summary of the testimony and arguments produced during the hearing.

### **ARTICLE III. HEARINGS**

§1 **ORDER OF PROCEEDINGS.** The Chief Justice shall call a hearing to order and shall verify that all relevant parties are present. The Court shall hear one question at a time.

- (a) The oath or affirmation of truth shall be administered by the Chief Justice or his designee, in accordance with this code.
- (b) The Chief Justice shall entertain any motions from the parties, in accordance with this code.
- (c) The Court shall hear opening and closing arguments from both parties, and the Court shall also hear the examination and cross-examination of all witnesses or arguments. The Chief Justice shall dismiss all parties from the room and deliberation shall begin.
- (d) The Court shall reconvene and announce its decision after deliberation has ended.
- (e) The Chief Justice shall then adjourn the Court.
- (f) The verdict of the Supreme Court shall be posted on the official Student Government website.
- (g) A sample agenda has been established.

§2 **DRESS CODE.** The Supreme Court may issue before the hearing the proper dress attire. Any person to present to the Court not properly dressed shall not be recognized by the Court.

§3 **OATH OF AFFIRMATION OF TRUTH.** An oath or affirmation of truth shall be administered to all participating parties and witnesses prior to motions and arguments in

every Supreme Court hearing, and serves as agreement on the part of the witness to tell the truth. Failure to do so shall result in disciplinary penalty as prescribed by the court.

- (a) The oath or affirmation of truth shall be administered by the Chief Justice or his designee.
- (b) The form for the oath or affirmation of truth shall be as follows:
  - (1) "I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the laws of Student Government require."

§4 **MOTIONS.** At the commencement of proceedings the Chief Justice shall entertain any motions from the parties. If necessary, the Court shall hear arguments and testimony on the motions, provided that the Chief Justice, at his discretion, may limit the time allotted for arguments and testimony.

- (a) At any time after the commencement of proceedings, the Chief Justice shall entertain any motions.
- (b) The Supreme Court shall recognize nine (9) motions which, if granted, shall have the effect of delaying or dismissing the case, as appropriate:
  - (1) Motion for a Continuance
    - (i) Allows for the Court to continue hearing the case at a later time.
  - (2) Motion for Dismissal on the Grounds of Lack of Subject Matter Jurisdiction
    - (i) Allows for the Court to dismiss a case outside the realm of its original jurisdiction. This motion shall automatically be heard if a court with original jurisdiction has not issued orders or opinions on the issue before the Supreme Court. If this is the case the Supreme Court must refer the case back to the court with original jurisdiction.
  - (3) Motion for Dismissal on the Grounds of Lack of Standing on the Part of the Complainant.
    - (i) Reference Article I, Section 9 of the Judicial Code.
  - (4) Motion for Dismissal on the Grounds of statute Limitations.
    - (i) Reference Article I, Section 10 of the Judicial Code.
  - (5) Motion for Dismissal on the Grounds of Issue at Hand has Already been Decided.

- (i) Allows for the Court to dismiss the case in whole or part based on previous interpretation of the Supreme Court.
- (6) Motion for Intervention of Interested Parties.
  - (i) Allows for the Court to define individuals who possess material information relevant to the case at hand.
- (7) Motion for Recusal.
  - (i) Reference Article VI of the Judicial Code.
- (8) Motion for Default Judgment.
  - (i) A motion applicable when one or both parties are not present at a hearing resulting in an immediate closing of the public proceedings for deliberations by the court.
- (9) Motion for recess.
  - (i) The time for a recess will be proscribed by the Court or proposed to the Court.

§5 **PROPER USAGE OF MOTIONS.** Motion 1 may be issued prior to the commencement of the Supreme Court proceedings provided that the motion is submitted in writing before the convening of the case at hand and is signed by the party submitting the motion.

- (a) Motions 2, 3, 4, and 5 (above) may not be waived by the parties. If the parties fail to make these motions when applicable, the Chief Justice may make and grant them himself.
- (b) Motion 8 may be issued if the respondent fails to appear at a duly convened hearing after having been notified.
- (c) Motion 6 may be addressed after opening remarks by either parties but before evidence is submitted. This applies to witnesses or those with evidence not already provided by either party which may come forward and present information to the court.
- (d) For motion 7 please reference Article VI of the Judicial Code.
- (e) In response to a motion for default judgment, the Chief Justice shall order the complainant to present his case. At the close of complainant's case, the Supreme Court may enter a default judgment. The judgment shall then be forwarded to the Court Clerk



- (f) Upon receiving a default judgment, the Court Clerk shall post a notice informing the respondent that a default judgment has been entered.
- §6 **OPENING AND CLOSING ARGUMENTS.** The complainant(s) and respondent(s), along with any of their counsel, who have filed briefs with the Court Clerk may present opening and closing arguments to the Supreme Court after all motions have been ruled upon.
- (a) The Chief Justice may limit the length of time allotted for opening and closing arguments at his discretion provided that each party shall be allowed an equal amount of time to present arguments.
- (b) Any party may waive its right to an opening and/or closing argument.
- §7 **WITNESSES.** Parties may present witnesses in support of their respective cases provided that the oath or affirmation of truth is administered to the witnesses prior to testimony.
- (a) Parties shall have the right to cross-examine all witnesses, so long as they submit their questions in a court brief and the Supreme Court Chief Justice has given permission for the questions to be asked.
- (b) The Chief Justice may limit the time to examine and cross-examine witnesses, provided that each party has an equal amount of time. This additional time shall not be included in the total time the Chief Justice affords to all parties.
- §8 **SUBPOENA POWERS.** The Chief Justice may compel, through subpoena any member of Student Government, either elected or appointed, to appear in court as a witness, and may also request, through formal letter any Texas State student, faculty, or staff member to appear in court as a witness. No member of the Texas State faculty or staff is required to attend or comply with anything the Supreme Court requests and any request will come with an explicit statement of this fact. Matters of public record may be requested per local, state and federal law.
- (a) A subpoena may also be issued to any Student Government member, either elected or appointed, to provide documentation relevant to the cases being heard.
- (b) Any member of Student Government, either elected or appointed, who fails to appear or provide subpoenaed documents before the Supreme Court when so compelled may face penalties as specified in the Judicial Code.
- §9 **QUESTIONS FROM THE BENCH.** Any Supreme Court Justice may question the parties at any time during the proceedings for purposes of clarification.

- (a) Any time spent answering questions from the bench shall not be included in the total amount of time allotted by the Chief Justice to all parties.
- (b) If any party objects to the questions of any Supreme Court Justice, they shall make an oral objection.
- (c) Such objections shall be ruled on by the Chief Justice at the time of objection and placed on record by the Court Clerk.

§10 **DELIBERATION AND JUDGMENT.** At the close of arguments, the hearing shall recess for deliberation. Only members of the Supreme Court and their counsel shall be admitted into deliberation.

- (a) The Chief Justice may poll the justices at any time during deliberation to decide when to close the public hearing.
- (b) Deliberation shall end when a majority of the justices constituting quorum agree to either grant the relief requested, grant a relief agreed upon by the Supreme Court, or to deny the relief requested.
  - (1) Voting of the court by proxy or remote shall be prohibited.
- (c) Deliberation shall not exceed three (3) business days. Concentrated study period, finals week, and University sanctioned holidays or emergency closures shall not be included in the tabulation of time spent in deliberation.
- (d) When a decision has been reached, the Court shall reconvene in open session. The decision of the Supreme Court shall be announced to the parties by the Chief Justice, along with the reasons for the decision.
- (e) The Chief Justice shall assign a justice to write a majority opinion of every case, or shall reserve the right for himself. All judgments, together with the opinion of the Supreme Court shall be forwarded to the Court Clerk within five (5) business days of the oral judgment.
- (f) Any justice may write a concurring or dissenting opinion at his discretion, which should be filed separately with the Court Clerk.
- (g) Upon receipt of the majority opinion, the Court Clerk shall forward copies to the President, Rules and Standards Director, and to the Dean of Students. Additional copies shall be filed in the Court archive and posted on the Student Government website.

- (1) Any minority or concurrent opinions will be directed to the Rules and Regulations Chair and placed on the Student Government website with distinct notification of its minority status.
- (h) If the judgment is returned by the Dean of Students for correction as to University regulation (excluding Student Government documents), the Court shall reconvene at the order of the Chief Justice. The Court shall resume its deliberations and reconsider its findings, as recommended.
- (i) The Chief Justice shall preside over all deliberations of the Supreme Court.

**§11 COURT ORDERS AND OPINIONS.** Supreme Court and Election Board Orders and Opinions should be written in a scholarly, detailed and deliberative way, citing, whenever possible the constitutional provision or statute which substantiates the Court's opinion and actions.

- (a) The Court shall issue one or all of the following: Majority Opinion, Minority Opinion or a Concurrent Opinion, or if not reaching a majority a per curium decision.
  - (1) A Majority opinion shall be the written opinion of the majority of the justices and basis of any court orders.
  - (2) A Minority opinion shall be written opinion of the minority embracing any issue presented or discussed in the majority opinion.
    - (i) The Election Board shall not issue minority opinions.
  - (3) A Concurrent opinion will provide support for the majority opinion but may deviate in its application or method of support from that which is listed in the Majority Opinion.
  - (4) A per curiam decision is one where the court was unable to reach a majority decision and shall affirm the lower court's decision or provide no precedent, action or remedy.
- (b) Upon the conclusion of a hearing and after deliberation the Supreme Court shall provide a written decision. This decision will come in the way of court orders and opinions. This document will come in two distinct parts, but are to remain one document. The majority opinion of the court shall detail the reasoning and justifications for its orders and shall meet the standards as outlined in this section. The courts orders shall detail the actions it is taking or is commanding other

components of Student Government to take in order to comply with its majority opinion.

- (c) Majority opinions may be opposed through a written minority opinion or agreed with in part or whole by a concurring opinion, however no minority order or concurrent order may ever be written.
- (d) Orders and opinions must, whenever possible, cite under what statute or constitutional provision the Court is acting in order to provide judicial direction for lower courts and Student Government to use in making and justifying decisions.
- (e) Orders and opinions can only embrace the question before the Court and the Court may not take the liberty to decide on any other issues. The Court shall have the power in its opinions address related issues and questions which arise in the course of the hearing and discussion but shall not embrace issues not directly relating to the question before them.
- (f) Orders and opinions should have an introduction, set of conclusions, findings, opinions, and any related orders in that sequence.

#### **ARTICLE IV. FAILURE TO APPEAR**

§1 **DEFINITION.** A respondent has failed to appear before the Court when, after proper notification via Texas State e-mail, he does not make an appearance, in person or by counsel, at a duly convened proceeding of the Supreme Court.

§2 **PENALTIES.** If a Student Government official, elected or appointed, knowingly fails to appear before the Supreme Court, he may be suspended by the Supreme Court.

- (a) The decision to suspend a Student Government official shall be made only by the Supreme Court and shall be executed by the President or the Dean of Students, as appropriate.

§3 **PROCESS OF SUSPENSION.** If the official has failed to appear before the Supreme Court, the Chief Justice, or two Associate Justices in conjunction, may begin the process of suspension.

- (a) The Chief Justice shall set a date for a hearing, which is to take place no later than three (3) business days from the date he failed to appear, regarding the suspension.

§4 **SUSPENSION HEARING.** If the official appears before the Supreme Court at the appointed time, he shall be allowed to present his rebuttal to the charges.

- (1) Any minority or concurrent opinions will be directed to the Rules and Regulations Chair and placed on the Student Government website with distinct notification of its minority status.
- (h) If the judgment is returned by the Dean of Students for correction as to University regulation (excluding Student Government documents), the Court shall reconvene at the order of the Chief Justice. The Court shall resume its deliberations and reconsider its findings, as recommended.
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components of Student Government to take in order to comply with its majority opinion.

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- (a) The Chief Justice shall set a date for a hearing, which is to take place no later than three (3) business days from the date he failed to appear, regarding the suspension.

§4 **SUSPENSION HEARING.** If the official appears before the Supreme Court at the appointed time, he shall be allowed to present his rebuttal to the charges.

- (a) If the official fails to appear before the Supreme Court at the appointed time, the Court shall adjourn immediately for deliberation.
- (b) Only members of the Supreme Court and their counsel shall be admitted into deliberation.
- (c) In deliberation, the Supreme Court shall decide whether the failure of the official to appear was reasonably excusable under the circumstances.
- (d) If the official's failure to appear is found to be inexcusable by a majority of the justices, the Chief Justice shall forward an order of suspension to the President or the Dean of Students for immediate action. If the official fails to appear before the Supreme Court in the matter of his failure to appear, the Supreme Court may issue a judgment for suspension.

#### **ARTICLE V. RECUSATION**

- §1 **RULE FOR RECUSAL.** Any justice of the Supreme Court shall recuse himself from participation in a case if he believes that, by virtue of his relationship or association with any of the parties to the case, he is unable to decide the case impartially.
- (a) A motion for recusal made by the justices or either party or their counsel may be requested anytime during the hearing.
  - (b) A justice's refusal to recuse himself is subject to challenge if the aggrieved party believes that a justice who participated in deciding the aggrieved party's case should have recused himself.
- §2 **RELATED PARTIES.** Related parties include, but are not limited to:
- (a) Anyone legally related to a party of the case before the Court, in a direct line of either ascendance, descendants, or collaterals within the first degree.
  - (b) Anyone whose name appears on campaigning material or is/was the agent or worker for any campaign.
  - (c) Anyone who has publicly announced his support of a party to the case before the Court. Public announcement is defined as:
    - (1) A letter of support to any periodical.
    - (2) Distributing campaign materials of a party of the case.
    - (3) Providing material or financial support of any kind.

- (4) Announcing said support in student organization meetings, social networking websites, e-mail, text messaging, or any other form of communication at the discretion of the Supreme Court.

§3 **CHALLENGES.** The Supreme Court shall have original and exclusive jurisdiction in cases arising under this article and, therefore, shall proceed according to the procedures specified in Article I of the Judicial Code.

- (a) Only members of the Supreme Court and their counsel shall be admitted into the challenge hearing.
- (b) If a Supreme Court Justice is the subject of the challenge, the Chief Justice shall dismiss that justice from hearing the challenge. If the Chief Justice is the subject of the challenge, the Justice shall dismiss himself from hearing the challenge.
- (c) Any justice that is the subject of a challenge shall have the right to defend himself in the same manner as a respondent and shall retain all the rights and privileges guaranteed to him granted under this code.
- (d) If a majority of the justices find that the challenged justice should have recused himself and his/her failure to do so may have affected the outcome of the case, a new trial or hearing shall be ordered on behalf of the aggrieved party.

## **ARTICLE VI. INJUNCTIONS**

§1 **DEFINITION AND ISSUANCE.** The Supreme Court possesses the power to issue injunctions, pursuant to Student Government Constitution.

- (a) An injunction is an order, issued in the name of the Supreme Court and executed by the Student Body President or Dean of Students, depending, which requires a Student Government official to do the following:
  - (1) Temporarily cease and desist any activity or practice until such a time as a full hearing can be held regarding the case or controversy; or,
  - (2) Grant to applicant such relief as is requested on a temporary basis until such a time as a full hearing can be held on the case or controversy.

§2 **PROCEDURE FOR AN INJUNCTION BY THE SUPREME COURT.** Injunctions may be issued by the Chief Justice or any two (2) Associate Justices, in conjunction.



- (a) An injunction from the Supreme Court shall conform to the template found in the Appendix IV to this document, and shall be submitted to the Court Clerk.
- (b) The Clerk shall notify the Chief Justice and all interested parties of the injunction as soon as possible, but in no case more than twenty-four<sup>24</sup> hours after the receipt of the injunction.
- (c) Injunctions may be issued against any Student Government election, Student Government official function, Student Government official in his/her capacity, or any legislative and/or executive instrument. Justices of the Supreme Court shall injunct no action of the Student Government or any member of the Student Government in instances where no petitioner has requested such action.
- (d) Injunctions may only be effective for a maximum of five (5) consecutive days including weekends. Any injunction purporting to have effect for a longer period is null and void.
- (e) A petition for an injunction may be included in the complaint filed by the complainant with the Court Clerk.
- (f) The Injunction Petition Form can be found in the Appendix VII to this document.
- (g) The Chief Justice or any two (2) Associate Justices, in conjunction, need not convene a hearing in order to consider a petition for injunction. The injunction may be issued on the basis of the complaint alone.

§3 **BURDEN OF PETITIONER.** Injunctions shall not be issued unless the petitioner is able to demonstrate that immediate, irreparable harm will result without injunctive relief.

- (a) An injunction is to be considered an extraordinary remedy.

#### **ARTICLE VII. RIGHT TO COUNSEL**

§1 **RIGHT TO COUNSEL.** All Texas State students wishing to pursue or defend themselves in a trained Supreme Court or lower court hearing has a right to effective counsel by a student of Texas State University in the way of a Judicial Advocate. Students shall be informed of this right upon being made aware of a pending action in any Student Government Court. To this end, two students, preferably focusing on Public Administration or paralegal studies, may serve as Judicial Advocates to any student requesting this counsel.

§2 **STUDENTS WISHING COUNSEL.** If any student wishes to have Judicial Advocates as counsel they shall inform the Supreme Court Chief Justice who shall assign an advocate to the student until the completion of the proceedings.

- (a) If the student grants the Judicial Advocate the power to act as their agent or prepare documents in their name, actions of the advocate shall be the same as if the student had acted themselves.
- (b) Students may revoke the counsel of an advocate at any time.
- (c) Students may provide their own outside counsel, which can act as their advocate, so long this person is a student.
- (d) Students may have a non-student, outside counsel, but any such counselor shall not be recognized to speak or present testimony or evidence.
- (e) Students may counsel themselves or have any other student who is not a Judicial Advocate provide them with counsel.

**ARTICLE VIII. INTERPRETATION OF THIS CODE**

§1 **STRICT INTERPRETATION.** The Judicial Code shall be strictly interpreted with reference to the precise terms of the document whenever possible. If a provision is ambiguous or leads to illogical consequences in its application, it shall be interpreted in terms of expediency, fair play, and equal justice to all parties.

## CHAPTER 200 - SUPREME COURT

### ARTICLE I. AUTHORIZATION AND PURPOSE

§1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article III(10)(a),(d) of the Student Government Constitution.

§2 **PURPOSE.** In addition to the powers and responsibilities granted to it by the Student Government Constitution the Supreme Court shall assist the President in the enforcement of Student Government rules and regulations, provide oversight whenever rules are violated, provide a judicial remedy when conflicts arise, ensure the Student Government Code is kept up to date and accurate, and address any issue of a disciplinary nature.

- (a) When Articles of Impeachment are filed, the Supreme Court shall act as the impeachment review committee as indicated in the Student Government Constitution.
- (b) This Supreme Court shall provide legislative oversight on the judicial systems of Student Government and advise the President on any issues.
- (c) Review any changes to the Student Government Code or the Student Government Constitution.
- (d) Decide if actions of members of Student Government are impeachable.
- (e) Maintain ethical, professional and performance standards within Student Government, providing proper remedies when applicable.

§1 **JURISDICTION.** In addition to the jurisdiction granted to the Supreme Court by the constitution the Supreme Court will have jurisdiction over the Code of Ethics and the each of the legislative Standing Rules and other rules that do not have direct judicial oversight by another court.

### ARTICLE II. SUPREME COURT JUSTICES

§2 **THE CHIEF JUSTICE.** The Chief Justice shall adhere to all responsibilities outlined in the Judicial Code. The following include, but are not limited to, the responsibilities of the Chief Justice:

- (a) Arrange regularly scheduled meetings at which all Associate Justice shall be available to conduct official business.

- (b) Direct all matters of an administrative nature within the Student Government Court system as governed by S.G.C. VII.
- (c) Oversee an annual training of the Supreme Court, Election Board and Judicial Advocates.
- (d) Co-direct with the Election Board Chair the Rules Reading Seminar for all candidates.
- (e) Ensure all Associate Justice are informed of all upcoming hearings and meetings in order to meet quorum of Associate Justice, which must be present at every hearing and meeting.
- (f) Assign a justice to write a majority opinion in every case, or shall reserve the right for himself.
- (g) Carry out the various enumerated requirements outlined throughout the Judicial Code.
- (h) serve on all committees as requested or required. If not available, a designee must be sent in his place.
- (i) Consult with all Associate Justices to outline hearing procedures prior to any hearing of the Supreme Court.
- (j) Meet with all parties prior to any hearing of the Supreme Court to address Court procedures and any pretrial questions.
- (k) Serve as the official correspondent of the Judicial Branch to any parties in a hearing.
- (l) Participate in mediation or judicial board training by the Dean of Students Office.
- (m) Set the goals of the Student Government Court system and ensure the system meets its statutory and written expectations including deadlines and projects.
- (n) Provide any person coming before the Supreme Court their rights and responsibilities.
- (o) Advise the President on the proper and lawful execution of the Constitution and Student Government Code.
- (p) Coordinate and ensure the Student Government Code is properly formatted, updated and distributed and that any changes are properly transmitted.
- (q) Upon receipt of the attendance record from the Senate and House transmit those records to the Judicial Advocate and Court Clerk each week.

§3 **ASSOCIATE JUSTICES.** Associate Justices shall be responsible for attending meetings or hearings called to order by the Chief Justice.

- (a) Associate Justices shall adhere to attendance policies as stated in this code.
- (b) All Associate Justices must demonstrate their knowledge of all relevant Student Government documents and impartiality throughout their term of office.
- (c) No member of or nominee for a position within the Judicial Branch shall help, assist, serve on, campaign for, or advise any Fall or Spring Student Government Campaign.
- (d) Should undergo mediation or judicial board training by the Dean of Students Office.

### **ARTICLE III. OFFICERS OF THE COURT**

§1 **COURT CLERK.** The Chief Justice of the Supreme Court shall appoint at least one (1) Court Clerk, as an officer of the Court. If there is no Court Clerk the Chief Justice shall select an Associate Justice which will assist the Chief Justice in all administrative and clerical matters. The following include, but are not limited to the responsibilities of the Court Clerk:

- (a) Assist the Chief Justice in all administrative and clerical matters.
- (b) Receiving and forward all complaints filed with the Court to the Chief Justice.
- (c) Keep the records of the Court as the official archivist.
- (d) Obtain and record attendance of Student Outreach Events by all members of the Judicial Branch.
- (e) Assist any plaintiff, defendant and the court in administrative, procedural and clerical matters.
- (f) Forward all Court Orders and Opinions to the Supreme Court Chief Justice for codification under this title. Court Orders and opinions shall be formatted in accordance with Appendix IV
- (g) The Court Clerk may be removed for cause from his position by a two-thirds vote of the Supreme Court.

§2 **JUDICIAL ADVOCATES.** The purpose of Judicial Advocates shall be to advise and act as an agent on behalf of any student wishing or requesting their counsel. The Supreme Court Chief Justice shall vest the appointment of at least two (2) Judicial Advocates which shall be recognized as having standing with any court in Student Government, and shall be recognized as an advocate upon demonstrating to the Supreme Court Chief Justice a complete understanding of Student Government Constitution and Student Government Code.

To this effect the Supreme Court shall establish a method of evaluation for advocate candidates.

- (a) Advocates may also be called upon to advise any member of Student Government in the preparation of statutes.
- (b) The Supreme Court Chief Justice may relieve the judicial advocate at any time with approval of the Supreme Court.
- (c) The Judicial Advocate shall keep all matters related to the case they are assigned in the strictest confidence. Judicial Advocates primarily shall:
- (d) Assist students in preparing petitions, complaints, briefs, evidence, testimony and other documents to any court in Student Government.
- (e) Ensure the proper preparation of all documents for the courts.
- (f) May be called upon by any member of Student Government in the preparation of statutes.
- (g) With the permission of the student, act as an agent of the student in regards to their court proceedings, and speak and act on their behalf.
- (h) Uphold all principles of ethics and standards of Student Government.
- (i) Provide defense or prosecution to the best of their ability at all times. May recuse themselves or deny supporting any student for any reason of conscience

#### **ARTICLE IV. GENERAL PROCEDURE**

§1 **QUORUM.** Two-thirds (2/3) of the number of justices appointed to office at the time of a hearing shall constitute the quorum of the Supreme Court.

- (a) Any action taken by Supreme Court without quorum present shall be null and void, excluding the issuance of an injunction by the Chief Justice or any two Associate Justices in conjunction.

#### **ARTICLE V. REVIEWING RULE CHANGES**

§1 **AS A REVIEWER OF RULE CHANGES.** The Supreme Court must review all bills presented to the Senate which change the Student Government rules or regulations, excluding the Constitution.

- (a) Whenever such bills are presented and read in the Senate, the Supreme Court shall meet within 6 days of that first reading and report to the Senate its suggestions as amendments to the bill.
  - (b) After Supreme Court review, and at the meeting where amendments are to be considered, the bill will be returned to the Senate with amendments from the Supreme Court as presented by the Chief Justice. After the Chief Justice answers any questions of Senators each amendment will be voted on either individually or as a group.
  - (c) A declaration of emergency status does not change the timeline as outlined in this section and may only be amended if the Supreme Court reviews the bill prior to the first reading.
- §2 The Supreme Court shall review and make amendment proposals for the following reasons:
- (a) If the Supreme Court rules a change to the S.G.C. incongruent with another section of the S.G.C. or the Constitution.
  - (b) To change grammar, spelling, and punctuation.
  - (c) To bring the bill up to the organizational standards of the S.G.C.
  - (d) To more closely align the wording and tone of the bill to match the word usage and tone of the S.G.C.
- §3 Approval from the Supreme Court does not prohibit filing an Advisory Opinion Request or Notice of Complaint and cannot be used as a basis for denying applications of either.

## **ARTICLE VI. IMPEACHMENT REVIEW**

- §1 **AS THE REVIEW COMMISSION.** The Supreme Court shall serve as the Impeachment Review Commission for all impeachments as outlined in the Constitution. In the event that the Supreme Court meets to review Articles of Impeachment it is charged simply to determine if enough evidence of wrong doing exists related to the Articles listed. It can accept or reject all or some of the charges listed in the Articles. The procedures for such a review shall include but are not limited to:
- (a) The Supreme Court will hold hearings and provide the opportunity for the plaintiff and accused to present arguments and evidence.
  - (b) Hearing procedures and deliberation procedures shall comply with S.G.C. VII. §100, Judicial Code.

- (c) The deliberative proceedings to decide the case, will occur in closed session of the Supreme Court. No records will be taken of the deliberative proceedings.
- (d) The Supreme Court may reject the Articles of Impeachment, in whole or part. They may accept the Articles of Impeachment, or parts, which will automatically result in a trial in whichever legislative body has jurisdiction on those Articles that are accepted. The Supreme Court may also reject the Articles of Impeachment, in whole or part, with an agreement that those cited are responsible of wrong doing, which will automatically result in a Standards Review by the Supreme Court which may result in lesser sanctions.
- (e) An agenda for the meeting and all questions of procedure or order shall be decided by the Chief Justice.

**ARTICLE VII. MEMBERSHIP CONDUCT AND STANDARDS REVIEW**

§1 **STANDARDS REVIEW.** The Supreme Court will collect complaints of ethical or other rule violations by members of Student Government and investigate other issues which violate the professional standards applicable to all members of Student Government.

- (a) The Supreme Court will establish a standardized form for the collection of standards and rule violation accusations.
- (b) The Supreme Court conduct an investigation into complaints it accepts and if a hearing is deemed necessary the court will provide any accused a hearing. Documentation will be kept for all investigations and hearings. These documents must be made open to the public at a time and in a manner as proscribed by the court.
- (c) The Supreme Court will use the Code of Ethics and good judgment to decide each case and provide any remedy including impeachment proceedings.

§2 **STATEMENT OF PURPOSE.** The Student Government and its members have a responsibility to uphold high standards and exemplify the ethical behavior requisite to the prestigious position of public office they hold. The Supreme Court as a Standards Board is responsible for maintaining and enforcing Student Government standards.

§3 **PHILOSOPHY.** Just as any organization at Texas State University, Student Government has rules and expectations for its members which all members accept upon taking their oath of office including the ethical parameters as outlined and norms of professionalism and quality



or quantity of work. Members must respect at all times the rights of other members as individuals. Members of Student Government accept that they will take on additional responsibilities beyond themselves in the service of students at Texas State University.

§4 **FILING A COMPLAINT.** The Supreme Court shall collect complaints using a Standards Review Complaint form which shall collect at least the following information:

- (a) Complainants full name, Texas State email, and Student ID number,
- (b) Accused full name,
- (c) An accounting from the complainant of the actions which warrant a Standards Review,
- (d) Any documents as evidence the complainant wishes to provide,
- (e) Selection of the complainants desired disciplinary remedy,
- (f) Justification of disciplinary remedy,
- (g) Other information the Supreme Court deems relevant to the case.

§5 **GROUND FOR HEARING.** When collecting complaints the Supreme Court must use the following criteria to assess which actions are grounds for a hearing. Grounds for a hearing will be as follows:

- (a) Referral by any member of Student Government.
- (b) Violations of the Code of Ethics.
- (c) Direct violations of the Student Government procedure.
- (d) Failure to maintain standards of work, research, behavior or other standards as statute may require.
- (e) Excessive absences to meetings and required events.

§6 **HEARINGS.** Supreme Court will hold hearings and provide the opportunity for the respondent to address any allegations against them. A standards hearing does not require the presence of either the respondent or a complainant to proceed, so long as both have been given 48 hours' notice before the hearing date.

- (a) The process for hearings shall generally follow the process, when applicable to the conduct review, in accordance with the Judicial Code.
- (b) The deliberative proceedings to decide the cases verdict, will occur in closed session of the Supreme Court. No records will be taken of the deliberative proceedings.

- (c) Except in the case of Supreme Court members, Justices will not discuss details of the discussion in private or public outside of the deliberations.
- (d) The Supreme Court must decide each year if it shall be the Courts policy to keep the identity of complainants confidential or open to the public and shall establish any requisite rules which shall apply for one session. The Complainant may waive their right to confidentiality.
- (e) The Supreme Court must decided each year in what manner it will release the details of Standards Review investigations and hearings.
- (f) The Supreme Court Chief Justice will forward the Supreme Court decision to the President, Vice President, and House Leader, complainant and respondent.

§7 **DISCIPLINARY REMEDY.** The Supreme Court may remedy any complaint by making any combination of actions up to two (2) of the following:

- (a) Dismiss the complaint.
- (b) Require service to Student Government outside of the person's established commitments.
- (c) Require community service.
- (d) Place on probation in which case another complaint may result in impeachment.
- (e) Impeachment.
- (f) Other sanctions as provided for in the Student Government Code.

## CHAPTER 300 - ELECTION BOARD

### ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This Election Code is hereby enacted pursuant to Article III(10)(e),(g) of the Student Government Constitution.
- §2 **ENFORCEMENT.** The Election board shall be responsible for enforcing all provisions of Title III, Election Code.
- §3 **ADMINISTRATION OF ELECTIONS.** The Election Board shall be responsible for the administration of campus-wide elections.
- §4 **JURISDICTIONAL BOUNDARIES.** The jurisdiction of the Election Board applies both on-campus and off-campus.
- §5 **JURISDICTION.** The Election Board shall have jurisdiction over Student Government elections, special or general, and shall enforce and interpret the Election Code. The Board shall enforce all provision of the Constitution, the S.G.C., University policy and procedures, and other relevant regulations on candidates in the context of their campaign. The Board shall have the power to enforce the listed regulations before filing begins, during the election process, and until the completion of all election related activity.
- (a) The Election Board shall be given broad powers to interpret, enforce, and resolve any issues not otherwise dictated within this Election Code.
- (b) All polling locations and stations must abide by the Election Code.
- §6 **ENFORCEMENT.** The Election board shall be responsible for enforcing all provisions of Title III, Election Code.
- §7 **ADMINISTRATION OF ELECTIONS.** The Election Board shall be responsible for the administration of campus-wide elections.
- §8 **JURISDICTIONAL BOUNDARIES.** The jurisdiction of the Election Board applies both on-campus and off-campus.
- §9 **ELECTION BOARD SELECTION PROCESS.** The Election Board shall be assembled through an application and interview process, to be completed by the first Monday in October. The most qualified candidates are to be nominated by the Student Body President and confirmed by the Senate.

- (a) Members of this Election Board are not allowed to serve Student Government in any other capacity, elected or appointed.
- (b) The application for the Election Board will be made available through the Dean of Students Office, Student Government website, sent to the pre-law program, and anywhere else it may be viewed by a large qualified applicant pool.

## **ARTICLE II. THE ELECTION BOARD**

§1 **ELECTION BOARD QUALIFICATIONS.** A total of seven (7) members will be selected to comprise the Election Board from the applications submitted. Each shall possess the following qualifications:

- (a) Shall not hold an elected position, endeavor to run, or be engaged in actively campaigning for an elected position; and,
- (b) Must either be a graduate student, or an undergraduate student who has completed one semester as a student; and,
- (c) Must not be on academic or disciplinary probation.
- (d) If the applicant pool does not yield at least seven (7) qualified members the Dean of Students may nominate candidates that meet the qualifications as outlined in this section.

§2 **ELECTION BOARD CHAIR SELECTION.** Interested applicants for Chair of the Election Board shall identify as such in the initial application and selection process.

- (a) To qualify to serve as the Election Board Chair the applicant must have served a full semester term as a member of any of the following: The Student Justice Board, the Supreme Court, the Election Board, the Organization Conduct Review Board or Student Organizations Council.
- (b) The Chair may not be a Supreme Court Justice or be in any other way currently affiliated with the Supreme Court.
- (c) If the applicant pool does not yield qualified members the Dean of Students may make nominations to the Student Body President who meet similar standards.

§3 **ELECTION BOARD MEMBER REMOVAL.** Any member of the Election Board may be removed for just cause by a unanimous vote of the Election Board or impeachment by the Senate. Should a member of the Election Board be removed, the President shall select a

replacement by majority vote out of candidates who have previously applied, with confirmation by the Senate.

### **ARTICLE III. BOARD OFFICERS AND GENERAL RESPONSIBILITIES**

- §1 **ELECTION BOARD CHAIR.** The Chair shall be the chief executor of the Election Code, and be vested with specific powers that when executed may be overridden by a majority vote of the Board. These powers include:
- (a) Issuing temporary injunctions,
  - (b) Issuing verbal orders to candidates,
  - (c) Barring disruptive members of the public from hearings,
  - (d) Assigning candidates to Election Board members.
- §2 **SECRETARY.** The Election Board shall or Chair appoint one of the members as the Secretary or can appoint a non-member volunteer; who shall be responsible for recording the minutes of Election Board meetings and hearings, and keeping records of all opinions, rulings, and filings required of candidates under this code.
- (a) The Secretary shall provide a written copy of all decisions concerning individual candidates to the candidates involved.
  - (b) Failure to do so may result in revocation of secretarial duties by the Election Board Chair.
  - (c) If no secretary is appointed these responsibilities fall to the Election Board Chair.
- §3 **ASSIGNMENT OF CANDIDATES.** Members of the Election Board shall be assigned an equal group of candidates for whose questions, complaints, and financial statements they are responsible.
- §4 **TERMS OF OFFICE.** The Election Board shall serve from the time appointed each year until the conclusion of all election related business in that same year.
- §5 **CONFIDENTIALITY.** The Election Board members will sign a contract which will outline job responsibilities as established by the Election Board Chair in cooperation with the Dean of Students. This will include a confidentiality agreement and failure to adhere to this provision is just cause for removal and referral to Student Justice.

- §6 **PUBLISHING POLLING STATIONS.** The locations of designated polling stations must be published online and publicized at least twenty-four (24) hours before the start of the voting period.
- §7 **CALLING MEETINGS.** The Chair of the Election Board shall facilitate and organize the necessary meetings and hearings in order to accomplish tasks set forth by this Election Code.

## CHAPTER 400 - COURT ORDERS AND OPINIONS

### ARTICLE I. CODIFICATION OF COURT ORDERS AND OPINIONS

- §1 **CODIFICATION.** Codification of the Main Supreme Court Opinion and Order shall occur pursuant to S.G.C.: I. §100.5(1)(b). Each individual Opinion or Order, which for these purposes shall constitute the same, shall be codified as a new Article in ascending order from II and shall follow the same format as outlined in S.G.C. I. §001.3(1).
- §2 **JUDICIAL REVIEW.** As a power granted by the Constitution the Opinions and Orders codified within this and subsequent chapters shall be considered an extension of this Code or Constitution depending on the source document.
- §3 **AMENDMENTS.** Recantation or amendments to previous Court Orders and Opinions shall be recorded as such in the already established article for the order and opinion and shall not be recorded as a new article.
- §4 **CODING.** Court Orders shall be coded first with the number “No.” and the session of the Senate in which the order and opinion was issued followed by a number which represents the number in chronological order of issuance in that session. Example: Case No. 04-05 (“04”, represents the session the order was issued in, and “05” is the fifth order issued in the session.)

### ARTICLE II. DOMONIQUE GRAY-BERROA v. TIFFANY YOUNG

#### SUPREME COURT OF STUDENT GOVERNMENT AT TEXAS STATE UNIVERSITY

No. 01-04

#### **Syllabus**

DOMONIQUE GRAY-BERROA

v.

TIFFANY YOUNG, Student Body President

Received March 5, 2015 – Decided March 9, 2015

A Notice of Complaint was filed with the Supreme Court by Mr. Domonique Gray-Berroa concerning an accused violation of the Scholarships Act found under Student

Government Code (S.G.C.) IX §103.4 which provides members of Student Government the right to apply for and be granted the scholarship, with specific restrictions. Mr. Gray-Berra claims an oversight by Tiffany Young, Student Body President by not enforcing the Scholarships Act, and therefore has unnecessarily and unlawfully denied rights to members of Student Government.

The Notice of Complaint provided a clear citation of the violation and presented a number of critical questions for the Court. As a result, Chief Justice DeSalvo and Associate Justices Wan, McKinney, Tennent, and Greenlee agreed to grant a hearing on the case. A hearing date was set for March 9<sup>th</sup> and testimony was recorded by both the Complainant and Respondent.

The Court embraced a number of subjects to deal with the conflicts and poor structure of the scholarship statute. The Court's Main Opinion is issued below (*see page 7 for the final court order*).

Chief Justice DESALVO delivered the Majority Opinion of the Court in which Justices WAN, MCKINNEY, MORRISON, and TENNENT joined. Justice GREENLEE, filed an opinion concurring in part and dissenting in part. Justice SCHULTZ wasn't present for the hearing and therefore cannot register an opinion.

### **I. Judicial Criteria**

This case posed several questions to the Court about the relationship between the Student Government Constitution and the various regulations found in the Student Government Code. In fact, the extent of that relationship necessitated the establishment of criteria by which this Court shall measure other complaints and cases that come before it, as a means to provide coherent and consistent results from the judiciary. The required judicial criteria for every case are (1) A Test of Constitutionality (2) A Test of Ethics. These criteria are directly related to an Order of Precedence (*more on this in section II*) found in the Student Government Code. The Court shall establish other criteria as needed, which shall only be applied when there is true applicability on a case by case basis as they come before the Court. Therefore, tests (1) and (2) must always be performed because of their rank. Other tests may or may not be performed depending on the case. In this instance, only one other criteria is applied: A Test of Functionality.



## **II. Order of Precedent**

The Student Government Code establishes varying governing documents organized into Titles of the S.G.C. which decrease in precedence.<sup>1</sup> The Court interprets this to mean that each of the Titles of the Student Government have rank by importance, the lower the number, the higher the rank and importance of the rules found within that Title. Each successive Title must not conflict with the any proceeding one, if a conflict does exist then the resulting incompatibility with the constitution would necessitate that the Court strike down the provision in the lower ranking Title as unconstitutional.

Not every Title will be incorporated or have an effect, on the succeeding Titles. For instance Title VI – The Legislature, outranks Title VII – The Court; however, these two Titles outline the operational procedures for the differing Student Government components. Until such time as the Supreme Court agrees that these two Titles affect each other in a real and substantial way, the Order of Precedence may not be incorporated and therefore no test applied between the two. For now, the Court acknowledges the inherent difference between the operational procedures of some Titles which are written to account for the differing needs of each component.

This doctrine of interpretation (*Order of Precedence*) establishes a set of Rights and Responsibilities, limiting what actions the Student Government and its members can take in many ways similar to a Bill of Rights.

It is this Order or Precedence which mandates all the tests other than the constitutional test and directly connects each title and every rule to the Constitution.

## **III. A Test of Constitutionality**

The Supreme Court first conducted a constitutional test on the Scholarships Act, primarily consisting of identifying direct authorization connecting a rule, regulation, or statute with a power granted in the Constitution.

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<sup>1</sup> S.G.C. I, §100.3(2) “The titles for the S.G.C. shall divide differing governing documents in order of decreasing precedence...”

The S.G.C. requires that all titles and chapters cite the sections of the Student Government Constitution which authorizes it.<sup>2</sup> As a result, every statute has a direct correlation to the Constitution. The Supreme Court must first test any case that comes before it against this requirement so as to ensure that the regulation isn't in itself a violation of the Student Government Constitution. This is done with or without direct promoting as a part of the Supreme Court's power of Judicial Review.

This Court tested S.G.C. IX. §103.4 – Scholarships Act against the constitution and agree that the Senate has the power to establish and regulate the Student Government Scholarship under Article III(10)(j):

*“ To legislate all statutes which shall be necessary and proper for execution of all powers granted to all components of Student Government as prescribed in this constitution...”*

#### **IV. A Test of Ethics**

In accordance with the Order of Precedence doctrine, Title II – Code of Ethics is the highest ranking set of statutory requirements and stands just below the constitution in its importance. As a result, every piece of legislation, bill or resolution, and every action of Student Government and its members must be in compliance with the ethical standards found in Title II.

This brings us to the primary issue in this case: Is it ethical to allow members of Student Government to have access to the resources and services Student Government has commissioned for the student body?

In this instance, the Court referenced S.G.C. II. §100.2(3)(a),(e),(g) and incorporated Title II into the Order of Precedence, requiring every successive Title to be acceptable under the terms of the Code of Ethics.

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<sup>2</sup> S.G.C. I. §100.3(6)(a) “ All new titles or chapters shall cite the section(s) of the Student Government Constitution which authorize(s) new regulation pursuant to the powers granted under it.”

The Court chose first to deal with the requirement that members of Student Government serve the student body beyond serving themselves.<sup>3</sup> In order for the specific section of the Scholarship Act to pass this ethical test, the Court had to identify if those with authority over the awarding of scholarships could themselves benefit from the scholarship. A reading of S.G.C. IX. §103.4 outlines that every member of Student Government is eligible to apply for the scholarship, but that specific restrictions do exist on those specific applications.<sup>4</sup>

The Court does recognize an attempt by the statute to reduce ethical liability, but does not reduce the possible benefit that could be gained by those with direct authority over the scholarship. In this case the group with the greatest authority in relation to the Scholarship is the Finance Commission. This section of the Act does not do enough to reduce the ethical liability. It would be too difficult for any member of the Finance Commission, the body responsible for giving out the scholarship, to act within the confines of the Code of Ethics which also require members to be, "...benevolent and fair...".<sup>5</sup> A set of clearer restrictions removing any benefit from those who have authority over the scholarship and those who can apply are necessary for the Court to accept the practice as ethical.

The Court therefore declares a segment of S.G.C. IX. §103(4) unconstitutional as it is not an ethical practice and cannot pass the ethical test in the Order of Precedence. The unconstitutional segment includes:

*"...but any members of the Finance Commission who apply will not be allowed to review the applicants' information or make any decisions on the applicants' award status."*

This keeps intact the segment prior to its which reads:

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<sup>3</sup> S.G.C. II. §100.2(3) "SERVING THE STUDENT BODY. To serve the student body, beyond serving oneself, members of Student Government..."

<sup>4</sup> S.G.C. IX. §103.4 "RESTRICTIONS FOR STUDENT GOVERNMENT. Members of Student Government, who meet the established criteria, shall be eligible for either scholarship but any members of the Finance Commission who apply will not be allowed to review the applicants' information or make any decisions on the applicants' award status."

<sup>5</sup> S.G.C. II. §100.3(e) "Be compassionate, benevolent and fair."

*"Members of Student Government, who meet the established criteria, shall be eligible for either scholarship..."*

This part of the of the Scholarships Act grants members of Student Government access to the scholarship, which the Court finds passes the ethics test as acceptable because the majority of the organization has no agency in the process. That is, they have no direct say in the scholarship awarding process. The organization as a whole should not be barred from being granted access to a service the rest of the student body has access too. If the Court followed the logic of barring members from access to services, then other services the Student Government provides would need to be off limits as well. Such a limitation isn't founded in any other rule or regulation in the S.G.C. and isn't supported by the Code of Ethics and it may not be altogether fair.

However, members who have agency, those with direct authority or decision making power in the award process, cannot be eligible for the services provided by Student Government.

#### **V. Test of Functionality**

Even with constitutional invalidity of the specific segment of the Scholarships Act, the Student Government Constitution and the Student Government Code requires that the commission perform the functions they are assigned by the Senate.<sup>6 7</sup> The Court doesn't believe the Scholarships Act is completely unconstitutional, and as a result the Finance Commission must perform its constitutional and statutory responsibilities. Failing to do so would result in a violation of the constitutional responsibilities conferred to members of that commission.

By striking down the segment of text in the Act as unconstitutional without any further judicial examination, the commission could be ethically impeded from performing its responsibilities. As a result, the Court applies the Test of

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<sup>6</sup>Constitution Article 5, Section 6, Subsection (a) "Provide a service, program, or coordinate a project used by students"

<sup>7</sup>S.G.C. V. §100.3(4)(d)"...ensure the Commission meets its statutory and written expectations including deadlines and projects"

Functionality and incorporates it into the Order of Precedence. Student Government, by its very nature, must function as a practical matter. The Court therefore will use both the Code of Ethics and the Functionality Test to ensure that scholarships can still be awarded, granting some members of Student Government access to the scholarship while reducing the ethical ambiguity as much as possible by restricting those with direct authority over the scholarship as ineligible to receive an award.

### **Court Order**

Since the Court struck down some provisions of the Scholarship Act as unconstitutional President Young did not violate the S.G.C. per se. Though, through her own admission, not enforcing this section of the S.G.C. was an oversight and she would have executed the Scholarships Act differently had she been aware of the provision.

It is the opinion of this Court that all members of Student Government are eligible to apply and, if selected by the commission, may be granted the scholarship award, with the exception of the Finance Commission members and President (which are ineligible as required by the ethical stipulations of the Student Government Code of Ethics).

Both the Commission and the President have too much authority in the context of the scholarship awarding process. If they were to be granted access to the scholarship, they would be unable to act in a way consistent with the Code of Ethics requirement to serve the student body beyond serving themselves.

We grant the request for relief and order that the scholarship application be modified to remove any mention of Student Government member ineligibility. Furthermore, the scholarship application must be reopened to all students by Thursday, March 12<sup>th</sup> at 9:00 AM for a 7 day period to end on Thursday, March 19<sup>th</sup> at 9:00 AM.

To completely remedy the issues presented in this case and to be fair to all students in the Texas State community the Court also orders President Young to email the student body and inform them of the extension with information about the new deadline (*using proper university channels*). In addition,

President Young is hereby ordered to send a separate email informing all members of Student Government (*except those expressly excluded as stated above*) of their right to apply to the scholarship including the extension period and deadline.

*It is so ordered...*

## CHAPTER 500 - IMPEACHMENT PROCEDURE

### ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to the Student Government Constitution Article III, 10(d).
- §2 **DEFINITION.** Articles of Impeachment shall be defined under this code as a special kind of Simple Resolution and shall only cite one respondent and shall be formatted similarly as found in Appendix XVI. Articles of Impeachment will list the following information:
- (a) Name of complainant(s), which are the filers and authors of the Articles of Impeachment.
  - (b) Name and position of the respondent.
  - (c) Charges with specific citation of rules or instances of violations. Each violation listed will constitute a new Article.
  - (d) Facts related to each charge under each Article.

### ARTICLE II. PROCESS

- §1 **RESPONSIBLE PARTIES.** In the context of this chapter there are two parties to any impeachment whose roles are defined in this section. The complainants are defined as those who sign on to Articles of Impeachment. The respondent is defined as the person charged under the Articles of Impeachment. The roles of these two parties are as follows:
- (a) The complainants are responsible for managing the Articles of Impeachment as authors and providing testimony and evidence in favor of the Articles of Impeachment, primarily seeking a verdict of guilty from the legislative body.
  - (b) The respondent is responsible for providing evidence and testimony which counters the argument of the complainants and primarily seeks a verdict of not guilty from the legislative body with jurisdiction.
- §2 **FILING.** Articles of Impeachment must first be filed with the Supreme Court Chief Justice. The complainants must submit the Articles of Impeachment to the Chair of the legislative body with jurisdiction prior to the meeting at which the Articles are to be read. The Articles of Impeachment must be placed on the agenda 72 hours prior to the meeting and must be placed under the New Business section of the agenda. At this time the Chair of the legislative

body, with the advice and consent of the Chief Justice, will certify that the Articles of Impeachment meet all constitutional and regulatory requirements to be placed on the agenda.

§3 **READING.** After being certified as properly filed the Articles of Impeachment will be read to the legislative body with jurisdiction. There will be no time for comment by the complainants, they will not take questions or attempt justification of the Articles after reading.

§4 **SUPREME COURT REVIEW.** The Supreme Court shall convene for an Impeachment Review within five (5) days of the Article of Impeachment being read and shall decide which, if any, of the Articles listed have sufficient evidence and information to proceed to trial. The Articles of Impeachment may be amended by the Supreme Court to reflect those charges they believe warrant trial and forward what is accepted to the Chair of the legislative body with jurisdiction. If they do not find sufficient evidence on any of the Articles they shall return to the legislative body with jurisdiction a written report as to their findings.

§5 **DEBATE AND DISCUSSION.** If the Supreme Court impeaches the respondent a trial will occur at a regularly scheduled meeting or in the case when a Joint Session is required within ten (10) business days of the Supreme Court announcement. During the trial the legislative body with jurisdiction will be governed by the rules found in Chapter 20 of Roberts Rules of Order and all related trial rules. After the presentation of opening statements, evidence, witnesses, testimony, cross examination and closing statements the legislative body with jurisdiction will proceed with debate and discussion on the Articles of Impeachment. Each charge listed under the Articles of Impeachment shall be voted on as distinct motions with the members present having one of two options for each vote; guilty or not guilty. Such votes will be done by roll call vote and shall be reflected in the official voting records for the legislative body with jurisdiction. Those articles which the respondent is found not guilty will be struck from the Articles of Impeachment. If the legislative body with jurisdiction finds the respondent guilty on any one of the Articles it shall constitute conviction and removal.



## TITLE VIII - THE BUDGET

Created by S.B. 2013-2014/3 "Administrative Regulation Reform Act"

### CHAPTER 100 - BUDGET AND FINANCE REFORM ACT

#### ARTICLE II. GENERAL PROVISIONS

- §1 **AUTHORIZATION.** This Title and all of its regulations are authorized pursuant to Article III(10)(a) of the Student Government Constitution.
- §2 **SCOPE AND PURPOSE.** This chapter shall establish a standardized handling, accountability and authorization of Student Government money, all of the following funds shall be subject to its regulation:
- (a) Any and all fee(s) as defined by the Texas Education Code, allocated to Student Government for any purpose whatsoever.
  - (b) Any club account, private funds, accounts or endowments that shall exceed \$500 in value.
- §3 **CLASSIFICATION.** For the purposes of spending money bills shall be classified in two ways; appropriations and budget authorization.
- §4 **BUDGET AUTHORIZATION.** Budget authorization bills shall authorize the total expenditure of funds for the operations of Student Government and shall be recorded as a separate chapter in this title and each year the new fiscal year shall be an amendment to that act. All budget authorization bills must be written by a Senator of the Finance Commission in the form of a Senate bill.
- §5 **APPROPRIATIONS.** Appropriation bills shall authorize all expenditures not initially listed on a budget authorization bill, and funded by discretionary funds.
- (a) Any Senator may author an appropriations bill.
  - (b) All appropriation bills must be forwarded to the Finance Commission for review before adoption in the Senate.
- §6 **REMAINING FUNDS.** If money allocated to Student Government by the Student Service Fee rolls over from year to year then money remaining in the Student Government account upon the conclusion of the fiscal year shall be folded into the discretionary fund for the following year.

§7 **NEW FISCAL YEAR.** Each fiscal year a budget shall be established from funds being refreshed by fees, or roll over funds. Discretionary funds shall never be used to fund the operations of the new fiscal year.

§8 **FISCAL YEAR.** "Fiscal year" shall be defined in the same way Texas State University defines it (September 1 to August 31).

### **ARTICLE III. SENATE, POWERS AND DUTIES**

§1 **RESPONSIBILITY FOR BUDGETTING.** All bills for the expenditure of funds by the Student Government shall originate in the Senate. The legislative writing standard format to be used for Senate bills relating to budget authorization and reauthorization shall be followed as shown in S.G.C.. VIII, II, §102(2).2.

§2 **ANNUAL AUTHORIZATION.** The Student Government budget will be authorized biannually by the Senate, once in the fall semester and again in the spring semester. The process for both authorizations shall be the same.

§3 **MISSED DEADLINES.** In the event budget deadlines are not met the Senate may pass continuing resolutions to maintain the operations of Student Government under the most recently authorized budget, each such resolution must never do so for more than a two (2) week period.

§4 **DISCRETIONARY AUTHORITY.** The Senate shall have sole power to release money from discretionary funds, which exceed that of Presidential authority and limitations.

### **ARTICLE IV. PRESIDENT, POWERS AND DUTIES**

§1 **BUDGET PROPOSAL.** The President must submit to the Senate and Finance Commission the proposed budget by the second (2nd) meeting of the Senate. The proposed budget must:

- (a) Contain all the expenses for the operation of the Student Government throughout the fiscal year.
- (b) Categorized into specific expenses including those expenses for every office, operation and component of Student Government.
- (c) Contain a category for expenses while the Senate is not in session, which includes the summer and holiday breaks.

§2 **DISCRETIONARY AUTHORITY AND LIMITS.** While the Senate is in session in the fall and spring semesters, the President will have the power to spend no greater than \$250

from discretionary funds in a two week period, and shall report, in writing to the Finance Committee if such a authorization is made.

- (a) While the Senate is out of session, during the summer break, the President shall have the power to use no more than 25% of discretionary funds.

§3 **EXECUTION OF BUDGET.** The President shall facilitate the use of Student Government money and shall be charged with providing for the use of said money on those expenses established by the Senate in the budget authorization and appropriations bills.

- (a) A form for the tracking and release of expenditures shall be established, requiring presidential signature. This form may be altered by the President each year to fulfill unique situations. The President shall be required to establish a specific format be followed for tracking the usage of funds.
- (b) Expenditures by the President must not exceed or be altered from the amounts categorized and allocated by the Senate in the authorization bill and the same shall be true for appropriations unless the Senate shall act to do so.

#### **ARTICLE V. DIRECTOR OF FINANCE, POWERS AND DUTIES**

§1 **DIRECTOR OF FINANCE** The Chair of the Finance Commission shall be known as the Director of Finance and will Chair meetings of the Finance Commission, provide reports to the Senate and advise the President, Cabinet and commissions on the issues relating to the budget and finances of Student Government.

#### **ARTICLE VI. FINANCE COMMISSION, POWERS AND DUTIES**

§1 **BUDGET TIMELINE.** The Finance Commission will take receipt of the proposed budget from the President by the second (2nd) meeting of the Senate in the fall and provide an approved budget, in the form of a bill, by the fourth meeting (4th) of same semester. The Finance Commission will follow the same process therein when reauthorizing the budget in the spring semester.

- (a) The budget proposal must be reviewed by the Finance Commission and made into a Senate bill by a Senator of the commission.

§2 **RESPONSIBILITIES.RESPONSIBILITIES.** The Finance Commission in reviewing the budget shall:

- (a) Be established as a Commission.

- (b) The Chair and membership of the Committee shall be nominated by the President.
- (c) The Chair shall be a student majoring in Accounting or Finance.
- (d) Meet on an as-needed basis, or when called by the President, Vice President, Director of Finance, or Senate.
- (e) Be comprised of no more than six (6) Senators and no less than four (4) Senators. The Chair shall be the Director of Finance.
- (f) The Chair of the Committee will serve as a member but may not vote unless in the event of a tie.
- (g) Review all bills calling for the expenditures or allocation of Student Government funds.
- (h) Have the power to amend or reject an appropriations or authorization bill, before being forwarded to the Senate.

§3 **RECORDS.** The commission shall take minutes and formal votes on budget authorization and appropriations bills and will make this information known to the Senate, and public, by the Senate's next meeting and make said information available to the public.

## **ARTICLE VII. MANDATORY EXPENSES**

§1 **DIVISIONS OF THE BUDGET.** The budget shall at least be divided into core expense areas which shall be mandatory. The mandatory line items of the budget shall include Operations, Discretionary, Graduate House, and the Courts.

§2 **OPERATIONS.** Operations shall include twelve (12) months' worth of funding to cover utilities, phones, room reservations, cable, copier costs, wages for services rendered.

§3 **DISCRETIONARY.** Discretionary funds shall include at least 10% of the total funds allocated to Student Government for release by the Senate. The Senate may authorize a lesser percentage when mandatory expenses cannot be covered by the Student Government's funding allocation. This must be authenticated by the Dean of Students before being changed.

§4 **THE COURTS.** The Senate must allocate funds to the Court system, as requested by the Chief Justice for operations of the Supreme Court and all lower courts. The Chief Justice shall submit to the President a requested allocation with justification two (2) weeks prior to the first Finance Commission meeting on the budget.

- §5 **GRADUATE HOUSE.** The Graduate House shall be granted a permanent allocation of Student Government funds, like the rest of the budget this line item shall be administered by the President but will not require Senate authorization for usage. This permanent allocation shall be valued at \$2,500. Increases to this amount will need Senate approval.
- §6 **OUT OF SESSION SPENDING.** The time periods for which the President is permitted additional latitude in the use of discretionary funds shall be during two distinct periods. The first period shall be from the last meeting of the Senate in the fall semester to the first meeting of the Senate in the spring semester. The second period shall be from the last meeting of the Senate in the spring semester to the first meeting of the Senate in the fall semester.
- §7 **PROGRAMS.** Programs shall include funding for events and commission activities and other money necessary as authorized by Student Government for the effective execution of established programs and events.

**CHAPTER 101 - BUDGET AUTHORIZATION ACT OF 2015**

*Last Amended by: S.B. 2014-2015.01 " Budget Authorization Act of 2015"*

**ARTICLE I. ADMINISTRATIVE**

- §1 **MEETING AND PURPOSE.** The Finance Commission shall meet every other Wednesday, starting the third week of September in order to provide oversight of the budget and expenditures, while the Senate is in session, with the exception of holidays.
- §2 **PRESIDENTIAL REPORTING.** The President, Director of Finance or a designee shall provide the commission with documentation of expenditures and issue a report on the state of the budget including but not limited to current expenditures from each category and line item at each meeting of the commission.
- §3 **PRESIDENTIAL POWERS.** The President shall have the power to reallocate remaining funds from each category and line item should the reason for the allocation be completed or otherwise invalidated, any such changes shall be reported to the Finance Commission at its next regularly scheduled meeting.

**ARTICLE II. AUTHORIZATION**

- §1 **DEFINITION AND ORGANIZATION.** Where each word is bolded it shall be considered a category of the budget and where each word is underlined it shall be considered a line item of the budget and where each word is followed by an asterisk shall denote a mandatory expense category. That the 2014-2015 Student Government budget authorized as seen below:

<b>TOTAL BUDGET</b>	\$ 43,587.00
<b>Operations</b>	
Wages	
President	\$ (11,556.00)
Vice President	\$ (8,148.00)
Chief of Staff	\$ (4,567.50)
Election Board	\$ -
Office Supplies	\$ (1,500.70)
Reservations	\$ (1,100.00)
Duplicating Services	\$ (700.00)
Retreats	\$ (2,000.00)
Phone	\$ (240.00)
<b>Travel</b>	
Board of Regents	\$ (1,500.00)

Capital Visits	\$ (400.00)
Conferences	\$ -
<b>Programs</b>	
Inauguration	\$ -
Marketing	\$ (500.00)
Bobcat For A Day	\$ -
Banquets and Receptions	\$ -
Tailgate	\$ (700.00)
Engagement Weeks	\$ -
Roundtable	\$ (250.00)
Freshmen Council	\$ (500.00)
<b>The Courts</b>	\$ (250.00)
<b>The House</b>	\$ (2,500.00)
<b>Discretionary</b>	\$ (4,358.80)
<b>S.T.A.R. Grant</b>	\$ (25,000.00)

FILE IX

## **TITLE IX - STATUTES**

Created by S.B. 2013-2014/3 "Administrative Regulation Reform Act"

### **SUBTITLE I - MISCELLANEOUS**

#### **CHAPTER 101 - CATEGORIZATION OF STATUTES**

##### **ARTICLE I. CATEGORIZATION OF STATUTES INTO SUBTITLES**

§1 **ORGANIZATION.** The statutes listed in this title shall be organized by subtitle or chapter and will be named according to the name given to it as a bill or by the Supreme Court Chief Justice. The Supreme Court Chief Justice may organize these chapters and subtitles without Senate authorization until such time as this provision is repealed.



## CHAPTER 102 - THE EXECUTIVE COMPENSATION CLARIFICATION ACT

### ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article III(10)(a),(f),(d) of the Student Government Constitution.
- §2 **GENERAL.** The President and Vice President shall be compensated for time and service provided to the student body. This pay will comply with all federal, state, and local laws. The Senate shall set additional compensation beyond what is required by statute.
- §3 **HOURLY RATE.** The hourly wage rate shall increase without a vote of the Senate in the event of mandated local, state, or federal pay raises. Such an increase will not go into effect until the next fiscal year.
- §4 **OTHER COMPENSATION.** The President shall propose in his annual budget which of the qualified persons are to be paid. The President shall include in the budget proposal at what pay level and rate each proposed wage is to be set. Any qualified person receiving pay can have a maximum wage not to exceed that of the Vice President's.
- §5 **REFUSAL OF COMPENSATION.** Though provision for these wages must be made, the persons who are authorized to receive wages may refuse compensation if they so choose.

### ARTICLE II. STATUTORY PAY

- §1 **STATUTORY COMPENSATION.** The following positions shall be paid in accordance to this statute and the rate or pay schedule may not be altered.
- §2 **PRESIDENTIAL PAY.** The President is entitled to receive an hourly wage of \$10.70 per hour for a maximum of fifty (50) hours per pay period from September 1 to May 31 and a wage of \$10.70 per hour for a maximum of thirty (30) hours per pay period from June 1 to August 31.
- §3 **VICE PRESIDENTIAL PAY.** The Vice President is entitled to receive an hourly wage of \$9.70 per hour for a maximum of forty (40) hours per pay period from September 1 to May 31 and a wage of \$9.70 per hour for a maximum of twenty (20) hours per pay period from June 1 to August 31.
- §4 **CHIEF OF STAFF PAY.** The Chief of Staff is entitled to receive up to an hourly wage of \$7.25 per hour for a maximum of thirty (30) hours per pay period from September 1 to May

31 and a wage of \$7.25 per hour for a maximum of fifteen (15) hours per pay period from June 1 to August 31.

- (a) The Chief of Staff will be paid for office hours attended and working up to the hour maximum per pay period.
- (b) The Chief of Staff will log his office hours with the Student Government Advisor via a clock in clock out system.
- (c) The President will authenticate the Chief of Staff's office hour attendance before payment is authorized each pay period.

§5 **OTHER QUALIFIED PERSONS.** Other qualified persons as defined in this Code may also be paid if the Senate authorizes as such in the budget.

§6 **CABINET PAY.** At the President's discretion, members of the Cabinet may be paid so long as they are not already receiving compensation in any way from Student Government funds. The compensation rates shall be uniform for all paid Cabinet members.

- (a) The Cabinet officer will be paid for office hours attended or programs worked and up to the hour maximum per pay period.
- (b) The Cabinet officer will log their office hours with the Student Government Advisor via a clock in clock out system.
- (c) The President will authenticate the Cabinet officer's reported hours before payment is authorized each pay period.

**CHAPTER 103 - THE SCHOLARLY TRAVEL AND RESEARCH (S.T.A.R.) GRANT ACT**

*Created by S.B. 2014-2015.8 "Scholarly Travel and Research Grant Act"*

**ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter's regulations are authorized pursuant to Article III(10)(j) of the Student Government Constitution.
- §2 **PURPOSE.** This Act establishes the Scholarly Travel and Research Grant, the S.T.A.R. grant for short, is established to promote and enhance efforts to expand research and other scholastic opportunities for all students through funding for travel to conferences and exhibitions.
- §3 **EXECUTION.** The Director of Finance is responsible for the proper execution of this chapter.
- (a) The Finance Commission shall review and select which applications will receive funding. All awards will meet the criteria as established in this chapter.
  - (b) The President will approve or reject each application and return it to the commission for applicant notification.
- §4 **EXCLUSIVITY TO STUDENTS.** The funds granted to this program are to be provided to students exclusively and are never to be used on faculty or staff travel costs.

**ARTICLE II. APPLICATION AND CRITERIA**

- §1 **APPLICATION.** A standard set of questions will be a component of every grant application and is required to be completed by the applicant to be accepted. These questions shall include:
- (a) Student's identifying information including full legal name, phone number and Texas State email.
  - (b) A sponsoring or supervising faculty member's name and contact information.
  - (c) Sponsoring or supervising department information.
  - (d) A written statement of justification for the grant.
  - (e) The name of the scholastic activity.
- §2 **ADDITIONAL APPLICATION CRITERIA.** Each year the Finance Commission may establish other components of the S.T.A.R. Grant application specific to the type of

scholastic activity. The commission may require the applicant to complete these additional requirements in order for the application to be considered.

- (a) The Finance Commission shall never establish a rule or application criteria which violate the provisions of this with this chapter.
- (b) The Finance Commission shall never establish a rule or application criteria that is overly burdensome to the applicant.

§3 **APPLICATION DEADLINES.** The Finance Commission must establish fixed due dates at the beginning of each academic year. The Finance Commission may add additional deadlines to the fixed and pre-established deadlines should they deem it necessary.

§4 **APPLICATION CRITERIA.** The following criteria will be used by the Finance Commission to decide if it should grant an application request:

- (a) Funds will be used for travel and associated costs for a scholarly or creative activity both domestic and international.
- (b) Applications must be from a Texas State student.
- (c) Applications must have support from a faculty member or sponsoring college or department.
- (d) Applications must prove matching funds from sources other than the S.T.A.R. Grant.

### **ARTICLE III. LIMITATIONS**

§1 **FUNDING LIMIT.** Each application may be awarded up to \$750.

§2 **FUNDING PAYOUT.** Awarded funds shall be granted to the sponsoring or other department, not to the individual student. This may be waived, under extreme circumstances, with the approval of the President.

### **ARTICLE IV. REPORTING**

§1 **APPLICANT REPORT.** Each applicant shall submit an after action report to the Finance Commission briefly detailing the scholastic event including important contributions the student made to the event or the impact the event had on the student.

- (a) The Finance Commission will establish the specific reporting parameters each year.
- (b) The Finance Commission shall establish the reporting deadlines each academics year.

- (c) Failure by an applicant to complete the report may result in disqualification from being granted additional funds.

§2 **COMMISSION REPORT.** The Director of Finance shall collect and compile information related to the number of awards issued, amount of funding issues, number of individual students awarded funds, compilation of the applicant reports along with information on the number of applications rejected. The Director of Finance will distinguish between those applications rejected due to not meeting the commission standards or other criteria and those applications rejected due to insufficient funding.

- (a) The Director of Finance will work with the President to complete a Student Service Fee funding request each year to maintain the funding for the S.T.A.R. Grant.
- (b) The Director of Finance will report to the Senate during each budget authorization cycle the status of the S.T.A.R. grant in order to provide the information outlined in this section.

#### **ARTICLE V. SUNSET PROVISION**

§1 **INSUFFICIENT FUNDING.** If the funds for the S.T.A.R. grant are unavailable during any given academic year, or if the Senate does not appropriate the needed funds, this chapter shall be suspended until such time as those funds become available or are appropriated again.

## CHAPTER 104 - SCHOLARSHIPS ACT

*Last Amended by Case No. 01-04 " Domonique Gray-Berroa v. Tiffany Young"*

### ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to III(10)(j) of the Student Government Constitution.
- §2 **PURPOSE.** This Title shall establish for annual disbursement by the Student Government scholarships, which are the Student Government scholarship and the University Bookstore/Student Government scholarship and shall outline the criteria for applicants, along with the procedures for selecting which applicants shall receive the award.
- §3 **EXECUTION.** The Finance Commission shall review and select which applicants will receive the scholarship award pursuant to its powers in S.G.C. V. §105.2 of the Student Government Code.
- (a) The Student Government advisors will serve as ex-officio members when the Finance Commission is reviewing applications.
- (b) This chapter may not be amended six (6) weeks prior to the opening of the application or during the application receipt and deliberation process.
- §4 **RESTRICTIONS FOR STUDENT GOVERNMENT.** Members of Student Government, who meet the established criteria, shall be eligible for either scholarship. ~~but any members of the Finance Commission who apply will not be allowed to review the applicants' information or make any decisions on the applicants' award status.~~ *(reference S.G.C. VII. §400.2 for Supreme Court Order)*
- §5 **PRESIDENTIAL POWERS.** The President may, if funds awarded by the Finance Commission are returned or otherwise not claimed or applied, award said funds to other qualified applicants from the original pool of applications.
- §6 **COMMISSION DISCRETION.** The Finance Commission is empowered to make decisions in the event this title does not address issues that arise during the scholarship process, with approval of the President.
- §7 **TIMELINE.** The following timeline shall establish the proper processing of the applications:
- (a) The applications for both scholarships shall be made public no later than February 1<sup>st</sup> and shall accept applications until the first Friday of March, of each year.

- (b) The Dean of Students Office will verify scholarship eligibility.
- (c) The Finance Commission shall meet as often as necessary to select the final award recipients.
- (d) The Finance Commission shall provide the Dean of Students Office with a list of awarded applicants and denied applicants no later than April 25.

§8 **APPLICATION.** The scholarship application should require the following information:

- (a) Name, Student ID, local address, email address.
- (b) Current employer information.
- (c) Classification.
- (d) Current Texas State GPA.
- (e) If the applicant has completed two full semesters at Texas State University
- (f) Major and Minor.
- (g) Organization affiliation.
  - (1) Details to membership status including active or inactive, member, and leadership positions held.
- (h) Projected graduation date.
- (i) If the applicant is a member of Student Government.
- (j) If the applicant is receiving financial aid grants or scholarships.

## **ARTICLE II. STUDENT GOVERNMENT SCHOLARSHIP**

§1 **UNDERGRADUATE CRITERIA.** The criteria for undergraduate students applying for the Student Government Scholarship shall be:

- (a) Is classified as a sophomore, junior, or senior.
- (b) Is considered a full time student by Texas State University according to their degree program.
- (c) Have a minimum 2.5 Texas State GPA.
- (d) Have attended Texas State University for two long semesters prior to applying for the scholarship.
- (e) Not receive any need-based grants. Loans, scholarships, and work study are forms of financial aid that applicants may be receiving.
- (f) Submit a resume.

(g) Be a member in social or academic organization.

§2 **GRADUATE CRITERIA.** The criteria for graduate students applying for the Student Government scholarship shall be:

- (a) Must be enrolled as a full time graduate student as defined by Texas State University or graduate degree program.
- (b) Have a minimum 3.0 Texas State GPA.
- (c) Submit a resume.
- (d) Preference shall be given to those graduate students who are members of academic or social organizations, but failure to have such membership shall not automatically disqualify an applicant.
- (e) Not receive any need-based grants. Loans, scholarships and work study are forms of financial aid that applicants may be receiving.

§3 **ESSAY REQUIREMENT.** Completion of an essay shall be required for all applicants, the essay question shall be: "What value has Texas State added to your life? Please explain by referring to your academic, professional and extracurricular activities." The essay should be no longer than four hundred (400) words.

§4 **DISCRETIONARY POWERS.** The Finance Commission is authorized to award no less than \$500 and no more than \$2000 per scholarship recipient, depending on availability of funds.

### **ARTICLE III. UNIVERSITY BOOKSTORE/STUDENT GOVERNMENT SCHOLARSHIP**

§1 **UNDERGRADUATE CRITERIA.** The criteria for undergraduate students applying for the University Bookstore/Student Government Scholarship shall be:

- (a) Have a minimum 2.5 Texas State GPA.
- (b) Have been enrolled as a full time student at Texas State for two (2) long semesters before applying.
- (c) Correspondence and extension course hours are not used to calculate total hours.

§2 **GRADUATE CRITERIA.** The criteria for graduate students applying for the University Bookstore/Student Government Scholarship shall be:

- (a) Have a minimum 3.0 Texas State GPA.



- (b) Have been enrolled as a full time student at Texas State for two (2) long semesters before applying.
- (c) Correspondence and extension course hours are not used to calculate total hours.

#### **ARTICLE IV. SUNSET PROVISION**

§1 **INSUFFICIENT FUNDS.** In the event that the funds allocated for the University Bookstore/Student Government scholarship and Student Government scholarship become unavailable this chapter shall be suspended until such time as those funds become available again.

## CHAPTER 105 - MEMBERSHIP STANDARDS ACT

### ARTICLE II. STANDARDS FOR MEMBERSHIP

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article 3(10)(j) of the Student Government Constitution.
- §2 **PURPOSE.** This chapter outlines the additional standards and responsibilities each member of Student Government can be held accountable in order to promote or advance Student Government.
- §3 **REQUIRED EVENTS.** At the discretion of the President, he may declare any two events sponsored by any component of Student Government to be required events which will count against anyone who fails to attend in the same way as being absent to a required meeting.
- (a) The President must announce a required event thirty (30) days before the event.
  - (b) Excused absences will be allowed in accordance with the standard reporting process for meetings as outlined in the *Standing Rules*.
  - (c) The Senate has the power to overturn or modify the required event at its discretion via a Simple Senate Resolution passed by two-thirds vote.
  - (d) The Senate may also have the power to declare any two (2) additional University functions or Student Government sponsored events to be required for its members, via a Simple Senate Resolution passed by a majority.
  - (e) The House may also have the power to declare any two (2) additional University functions or Student Government sponsored events as mandatory for its members via Simple House Resolution.
- §4 **OUTREACH.** Any Commission or Committee Chair, the Vice President or President may require specific members of Student Government to collect and record feedback from their constituents through an accountable surveying of students.
- (a) When a collection of formal surveys is required, each member must collect information from at least ten (10) distinct members of the student body.
  - (b) Surveys can be created by any committee, Commission or the Cabinet but the Programs Commission will coordinate the cataloging of results.

## CHAPTER 106 - UNIVERSITY COMMITTEE ASSIGNMENT ACT

### ARTICLE I. ADMINISTRATIVE

§1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article III(10)(j) of the Student Government Constitution.

### ARTICLE II. UNIVERSITY COMMITTEE REPRESENTATIVES

§1 **SELECTION.** Unless specified in this chapter an application will be made available for all students to apply for committee assignment.

§2 **ASSOCIATION.** Any person appointed to a University committee on behalf of Student Government shall be a member of Student Government through association

(a) The oath of office for Student Government will be administered and the representative will be held to the same ethical standards as any member of Student Government.

§3 **REPORTING.** Persons assigned to University committees will make a report to the Student Government committee assigned to oversee them every two weeks, via written notification, at a meeting with the Chair or the committee, or other means as deemed acceptable by the committee Chair.

§4 **DEFINITION.** A list of University committee representation for members of Student Government shall be provided by the Dean of Students Office which will transmit a list of all updated committees and student representative seats requiring appointment. The President will ensure that this list is made into a roster of committees, with student representation and have it transmitted by no later than the first Senate meeting in the fall. The President may request student representation on any University committee at any time and these new seats will be added to the roster of committees.

### ARTICLE III. COMMITTEE ASSIGNMENTS

§1 **GENERAL.** The Senate shall stipulate the assignment of committees based on past rosters of committees as provided by the President each year.

§2 **JUDICIAL BOARDS.** It shall be the power of the Chief Justice to assign membership from within the Courts to any committee, board or council which accesses the judicial conduct or actions of students.

§3 **STUDENT SERVICE FEE COMMITTEE.** It shall be the power of the President to nominate Student Government members to the Student Service Fee committee upon confirmation of the Senate by a majority vote.

§4 **PRESIDENTIAL NOMINATIONS.** For any committee seat available for Student Government Representation but not regulated within this chapter it shall be the power of the President to nominate the representatives and the power of the Senate to, upon review, either reject these nominations or accept them by a majority vote.

#### **ARTICLE IV. REMOVAL FROM UNIVERSITY COMMITTEES**

§1 **REMOVAL.** It shall be the power of the Senate to recall any Student Government representative of any University committee, at any time for just cause by a simple resolution calling for such so long as it has attained a majority vote.

§2 **SUSPENSION.** It shall be the power of the President to temporarily suspend and replace any Student Government representative on University committees at any time for just cause by way of an Executive Order to that affect. The President will submit to the Senate a request to uphold the suspension and removal of the representative by way of a two thirds vote at the next regularly scheduled meeting of the Senate. If the Senate does not sustain the removal by a two thirds vote, the representative will be reinstated.

## CHAPTER 107 - STUDENT ACTIVITIES FUNDING ACT

*Created by S.B. 2014-2015.9 " Student Activities Fund Act"*

### ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article III(10)(c),(j) of the Student Government Constitution.
- §2 **PURPOSE.** To authorize a pilot program for student activities funding under the administration of the President and Faineance Commission in order to identify what important application details, eligibility requirements, criteria, limitations, among other regulatory items might be used for the establishment of a permanent student activities funding program at a future date.

### ARTICLE II. AUTHORIZATION FOR PILOT PROGRAM

- §1 **PRESIDENTIAL AUTHORIZATION.** The President is hereby authorized to initiate a Pilot Program to be known as the Student Activities Fund (SAF). The SAF shall financially support various student activities sponsored by Texas State University student organizations.
- (a) The pilot program shall last no more than 6 months before needing either an extension or formalization within this chapter.
  - (b) The Finance Commission shall be responsible for administering the pilot program.
  - (c) Application details, eligibility, criteria and limitations are to be set by the Finance Commission for the duration of this pilot program.
- §2 **REPORTING.** The Director of Finance shall collect and compile information related to the number of SAF awards issued, amount of funding issued, number of organizations awarded or activities funded, and information of applications rejected. The Director of Finance will distinguish between those applications rejected due to not meeting the commission's standards or rejection due to insufficient funding for the pilot program.
- §3 **SUNSET PROVISION.** If the funds for the SAF are unavailable during any given academic year or if the Senate fails to appropriate the funds, this chapter shall be suspended until such time as those funds become available or the funds are appropriated.

# Appendix

## Appendix I – Bill Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

S.B. 2013-2014.01 (Code# assigned by Vice President or Clerk)

A Bill –

To be Entitled a “(title) Act”, relating to (brief, concise description of the bill)

1 WHEREAS: Opening Statement of the status quo or problem; and

2 WHEREAS: Detailed clarification of the problem; and

3 WHEREAS: Supporting evidence of the above statements; and

4 WHEREAS: Introduction to possible solution; therefore

5 BE IT ENACTED: Describe the action you'd like taken:

6 Article I – Sample Legislation

**TITLE IV -** SUBTITLE. Bill should be organized in such a way that they can  
8 be easily codified by the Supreme Court Chief Justice.

**UBTITLE II -** Be sure to follow the format.

**UBTITLE III -** If you don't then the bill could be considered invalid.

11 BE IT FURTHER ENACTED: This legislation be forwarded to the

12 Student Body President for action.

13

14

## Appendix II – Simple Resolution Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

S.S.R. 2013-2014.01 (Code# assigned by Vice President or Clerk)

A Simple Resolution –

Relating to (brief, concise description of the resolutions intent)

1 RESOLVED, For outstanding service we dedicate this  
2 day in honor of you; and  
3 BE IT FURTHER RESOLVED, This legislation be forwarded to the  
4 Student Body President for action.  
5



### Appendix III – Resolution Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

S.R. 2013-2014.01(Code# assigned by Vice President or Clerk)

A Resolution –

To be known as “A Resolution (affirmative, negative or declarative statement)”, relating to (brief, concise description of the resolutions intent)

1 WHEREAS: The Student Government of Texas State University, on behalf  
2 of the student body of Texas State would like to address;  
3 and

4 WHEREAS: Opening Statement of the status quo or problem; and

5 WHEREAS: Detailed clarification of the problem; and

6 WHEREAS: Supporting evidence of the above statements; and

7 WHEREAS: Introduction to possible solution; therefore

8 BE IT RESOLVED: Express the opinion or make a declaration on behalf of  
9 the students; and

10 BE IT FURTHER RESOLVED: This legislation be forwarded to the  
11 Student Body President for action.

12

13

**Appendix IV – Court Decision Template**  
**SUPREME COURT OF STUDENT GOVERNMENT AT**  
**TEXAS STATE UNIVERSITY**

**Syllabus**

Petitioner: Hunter Schuler

#AO 01-01.

Heard September 19, 2014 – Decided September 19, 2014

Petition for an Advisory Opinion was brought by Director of Rules and Standards, Hunter Schuler concerning the nature of required events and how it relates to absences resulting in impeachment.

The primary question before the Court was for guidance as to whether or not the petitioner should proceed with impeachment proceedings against a Senator who had acquired two absences, one of which was due to not attending a required event.

Attendance was taken at this required event twice. The secondary question asked of the Court was to identify specifically if the event, which occurred over a two day period is to be counted once, twice or not at all.

## Advisory Opinion

In relation to the first request by the petitioner to guide him on whether or not to proceed with impeachment; the Supreme Court has decided that whether or not to proceed with impeachment is a question only the Senate can answer. Guidance for the impeachment process can be found in throughout Article VII of the Student Government Constitution, Article III(10)(d), is clear that all procedures for impeachment are to originate in the Senate. Further Article VII(2)(b) states that trails of impeachment are to be conducted in the Senate.

It is the majority opinion of this Court that the matter before us on if the petitioner should proceed is a question only the Senate can decide.

On the secondary question related to process, which the Court is prepared to answer, we hope the petitioner will find the answers in our clarification of the process. The Court reviewed all relevant sections of the Student Government Code and is prepared to lay out a clearer understanding so that members and officers of Student Government may be sure to follow required event processes.

The Membership Standards Act under S.G.C. IX. §104.1(3) states that the President may declare any two events sponsored by any component of Student Government as required events. It further goes on to say that failure to attend shall count in the same way as absence to a required meeting.

There are a few areas that are not explicit in this section of the S.G.C., first the “instrument” by which the President makes such a requirement and the definition of a “required meeting” and the exact terms and reasonable limitations of the required event.

It is the opinion of this Court that the “instrument” for making required meeting declaration is provided for under S.G.C. IV. §200.1(2) under executive orders. This power is implied in the Constitution Article 5, Section 3, which grants the President “all executive powers”. These powers are broadly interpreted by the Court to grant the President the power to issue Executive Orders as the instrument of executing the powers granted to him or her by the S.G.C. and constitution. So long as the constitution and statute

grant the President the authority he or she may issue an Executive Order on those subjects.

In relation to consecutive days of required event, it is the opinion of the Court that S.G.C. IX. §104.3 grants the President the power to declare an event required. This shall include events which span over a reasonable consecutive set of days but not necessarily a continuous period. The Court defines this reasonable limitation as being over the course of two consecutive days, which does not exceed a reasonable period of time, the Court defines this as 30 total hours.

In relation to attendance, it is the opinion of the Court that S.G.C. IX. §104.3(4)(b) establishes that in order to be given an excused absence to a required event the absence must meet the standards found in the components *Standing Rules*, in this instance those acceptable absences can be found under S.G.C. VI. §200.7(3).

It is the opinion of this Court that so long as attendance is taken either through roll call, sign in or other accountable form then attendance will have been considered taken and that failure to attend the event for the entire specified period shall constitute an absence. It is granted and accepted by the Court that if a required event goes on for the maximum reasonable period then attendance should be taken at least twice, especially for events that require members to reconvene at different times or different days.

Regarding if missing a required event is cause for impeachment. It is the opinion of Court that an absence from a legally executed, required event coupled with an absence from a "required meeting" or another required event is cause for impeachment. In effect missing a required event is the same as missing a Senate or House meeting. S.G.C. IX. §104.3 provides that absences from required events are to be dealt with in the same way as absences to a required meeting. In accordance with S.G.C. VI. §200.7(1) absences from two "meetings" constitute cause for removal. Absences from a required meeting shall be recorded on the official roll of attendance for the component of Student Government that the required event applies to.

#### **Summary**

In summary, the process for the proper execution of a required event and all related attendance policies is as follows.

The President must first issue an Executive Order or other instrument of a written nature, executing his or her powers under S.G.C. IX. §104.3. The order will specify the date and those who are to be affected as well as any special provisions. The President or other officer shall inform all those who the order applies to of the event details, including at least the date but preferably the time, and location within the required notification deadline outlined of 30 days as required by S.G.C. IX. §104.3(a). Excused absences should be cataloged in accordance with the components *Standing Rules*. Attendance shall be taken at the event, a maximum of two times during an event which occur over the granted period 2 day, 30 hour period. Absences at any of these attendance points shall constitute absence to the event generally unless an excused absence is registered. If a person is absent from a required event it shall be recorded in the official roll of the component and count toward any cause for impeachment for missing meetings under the components absence policy.

*It is so ordered*

**Appendix V – Complaint Template**

\_\_\_\_\_  
Complainant(s)

**COMPLAINT DOCUMENT**

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**A Complaint to the Supreme Court of the Texas State University Student Government**

TO THE JUSTICES OF THE SUPREME COURT:

This is a complaint in which the Supreme Court has original and exclusive jurisdiction in accordance with Article V, Section 2 of the Texas State University Student Government Constitution.

Statement of Complaint :*(Begin typing your statement here; refer to S.G.C.: VII, §100.3 for questions and/or concerns regarding complaints. This must be filed with the Clerk at \_\_\_\_ .)*

*PURSUANT: to S.G.C.. VII, §100.3 this Complaint has been filed with the Supreme Court Clerk on the issue of the prohibition of association of candidates for elective office.*

*STANDING; this complaint is filed in reference to S.G.C.. III, §105.5, Prohibited Association.*

*CAUSE OF ACTION; the Election Board ruled via its Operation Memorandum on 22, October 2013 that the prohibition of association extends so far as to include the sharing of ideas.*

*REQUEST FOR RELIEF; I am requesting that the Supreme Court review the Election Code §105.5 and determine if the Election Board is empowered to make such a decision under S.G.C. III. §105.5.*

*Relief Requested: It is the opinion of the complainant that the Election Board's interpretation of S.G.C. III. §105.5 is beyond that of the text's intent. That the section makes no direct mention of "ideas" as being excluded under the association prohibition.*

## Appendix VI - Brief Template

[REDACTED]

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Complainant/Appellant

Vs.

[REDACTED]

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Respondent

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### INTRODUCTION

The attached brief is an outline for the Supreme Court's records in the case of [REDACTED] concerning a sanction applied by the Election Board on March 26, 2014. An appeal was issued to the Dean of Students concerning the sanction, which was remanded to the Supreme Court per the Memorandum of Understanding between the Election Board and Supreme Court dated October 14, 2013.

The respondent has provided the Supreme Court with all relevant evidence, testimony, and case documents referenced in the appeal before the court. The court has decided to here only the question related to the Election Board's authority to reclassify violations of the Election Code.

I am willing and able to answer questions before the Supreme Court should they wish to embrace the topic of the specific sanction. During testimony I will demonstrate to the court that:

1. The Election Board did not find Mr. John [REDACTED] had committed an act of vandalism; rather that he violated the Student Code of Conduct section 2.02(Q).
2. The Election Board acted within the confines of its powers as outlined in the Associated Student Government Constitution and Election Code.

### ELECTION BOARD HEARING DESALVO V. [REDACTED]

Mr. Cody DeSalvo, the complainant in the original case, has waived his privilege of confidentiality related to his original violation filing against the appellant.

The Election Board received a Violation Complaint Form via its only documentation system on March 24, 2013 from Mr. DeSalvo, he claimed to have seen what he described as "an act of vandalism" and that he believed it was "not only a violation of the Code of Laws Article IV, Section 1 but also the Student Code of Conduct." Photographic evidence of the violation was received shortly after the violation report form was submitted.

There are a few issues resulting from this filing. The first is that the Code of Laws has never been proven to be under the purview of the Election Board, and an "act of vandalism" is not defined in the Student Code of Conduct. However the context of the complaint and the pictures received by the Election Board substantiated that a violation could have occurred, therefore a hearing date was set.

As a result Mr. DeSalvo presented to the Election Board a brief, outlining the specific areas of the Election Code and Student Code of Conduct that he thought Mr. [REDACTED] had violated. In addition, Mr. DeSalvo requested the Election Board reclassify the violation at Alkek to a class A offense. He proposed that the accused actions at Alkek exceeded a simple posting violation.

Upon reviewing this brief the Election Board embraced the three charges presented at the hearing, that the accused violated Article IV, Section 1 of the Election Code three times, once by not getting permission before posting, the second for not posting in an authorized area, and the third by taping a large flyer on the pillars of Alkek Library.

The central issue of confusion relating to the Election Board's Orders is a result of Mr. DeSalvo's accidental mischaracterization of the violation as vandalism. Mr. DeSalvo provided clarification via the briefing and testimony to the Election Board.

The Election Board Order issued on March 26, 2014 made no mention of Mr. DeSalvo's usage of vandalism in his report form and the Election Board strictly decided on the issues presented during the hearing including the Code of Conduct violation. The Election Board found the accused guilty of that violation and granted Mr. DeSalvo's request to upgrade the level of violation to a Class given the accused violation of the Code of Conduct.

#### **ELECTION BOARD AUTHORITY**

I have provided the Supreme Court with all relevant evidence, testimony, and case documents referenced in the appeal before the court.

Therefore, we will focus on the Election Boards authority to reclassify offenses upon request and demonstrate where the Election Board is granted the authority to issue sanctions based on violations of University policy, including the Code of Conduct.

The Election Code, Article II, Section 2 provides the Election Board broad powers whenever situations arise that are not embraced by the text of the document. In addition, the Memorandum of Understanding outlines that the Election Board has authority over:

Violations of the Student Code of Conduct, in this case, directly related to a candidate for office. It is through this power that the Commission was able to enforce the Student Code of Conduct on the accused. The Commission exercised its rights under the Memorandum of Understanding and Article II, Section 2 of the Election Code.

The Election Code grants the Commission other broad powers in reference to its ability to discipline candidates who violate the Election Code, found under Article II, Section 2:

*"The Election Board shall have the power to enforce any and all provisions in this document by any disciplinary action it deems appropriate and reasonable"*

These provisions provides a framework which allows the Election Board to deal with disciplinary issues and grant sanctions outside the scope of the Election Code.

The Election Board was presented with a request; elevate the sanction beyond that of the established guidelines because of its potentially more egregious nature. Executing the power it has to make decisions whenever a situation is not embraced by the Election Code, the Commission granted the request.



The Commission then exercised its right under Article II, Section 2 to elevate what may have normally been a class C offense to a Class A offense, having found that the accused had violated section 2.02(Q) of the Student Code of Conduct, an offense which would be cause for impeachment by any sitting officer of the Associated Student Government.

Through this framework I have demonstrated a procedural system which allows the Election Board to take the course of action it chose to pursue.

**CONCLUSION**

It is important that the court understand that the Election Board did not find Mr. [REDACTED] had committed vandalism. The Election Board used the powers it has per the Election Code, Constitution and Memorandum of Understanding to apply a sanction for violating the Student Code of Conduct section 2.02(Q) for defacing, damaging or misusing University property. We encourage the court to reinstate the Commission's order within 24 hours, as the elections will conclude on April 3, 2014.

Attachments:

- Violation Reporting form
- Election Board Hearing Notice
- Brief for DeSalvo v. [REDACTED] from DeSalvo to Election Board
- Photographic documentation of defacement and misuse
- Election Board Order

**Appendix VII- Injunction Request Template**

Official Use Only: Regards to Docket 13 - _____ Date: _____
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**INJUNCTION REQUEST TEMPLATE**

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AN INJUNCTION PETITION TO THE SUPREME COURT OF  
THE TEXAS STATE UNIVERSITY

Prepared By: \_\_\_\_\_

(Parties Involved)

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Complainant(s)

Vs.

---

Person(s) and/or Subject(s) of Investigation

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*(Begin Your Brief Here: A brief is submitted to lay out the argument for various petitions and motions before the Court, list the materials the party plans to present to the court, and to provide the justices with reasons to rule in favor of the party represented by the brief writer. Refer to S.G.C.: VII, §100.7)*



## Appendix VIII – Election Board Hearing Notice

Texas State University  
Student Government  
Election Board

### HEARING NOTICE

**TO:** (name)  
(name)

**FROM:** (name), Election Board Chair

**SUB:** Election Code Violation (Case number/month.year) (exp: EB 1/12.2012)

**DATE:** (date)

The Election Board received a claim that your campaign has violated election rules as established in the Student Government Election Code, University Policy and Procedures or other election regulations. The specific complaint is as follows;

That on or about March 3<sup>rd</sup> 2012 the (cite defendants) violated Article III, Section 1(F) of the Election Code, which stipulates that no candidate or those associated with candidates shall vandalize the campaign material of other candidates; that the campaign did violate the above by removing approximately 12 signs between the hour of 11:00 am and 1:00 pm.

The Board shall convene on March 26<sup>th</sup> at 7:30 pm in the LBJ Student Center Directors Conference Room to discuss this claim and decided the proper course of action.

All meetings of the Election Board are open to the public and recorded. These records are available upon request.

Please accept this as notification of the above complaint.

Thank you,

(name)

Election Board Chairman

## Appendix IX – Election Board Order

Texas State University

Student Government  
Election Board

### BOARD ORDER

**TO:** (Name)  
(Name)

**RE:** Election Code Violation (Case number/month.year) (exp: EB 1/12.2012)

**DATE:** (date)

A hearing before the Election Board of the Student Government on March 26<sup>th</sup>, 2012 was held concerning the matter of two (2) separate violations of election rules and regulations by (cite defendants) and associated parties, hereafter known as 'the accused.' The accused were charged with:

1. Using University funded facilities to advance a campaign for office.
2. Vandalizing the campaign material of other candidates.

Based on the testimony and evidence submitted by the accused, the violation reports and evidence provided by the plaintiff(s) along with independent interview and investigation by the Board of relevant University student employees and staff the Board finds and concludes:

1. That, per an interview with San Jacinto hall staff, all of the common areas (meeting rooms, living room, courtyard, etc.) are accessible to all students with permission of the Residence Director or if accompanied by a resident of the hall. Therefore the Board finds the accused not guilty of the first charge. Upon investigating the Board did find that the accused did not have permission to use the San Jacinto courtyard space. The accused were not accompanied by a resident nor had the accused receive permission from the Residence Director to use the space. Therefore the Board finds the accused guilty on a modified charged of violating Residence Life policy as described by the Residence Director and the Residence Life handbook.
2. That upon reviewing policy and procedure with representatives from the office of Student Involvement at the LBJ Student Center it was determined by Office of Student Involvement at The LBJ Student Center that because the LBJ Amphitheater is classified as a reserved space. The signs placed in the amphitheater were deemed as improperly posted between the hours of 11:00 am and 1:00 pm on March 21<sup>st</sup>. All signs were removed from the space during this time by the accused. Office of Student Involvement at The LBJ Student Center is responsible for deciding what constitutes proper and improper posting. Per the Election Code Article III, Section 1(F) all signs improperly posted cannot be subject to vandalism as defined within the code.

The Board has expressed to Office of Student Involvement at the LBJ Student Center that it can be seen as improper to approve one set of candidates to remove another set of candidate's signage and Office of Student Involvement at the LBJ Student Center has agreed to no longer permit such action. Office of Student Involvement at the LBJ Student Center is in the process of establishing policy prohibiting any form of posting in the LBJ Amphitheater.

Based on the findings above:

Understanding that the relationship with Residence Life during the Student Government Election cycle can be extremely straining. Given very strict rules concerning campaign activities within Residence Halls and a historical record of abuse by Student Government candidates in relation to Residence Halls, the Election Board orders the following:

1. That the accused and all associated persons are hereby prohibited from any form of Residence Hall campaigning, furthermore they shall not use Residence Halls, from this point forward, for any purpose during the course of this election whatsoever.
2. That the accused shall remove all posts and usages of the campaign video featuring the interior of San Jacinto Hall and shall be prohibited from using said video under any circumstances.
3. That the accused shall be fined \$150. This sum shall not be paid to any organization or entity but shall instead be counted as an expense by the campaign on their financial records.

Posting within the LBJ Amphitheater shall be prohibited from this point forward by all candidates.

**IT IS SO ORDERED.**

Certified by \_\_\_\_\_ **(Signature)** \_\_\_\_\_, **Election Board Chair**

On this the  (day of Month)  of  (month)  in the year  (Year)

## Appendix X – Advisory Request

### ADVISORY OPINION REQUEST

**TO:** The Supreme Court

**FROM:**

**DATE:**

#### **QUESTION;**

Article II, Section 2(b) states: “...*The term of a Senator shall be one year from their installation by the President or until the Senator's successors are installed.*”

How does the court interpret the year length of a Senator's term in the instance he is appointed in the spring by the Student Government President? Furthermore, how does the court interpret the required qualifications in the instance a Senator runs to extend his term seeing he has no successor as outlined in the Senate Standing Rules, Article II, Section 2(b)?

## Appendix XI – Financial Disclosure

Name: \_\_\_\_\_

STEP 1: Check type of report

- General Election  
 Run-Off Election

### General Instructions:

- This form must be TYPED!
- Please write a short description of each line item on your receipt.
- General Election and Runoff: Submit actual receipts or bank statement
- Submit expense report in a 8 1/2 X11 manila envelope

### Due Dates:

Turn report into the Dean of Students Office in LBJ 5-9.1 by April 9th at 9:00 am.

STEP 2: Complete each section

#### **SECTION A: Purchases made**

*Receipt Number:* Submit your receipts in sequential order and number them according to the order they are listed in Section A. Write the receipt number on the physical receipt. If you submit a bank statement please number the expenses on the bank statement in sequential order according to how they are listed in Section A.

*Name of Vendor:* Write the name of the store from where you made the purchase.

*Total on Receipt:* **Write the total that appears on the receipt** (including taxes).

#### **SECTION B: Material donations**

*Description of Item:* Write a description of the donated item. Donations include any and all material used for the purpose of campaigning which did not cost you or your campaigning any money.

*Receipt or Statement:* Please provide, if possible, a receipt of cost or a statement from the donor with an estimated cost. If this is not possible an estimate without receipt or statement verification will be accepted.

*Cost/Unit:* Write the estimated cost of the donated item based on fair market value.



**SECTION C: Fines**

*Date:* Record date the fine occurred

*Violation:* Briefly explain the reason for the fine

*Fine Amount:* Record the cost of the violation.

**\*\*All fines are considered an expense. Please budget accordingly.**

STEP 3: Compare amount spent to budget cap as established in the Election Code

**Office Sought** \_\_\_\_\_

**Budget for Office:**

\$ \_\_\_\_\_

**Total of Sections A, B and C:**

\$ 0.00  
\_\_\_\_\_

STEP 4:

I, the candidate, assume responsibility for this campaign finance report. I understand that failure to adhere to campaign rules can result in penalties ranging from fines to disqualification.

\_\_\_\_\_  
*Signature of Candidate*

**SECTION A**

<b>Receipt #</b>	<b>Name of Vendor on Receipt</b>	<b>Total on Receipt</b>
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**Appendix XII – Sample Court Agenda**

**STUDENT GOVERNMENT SUPREME**

**COURT**

**HEARING OF:**

(Complainant/Appellant) V. (Respondent)

- A) Call to Order
- B) Approval of Agenda
- C) Introductory Motions
  - a. Appellant
  - b. Respondent
- D) Opening Statements
  - a. Appellant 3 minutes
  - b. Respondent 3 minutes
- E) Introductory Arguments
  - a. Appellant 5 minutes
  - b. Respondent 5 minutes
  - c. Court Questions
- F) Recess 15 minutes
- G) Closing Arguments
  - a. Appellant 5 minutes
  - b. Respondent 5 minutes
  - c. Court Questions
- H) Closing Statements
  - a. Appellant 3 minutes
  - b. Respondent 3 minutes
- I) Adjourn

Appendix XIII – Court Injunction Order

TEXAS STATE UNIVERSITY  
STUDENT GOVERNMENT  
SUPREME COURT

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Case Number: 04-3  
Filed: 03/28/2014  
Petitioner: Philip Wiseman  
Respondent: The Rules and Standards Chair

Order Granting Preliminary Injunction  
Issued 03/29/2014

Let it be ordered that:

The officers and agents of Student Government are hereby order to stop enforcing, applying, or giving effect to Article III, §105.5 of the Standing Rules as amended by the Senate on March 28, 2014 by operation of SB 2014-2015/1.

This injunction shall remain effective until the conclusion of the pending matter, in case number 04-3, or until further notice is issued by the Court.

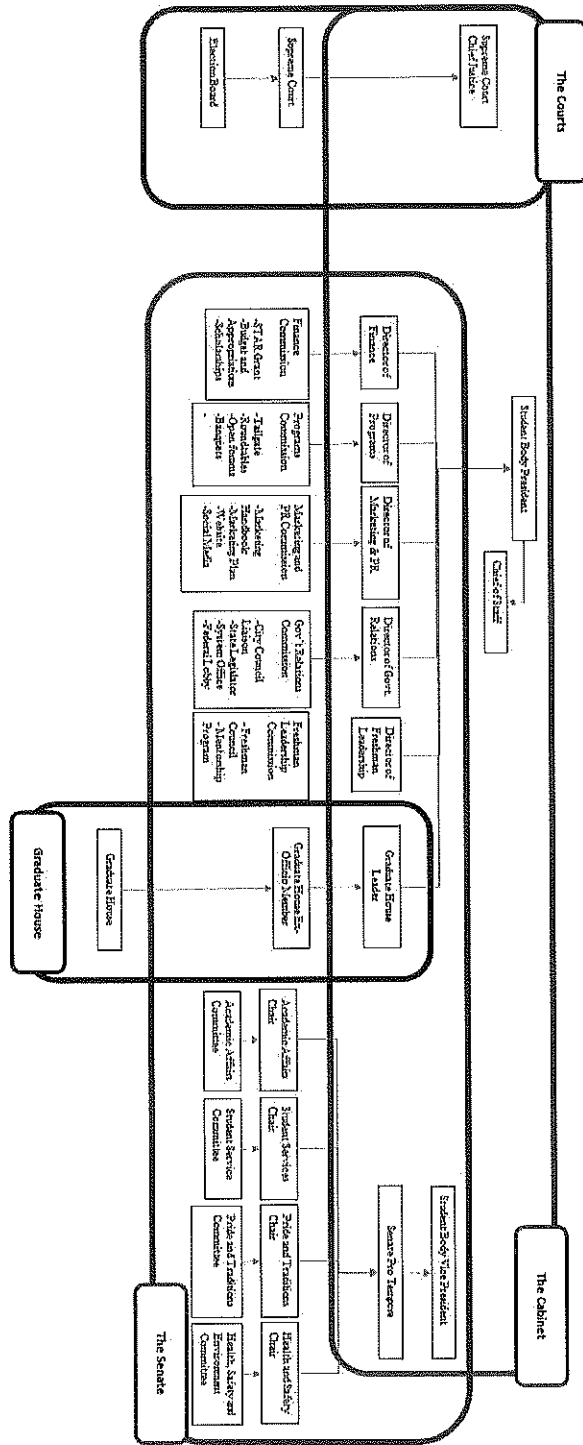
The Court denies the respondent's request to stop the disbursement of officer stipends. Disbursement, while this order is effective, shall proceed as provided for in the currently effective Student Government budget.

Provisions in the Budget relating to stipends were drafted pursuant to Article VIII § 6 of the Bylaws of the Student Government, which is currently effective and enforceable.

...It is so ORDERED



# Appendix XIV – Organizational Chart



Appendix XV – Senate Agenda



**Student Government  
Texas State University**

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**LBJ Student Center | Room 4-16.1 – 7:00 PM  
First Session – August 25<sup>th</sup>, 2014  
Second Meeting**

**Student Government Senate Agenda**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Orders of the Day**
- V. Approval of Minutes**
- VI. Presidents Report**
- VII. Guest Speakers**
- VIII. Vice President's Report**
- IX. Public Forum**
- X. Committee Reports**
- XI. Director Reports**
- XII. University Committee Representatives Report**
- XIII. Old Business**
- XIV. New Business**
- XV. Adjournment**

**Appendix XVI – Articles of Impeachment**

██████████  
██████████  
██████████

**Article of Impeachment**

**Convicting** ██████████, **Senator of Student Government for violations of the Student Government Code.**

**Whereas,** ██████████, Senator of Student Government is impeached for violation of the Student Government Code, and

**Whereas,** The following Article of Impeachment are granted by the Review Commission to be conducted under trial in the Senate:

**Article I**

██████████, Senator, has violated the Student Government Code Title VI, Chapter 200, Article VII, Section 1 by missing three (3) Senate meetings.

The first offense occurred during the first Senate meeting on September 25<sup>th</sup>, 2014 the second on October 15<sup>th</sup>, 2014 and third on October 22<sup>nd</sup>, 2014.

██████████ exceeded the two permitted absences and did not submit relevant and acceptable documentation to be granted excused absences, therefore

**Resolved,** That ██████████, by such conduct warrants removal from office and disqualification from holding office ever again.