

# CONSTITUTION

## STUDENT GOVERNMENT OF TEXAS STATE UNIVERSITY

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## **PREAMBLE**

We, the students of Texas State University, recognize a need for student centered representation, programs, and services. In order to represent the student body of Texas State University, and unite more closely the interests of students, faculty, staff, and university administration, we have established this constitution, subject to the authority of the Texas State University System Board of Regents, for the Student Government of Texas State University.

## **ARTICLE I - NAME AND PURPOSE**

Section 1: The name of the officially recognized student government of Texas State University will be the “Student Government of Texas State University” or “Student Government”.

Section 2: Student Government is committed to establishing avenues for student involvement in university affairs, acting as servants to the student body, and being the representatives of the student body. Student Government is the primary recognized forum for student opinion with a focus to represent student interests and concerns to administration, while providing activities and services deemed useful to students. Student Government exists to represent the student voice to the faculty and administration.

Section 3: The rules, regulations, and policies of Student Government are to be free of harmful discrimination based on race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression.

## **ARTICLE II - ETHICAL STANDARDS OF STUDENT GOVERNMENT**

Section 1: Ethical Standards of Student Government

The membership of the Student Government of Texas State University must hold themselves to a higher standard as student leaders. Members represent the Student Government, student body, and university at all times and in all places. Members uphold the ethical standards of Student Government, the Constitution of Student Government, and university policies as guiding principles in our work serving the student body. The ethical standards of Student Government that members commit to uphold include:

- a. Representing the students’ interests above all others, including that of self, university administrators, and outside influences,

- b. Opposing all forms of harmful discrimination,
- c. Oppose all forms of harassment,
- d. Recognize and support the students' right to know the affairs of the university and Student Government,
- e. Engaging with students and assessing their needs and wants whenever possible,
- f. Exemplifying the principles of servant leadership: listening, empathy, healing, awareness, persuasion, conceptualization, foresight, stewardship, commitment to the growth of people, and building community,
- g. Maintaining truthfulness and honesty,
- h. Upholding the rule of Student Government law and democratic principles,
- i. Guarding against conflicts of interests for personal gain or abuses of power,
- j. Taking responsibility for our own actions,
- k. Being compassionate, benevolent, and fair.
- l. Other standards as prescribed by Student Government law.

### **ARTICLE III - STRUCTURE**

- Section 1: The Student Government is comprised of three branches: Executive, Assembly, and the Judiciary.
- a. The executive power is vested in the Student Body President (hereafter referred to as "President"). A Cabinet comprised of the President, Student Body Vice President (hereafter referred to as "Vice President"), Chief of Staff, Directors of Student Government Departments (hereafter referred to as "Departments") will assist and advise the President.
  - b. The legislative power is bifurcated; but is not bicameral, into two chambers. The Student Senate (hereafter referred to as "Senate"), serves as the representatives and legislative authority for all students, while the Graduate House of Representatives (hereafter referred to as "House") legislates on behalf of the graduate student body only. Except where specifically provided for in this constitution neither chamber needs approval from the other to exercise their legislative authority. Together, they are referred to as the Assembly.
  - c. The judicial power is vested in the Judiciary and consists of the Supreme Court, Election Board, and other courts as established by the Senate.

- Section 2: Student Government is a representative democracy that serves the students of Texas State University. Any member of the student body is encouraged to run for office or apply for positions within Student Government.
- Section 3: This constitution is the supreme law of Student Government and the basis for all statutes of Student Government. No member or component of Student Government may ever take any action to conflict with, or otherwise violate, this constitution or statutes.
- Section 4: The laws of Student Government are codified in a Student Government Code of Laws. Bills, when properly passed and approved, will establish Student Government law as statutes to guide specific actions and detail the methods by which the provisions of this constitution, programs, and policies of Student Government are to be executed. These acts will be codified as part of Code of Laws. The code of laws has two parts; the bylaws and the operational procedures:
- a. The bylaws relate to the Student Governments ethical rules, election rules, and overall structure of the Student Government Code of Laws and are governed by Texas State University System Regent’s Rules and Regulations Chapter VI, Section 7.11. Amendments to the bylaws require review and approval from the University President.
  - b. The operational procedures relate to the daily operation and administrative regulations of Student Government, including all laws passed that are not the bylaws, and are governed by SA/PPS [07.03.03.04](#). Amendments to these procedures are subject to review and approval by the Dean of Students.
- Section 5: No member may take undue liberties in the representation of Student Government without authorization from either the House or Senate.
- Section 6: Any cases or controversies that arise from this constitution may be resolved by the Supreme Court. The Supreme Court will at no time declare parts of this constitution invalid or unenforceable due to an interpreted conflict.
- Section 7: No member will hold or exercise the powers of more than one office of Student Government. Exceptions are made for those serving to fulfill additional duties as outlined in this Constitution (e.g. Assistant Directors and Parliamentarians). No person who holds office in the judiciary may serve in another branch of Student Government at the same time.
- Section 8: Terms of Office:
- a. The President and Vice President serve a term of one year, unless they have been removed, resign, ineligible, or unable to serve.

- b. The term of office for Senators and Representatives is two years, unless they have been removed, resign, or are unable to serve.
- c. The newly elected President and Vice President are sworn in by the university President, or a designee, preferably at the first meeting of the Assembly or at a public ceremony. Regardless of when the oath is administered, these officers assume their powers on the third Monday in April at noon.
- d. Newly appointed Representatives and both elected and appointed Senators will assume their office on the third Monday in April at noon. Senators or Representatives which are subsequently duly nominated and confirmed to office will assume their office upon being administered the oath of office.
- e. All members of Student Government will take an oath and affirmation upon taking office which they are sworn to abide.
- f. To establish rotating two-year terms for Senators, the Senate must be divided as equally as possible into two classes based on odd and even years. The seats of the Senators of the first class must be vacated at the expiration of the first session of the new Senate. The second class must be vacated at the expiration of the second session of the Senate.
- g. Whenever the Senate or House have vacancies, they must only be filled for the remainder of the unexpired term of office.
- h. The Chief of Staff, director(s), and assistant director(s) will serve a term of up to one year and offer their resignation to a newly installed President.
- i. Supreme Court Justices will serve a term of two years.
- j. Election Board members will serve a term of two years.
- k. Supreme Court Justices and Election Board members will be appointed to serve alternating terms so that, as nearly as possible, one-half of the students serving will step down each year.
- l. *Ex officio* members of Student Government serve in an advisory capacity, do not count towards quorum, and do not vote. *Ex officio* members must meet the same qualifications as other members of Student Government.

Section 9: Qualifications:

- a. As verified by the Dean of Students Office, all members of Student Government must be enrolled as at least a part-time student as defined by Texas State University except graduate students or students in their final semester of study. They must

maintain good academic and disciplinary standing to participate in Student Government. Exceptions may be considered by the Dean of Students in extraordinary circumstances.

- b. The President and the Vice President are required to have a 2.75 Texas State University grade point average (GPA) to be eligible to run for office and, while in office, must maintain a minimum 2.25 Texas State GPA. Graduate students wishing to run for President or Vice President must have a 3.0 Texas State GPA and, while in office, maintain a minimum 3.0 Texas State GPA.
- c. For all other Student Government positions, whether elected or appointed, an undergraduate student is required to have a minimum 2.5 Texas State GPA and, while in office, must maintain a minimum 2.25 Texas State GPA.
- d. For all other Student Government positions, whether elected or appointed, a graduate student is required to have a minimum 3.0 Texas State GPA and, while in office, must maintain a minimum 3.0 Texas State GPA.

Section 10: All meetings of Student Government are to be open to the public, except when properly called into executive session or during deliberations of the Supreme Court or Election Board. Executive sessions are private meetings and are not open to the public when private, confidential, or other justified reasons require it.

Section 11: The Student Government Advisors are the Dean of Students and an assigned Dean of Student staff person who serve as co-advisors to the whole organization and provides daily operational support for the organization. In addition, the following advisors to specific or specialized components of Student Government are authorized:

- a. A faculty advisor as appointed by the Provost, that can consult as needed for advisory opinions regarding hearings and appeals.
- b. The Dean of the Graduate College, or designee, will serve in an advisory role to the Graduate House of Representatives and will provide advice when a need arises. The Dean of the Graduate College may designate a co-advisor from the college staff or faculty or may delegate their advisor role to said faculty or staff.

Section 12: No law that retroactively changes the legal consequences of an action are permitted.

Section 13: Proceedings of Student Government will be free of disruption as defined in university policy [UPPS No. 05.04.03](#), the [student handbook on disruptive activities policy](#) or local, state, and federal law.

## **ARTICLE IV - THE EXECUTIVE**

- Section 1: The President will, with the assistance of the Cabinet, supervise, manage, and execute the various functions established by law for Student Government. The Cabinet will advise and report to the President.
- Section 2: The Cabinet will consist of the President, Vice President, Chief of Staff, the Directors of Departments, and others as the Senate establishes by law. The President may authorize other ex officio members. The Cabinet will meet once weekly during the fall and spring semester at a time and location as determined by the President. The President, or designee, will serve as Chair of the Cabinet.
- a. The Senate Leader and House Leader may attend Cabinet meetings in an advisory capacity only and will have no rights and be given no responsibilities as Cabinet members, except that, at their own discretion, the right to attend Cabinet meetings.
  - b. The President can declare a Cabinet meeting in executive session, through executive order not immediately following another executive session meeting. Cabinet meetings convened in executive session will be attended only by the President, Vice President, Chief of Staff, and Directors.
- Section 3: If a sitting Senator is duly confirmed as a Director, they will automatically vacate their Senate seat and become an ex officio Senator. If a non-Senator is duly confirmed they will automatically become an ex officio Senator.
- Section 4: The President will hold all executive powers as outlined in this constitution or as established in law and be the chief executive of Student Government. The President is the representative of all students and will:
- a. Primarily pursue enactment or execution of duly approved bills and resolutions,
  - b. By the fifth day after passage and receipt of a House, Senate, or Assembly bill or resolution have the power to veto it, immediately after which failing to do so will result in the bill or resolution's automatic approval and transmittal to the Dean of Students,
  - c. Enforce and faithfully execute this constitution, the rules, regulations, statutes, and policies of Student Government,
  - d. Have the power to negotiate written agreements between organizations or university departments and submit them to the Senate for ratification before their execution.
    1. An agreement which triggers ratification under this section will be defined as giving decision making power over the use of Student Government funds,

property, goods, services, delegation of rights or responsibilities that are rightfully that of Student Government, or the absorption of the rights or responsibilities of another organization.

- e. Have the power to call the Assembly into joint emergency or special session or either chamber therein with at least three business days written notice,
- f. Have the power to nominate students to fill vacancies in the Chief of Staff, Director, and judicial positions and all other positions in the judiciary and executive as those positions become established by law,
- g. Have the power to remove the Chief of Staff, Directors, Assistant Directors, ex officio Cabinet members, or any position in the executive for any reason, or no reason whatsoever,
- h. Have the power to appoint Department Assistant Directors from the Assembly membership to be confirmed by their respective chamber,
- i. Approve, through signature, House, Senate, and Assembly bills and resolutions,
- j. Oversee and direct the activities of the Cabinet and Departments,
- k. Have absolute veto power over actions of the Cabinet,
- l. Appoint representatives from among the Student Body to university committees as empowered by university policy or by student government law,
- m. Report to the Assembly on the state of Student Government at the beginning of the session. Throughout their term, they may provide other reports as necessary or as called to do so by the Senate or House,
- n. Have the power to call for a referendum as defined in university policy on referendums, [SA/PPS No. 07.09](#).
- o. Have the power to call for a special election to fill vacant Senate seats,
- p. Have the power to provide for the recess appointment of those positions the President is empowered to nominate when vacancies arise, and the Senate is in recess. The commissioning of these positions will expire upon the Senate's next meeting, unless properly nominated and confirmed upon the resumption of the Senate.

Section 6: The President is relieved of office in any of the following situations:

- a. They are no longer a member of Student Government,

- b. They no longer meet minimum qualifications for office: full-time student, good academic or disciplinary standing,
- c. Upon the exchanging of powers to a new President,
- d. Conviction on Impeachment.

Section 7: The President may be temporarily removed from office in the following situations:

- a. Whenever the President transmits to the Senate Leader, House Leader, and Dean of Students their written declaration that they are unable to discharge the powers and duties of their office, and until the President transmits to them a written declaration to the contrary, such powers and duties must be discharged by the Vice President as Acting President.
- b. Whenever the Vice President and a majority of the Cabinet transmit to the Senate Leader, House Leader, and Dean of Students their written declaration that the President is unable to discharge the powers and duties of their office, the Vice President must immediately assume the powers and duties of the office as Acting President.
  - 1. Thereafter, when the President transmits to the Senate Leader, House Leader, and Dean of Students their written declaration that no inability exists, they must resume the powers and duties of the office unless the Vice President and a majority of Cabinet, transmit within twenty-four hours to the Senate Leader, House Leader, and Dean of Students their written declaration that the President is unable to discharge the powers and duties of the office.
  - 2. Thereupon the Assembly shall decide the issue, assembling in joint session within forty-eight hours of receiving the second letter for that purpose. If the Assembly will determine by two-thirds vote that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of the office.

Section 8: The Vice President will:

- a. Serve as Chair of the Senate and Assembly, unless the responsibilities as Chair under this section are duly delegated, in writing, by the Vice President to the House or Senate Leader or in the event either chamber installs their Leader as Chair by a Motion of No Confidence attaining a two-thirds approval of the chamber,

1. The Vice President will be removed from the Chair of either chamber for the remainder of the Session if the chamber pass by a two-thirds vote a “Motion of No Confidence in the Vice President.” The passage of a Motion of No Confidence expresses the view of the chamber that the Vice President no longer has the trust of the chamber or believes the person cannot be effective in the performance of their duties. A Motion of No Confidence may only properly introduced when the Vice President has exhibited any of the following: conduct unbecoming of their office, gross inability as a practitioner of parliamentary procedures, is not an effective Chair, dereliction of duty, violation of the Constitution or laws of Student Government, crisis, scandal or other situation; which in the view of the chamber, markedly restricts the Vice President’s ability to function as a legitimate leader in the chamber.
- b. Vote only in the event of a tie in the Senate, House and Assembly, regardless of if they are serving as chair,
- b. Have the power to call the Assembly, or either chamber, into emergency or special session at a time and place at their discretion with at least three days’ written notice,
- c. Assume the Office of the President, for the remainder of the term, in the event of its vacancy,
- d. Temporarily serve as Acting President in the event the President is incapacitated as established by a decision of the Cabinet,
- e. Temporarily yield their chair duties to the respective Senate or House Leader when not in attendance for a Senate or House meeting,
- f. At their discretion delegate, in writing, chair duties to the Senate Leader as “designee.” Delegation may be rescinded by the Vice President with written notice transmitted to the Senate Leader with at least five days’ notice.

Section 9: The Vice President is relieved of duties in any of the following situations:

- a. They are no longer a member of the Student Government,
- b. They no longer meet minimum qualifications for office: full-time student, good academic or disciplinary standing,
- c. They can no longer execute the duties of office due to a prolonged or permanent inability to perform their role as confirmed by a unanimous vote of the Cabinet,
- d. They are impeached.

Section 10: The Chief of Staff serves to assist the President and Cabinet. The Chief of Staff will:

- a. Serve as an advisor to the President,
- b. Provide administrative and coordinative support to the Cabinet,
- c. Plan the meetings of the Cabinet, under the direction of the President, including taking minutes, attendance, and voting records,
- d. Maintain the schedules of the President and Vice President,
- e. Provide continuity during the transition of Student Government administrations. The outgoing Chief of Staff will serve as a transition advisor for up to 60 days after the installation of the new President,
- f. Perform such other roles, functions and duties as may be provided by law and by this constitution,
- g. Review, revise, and implement the policies and procedures of the Departments.

Section 11: Student Government Departments

- a. Each Student Government Department (referred to as “Department”) is headed by one director and various assistant directors, for which the function and operations of Student Government may be organized.
- b. The name, purpose, and number of departments may from time to time be changed by law provided that:
  1. No more than six Departments may exist at any one time.
  2. No Department may have overlapping responsibilities.
  3. Of the established Departments, among them must be included:
    - (i) A Department of Finance having responsibility for the fiscal matters of Student Government,
    - (ii) A Department of Marketing and Outreach having responsibility for managing the media, communication, and public relations for Student Government,
    - (iii) A Department of Diversity, Equity, and Inclusion having responsibility for fostering discussion, dialogue, education, and advocacy of issues important to underrepresented student populations.

Section 12: Department Directors manage the affairs and coordinate the activities of their respective departments and will:

- a. Report to and take direction from the President,
- b. Have administrative, supervisory, and management powers,
- c. Attend every Senate meeting to answer questions about their Department and provide advice to the Senate on legislation affecting areas of departmental interest,
- d. Provide an oral or written report to the House and Senate on departmental activities each semester and when otherwise called to do so.
- e. Attend House meetings upon request from the House Leader to answer questions about their Department and provide advice to the House on legislation affecting areas of departmental interest

Section 13: Department Assistant Directors take direction from their respective Directors and will provide assistance through planning and implementation of the goals and activities of their Department.

#### **ARTICLE V - THE ASSEMBLY**

Section 1: The Assembly consists of two chambers, the Senate and the House.

Section 2: The Assembly will meet at least once each year on the third Monday of April at a time and place established by the Vice President, but which must occur after noon. This annual meeting will constitute a new session of the Assembly and will be consequently numbered in ascending order under this constitution starting with the 9th session.

Section 3: Quorum is required to conduct business. A vote will not be held without a quorum under any circumstance. Quorum in a Joint Session of the Assembly is defined as one more than half of the total number of Senators and Representatives on the roster at time the meeting is called of which at least 4 must be Representatives

Section 4: In the event that quorum is not met, the chair of the meeting may hold the membership of the Assembly for a time period not to exceed 45 minutes while all constitutional and parliamentary procedures are exercised to attain quorum.

Section 5: A majority vote, in all contexts under this constitution, means a number greater than half of the total of those present and eligible to vote.

- a. For the purposes of determining the majority in a vote, abstentions have no effect on the result, only affirmative and negative votes will be counted. All abstentions

will change the threshold of passage based solely on the cast affirmative and negative votes. There will be no impact to the quorum requirements.

- b. A member who desires to abstain from a vote must state the reason before making the abstention as their vote is recorded. The statement will be entered into the official record.
- Section 6: Final votes on all legislation are to be conducted by roll call, except legislative amendment voting which may be conducted with a vote by voice or other such method the Assembly decides. Roll call votes are to be recorded in such a way that the vote can be connected to the member who cast it. Secret ballot voting is prohibited under all circumstances, except for elections.
- Section 7: Each member of the Assembly has one vote. A member must be present when their name is called in order to cast a vote. Proxy voting is prohibited.
- a. For House Representatives, voting by teleconference is only allowed with permission of the Chair.
  - b. For Senators, voting by teleconference is only allowed with permission of the Chair and the Senator must be part of the Round Rock Campus.
- Section 8: Legislation and the subjects therein that are properly presented to the Assembly and fail to attain approval cannot be brought up again in the same session except upon consideration of a veto override.
- Section 9: No one may amend or alter a properly passed statute or action of the House and Senate without the permission of the originating legislative body, except to bring it into compliance with grammatical standards, university policy or local, state, and federal laws. In the event an amendment or alteration must be made under this section, the President will be responsible for reporting the specific changes at the next regular meeting of the House and Senate and the changes will be recorded in the meeting minutes.
- Section 10: In Joint Session of the Assembly only the members of the Assembly have the right to speak during debate and discussion, this includes ex officio members of both chambers.
- Section 11: A Joint Conference Committee of both chambers will be established to facilitate the reconciliation of differences of opinion, resolutions, and bills between the Senate and House. The Assembly may establish other joint committees as needed.

Section 12: Any legislation originating in the Senate or in the House, except for articles of impeachment, can be considered Joint legislation (Joint Bill or Joint Resolution) as long as it is sponsored by at least one member of each chamber.

- a. A Joint bill or resolution is considered passed when the same version of the legislation has been approved by a majority of both chambers. If a chamber amends legislation after it has been approved by the other chamber, the legislation must then be brought back before the other chamber for approval.

Section 13: A joint Nominations and Appointments Committee established by the Senate will determine if applicants or nominees proposed by the President meet Student Government standards for appointments to Cabinet, Judicial, and vacant elected Senate positions. The committee will recommend qualified applicants or nominees to be considered for confirmation by the Senate or when the student is a graduate student, confirmation by the Senate and House.

Section 14: The Nominations and Appointments Committee will have seven members including the Senate Leader as chair and the Senate Parliamentarian as vice chair. At least three members will be Senators nominated by the Senate Leader and confirmed by two-thirds vote of the Senate. At least one member will be a Representative selected by the House. The Senate Leader will nominate replacement members in the event of a committee vacancy to be confirmed by the Senate. Members of the committee will remain members for two years, unless they are no longer a Senator or House member or resign from the committee.

- a. The Nominations and Appointments Committee will make their recommendations within seven days after receiving an application. Should the committee fail to make their recommendations, the committee will be dissolved by the Vice President and new members will be selected.

Section 15: All pending legislation and the subjects therein end upon the first meeting of a new session

Section 16: The Chair of the Senate, House, or Assembly will:

- a. Preside over meetings of the chamber for which they are empowered by this constitution or as prescribed by law,
- b. Propose the agenda,
- c. Have the power to nominate the chairs of Senate committees, except where provided in this constitution or as established by law,

- d. Have the power to remove the Chair of any committee with written justification transmitted to the Senate,
- e. Have the power to assign and remove Senators to Senate committees,
- f. Have the power to assign and remove Representatives to House committees,
- g. Be impartial as Chair of the Senate, House or Assembly,
- h. Have the power to assign legislation to committees,
- i. Have the power to utilize reasonable discretion in taking procedural actions, accepting or making motions, or suggest actions intended to increase the productivity of the chamber, so long as it is in compliance with applicable laws and this constitution, subject to override by a majority of the chamber,
- j. Yield a ruling decision to the Vice President when a conflict of interest arises that includes the Senate or House Leader acting as chair and the chamber's Parliamentarian.

#### **ARTICLE VI - THE STUDENT SENATE**

Section 1: The Senate are the elected and duly appointed representatives of all students, both graduate and undergraduate.

Section 2: The Senate possesses legislative powers of the Student Government, legislates on behalf of all students, and exercises the powers stated herein. The Senate will only legislate:

- a. To fulfill the purpose of Student Government or enforce the powers granted to it by this constitution through bills. Upon passage and approval of these bills, they will become statute and Student Government law except for those matters that require a bill to be passed by both the Senate and the House, and
- b. To grant authorization for members of Student Government to represent the interests of the students to the administration through passage and approval of a resolution.

Section 3: The Senate is composed of 45 Senators in total. There are 33 at-large Senators who are elected from the student body, and 12 Senators who are appointed by respective organizations to represent students from underrepresented groups as outlined in Article VI, Section 4. All Senators have equal rights and responsibilities.

Section 4: The 12 Senators appointed by the organizations will be distributed as follows:

- a. Four from Underrepresented Students Advisory Council (USAC),

- b. One from Lambda of Texas State,
- c. One from Freshman Council,
- d. One from Non-Traditional Student Organization (NTSO),
- e. One from Foster Care Alumni Creating Educational Success (FACES),
- f. One selected by the Office of Disability Services (ODS),
- g. One from Residence Hall Association (RHA),
- h. One selected by the Office of International Student and Scholars Services (ISSS),  
and
- i. One from Veterans Alliance of Texas State.

Section 5: Quorum is required to conduct business and is defined in the Senate as one more than half the Senators on the roster at the time a meeting starts.. A vote will not be held without a quorum under any circumstance.

Section 6: In the Senate only the members of the Senate have the right to speak during debate and discussion, this includes ex officio members.

Section 7: In the event that quorum is not met, the chair of the meeting may hold the membership of the chamber for a time period not to exceed 45 minutes while all constitutional and parliamentary procedures are exercised to attain quorum.

Section 8: A special election must occur to fill vacant Senate seats if membership falls below 22 Senators.

Section 9: Any action by the Senate must have attained at least a majority vote of Senators to pass. The Senate may prescribe a higher threshold as it deems necessary.

- a. For the purposes of determining the majority in a vote, abstentions have no effect on the result, only affirmative and negative votes will be counted. All abstentions will change the threshold of passage based solely on the cast affirmative and negative votes. There will be no impact to the quorum requirements.
- b. A member who desires to abstain from a vote must state the reason before making the abstention as their vote is recorded. The statement will be entered into the official record.

Section 10: The Senate is comprised of the Senate Leader, Senators, and other officers of the Senate as prescribed by law.

Section 11: Final votes on all legislation are to be conducted by roll call, except legislative amendment voting which may be conducted with a vote by voice or other such method the Senate decides. Roll call votes are to be recorded in such a way that the vote can be connected to the member who cast it. Secret ballot voting is prohibited under all circumstances, except for elections.

Section 12: Each member of the Senate has one vote. A member must be present and, in the room, when their name is called in order to be counted. Proxy voting is prohibited.

- a. For Senators, voting by teleconference is only allowed with permission of the Chair and the Senator must be part of the Round Rock Campus.

Section 13: The Senate will have the sole power to try all impeachments.

Section 14: Simple resolutions express the will of the Senate as co-equal component of Student Government, exercising the powers granted to it in this constitution, or performing non-binding ceremonial purposes and are not eligible for veto. Such resolutions include:

- a. Review, and if so choosing, confirm all nominations made by the President,
- b. Confirm Senate committee chair nominations,
- c. Ratify agreements negotiated by the President.
- d. Override a Presidential veto of its bills or resolutions by two-thirds vote of those present.
- e. Originate resolutions proposing to amend the Student Government Constitution,
- f. Changing the date, time, or location of a Senate meeting,
- g. Try all impeachments.
- h. Remove through expulsion a Senate member by two-thirds for:
  1. Behavior contrary to the Student Government Constitution, Student Government rules, codes, or standards,
  2. Violating the code of student conduct, federal or state law,
  3. Misrepresenting the will or official position of the Student Government,
  4. Abandonment of duty, or
  5. Abuse of power in their position.

Section 15: Senators who have been expelled may appeal their expulsion to the Supreme Court on due process grounds only.

Section 16: A Resolution expresses the opinion of the Student Body. Through a resolution, the Senate will have the legislative power to:

- a. Make a recommendation or express student opinion to the university administration addressing any issue of student concern,
- b. Provide suggested language for a referendum with a two-thirds vote of those present and is forwarded to the President for signature to issue a call for referendum,

Section 17: Through a bill, the Senate will have the legislative power to:

- a. Establish rules and procedures for the efficient operation of the Senate,
- b. Establish, disband, and regulate Departments,
- c. Establish, disband, and regulate the formation of other Cabinet positions,
- d. Establish, dissolve, and regulate Senate committees,
- e. Establish a process for conducting trials of impeachment,
- f. Establish and amend rules relating to elections,
- g. Establish rules for the operations and business of the Student Government,
- h. Establish a process to fill vacant Senate seats,
- i. Establish courts lower than the Supreme Court, though they may not establish courts with overlapping jurisdiction,
- j. Establish a committee that will review fill vacancies of at-large Senator positions and Presidential nominees to Judicial, and Cabinet positions, known as the “Nominations and Appointment Committee”,
- k. Establish regulations on the judiciary which do not have the effect of interfering in the judiciary’s independence, scope, impartiality, dignity, accessibility, or effectiveness,
- l. Establish the annual operating budget of the Student Government,
- m. Originate bills that regulate the budget allocation process,
- n. Originate bills governing the ethics and standards of conduct and establishing a means of disciplinary review, including sanctions for all members of Student Government,

- o. Legislate all statutes which are necessary and proper for execution of all powers granted to all components of Student Government as prescribed in this constitution. The House will be exempt from Senate regulation unless they approve,

Section 18: The Senate, by a two-thirds votes, has the power to exercise its legislative and oversight functions to:

- a. Conduct investigations,
- b. Require testimony of members,
- c. Require the release of documents regarding organization matters.
- d. The powers in this section are limited to Student Government and its members. The Judiciary is exempt from these powers.

Section 19: The Senate Leader must transmit passed legislation to the President within two days for Presidential signature. Once received, the President has up to five days to sign or veto legislation.

- a. In the event a President fails to sign or veto legislation within five days, it is the duty of the Leader to forward legislation to the Dean of Students whereby resolutions are made the official recommendation of Student Government, and bills are advanced for approval by the Dean of Students so that they become statutes and Student Government law.

Section 20: The Senate must override a Presidential veto of its bills or resolutions at its next regularly scheduled meeting, in the same session, for the override to be valid.

Section 21: The Senate Leader is the highest-ranking Senator. The Leader must be elected by a majority vote of the Senate by the second meeting of each new session, be a Senator sitting in the current session and maintain their current status as a Senator to retain the position. The Senate Leader will:

- a. Fulfill the duties of the Vice President in their absence as allowed by the Constitution,
- b. Manage and coordinate operations within the Senate,
- c. Transmit passed legislation to the President for signature,
- d. Have the power to call the Senate into emergency or special session, with three days' notice, when deemed appropriate,
- e. Serve as chair of the Nominations and Appointments Committee,

- f. Assume the Office of the Vice President in the event of its vacancy.

Section 22: The Senate Parliamentarian serves to preserve order at meetings of the Senate or Assembly. The Parliamentarian must be elected by a majority vote of the Senate by the second meeting of each new session, be a Senator sitting in the current session and maintain their current status as a Senator to retain the position. The Senate Parliamentarian will:

- a. Preserve order during meetings,
- b. Assist with issues of parliamentary procedure,
- c. Act as Sergeant-at-Arms, per Robert's Rules of Order,
- d. Not rule on legislation for which they author or co-author, sponsor or motions they make or second,
- e. Perform other duties as assigned by the Chair or as approved by the Senate.

Section 23: The Senate Leader or Parliamentarian will be removed from their officer position upon the passage of a Vote of No Confidence Resolution by a two-thirds vote of their peers. The passage of a Vote of No Confidence Resolution expresses the view of the Senate that the officer no longer has the confidence of their peers and that the Senate believes the person cannot be effective in the performance of their duties. A Vote of No Confidence may be due to conduct unbecoming of their office, dereliction of duty, violation of the Constitution or laws of Student Government, violation of code of ethics or other situation as prescribed by law; which in the view of their peers, markedly restricts the Senate Leader's or Parliamentarian's ability to function as a legitimate representative of the Senate.

- a. A Resolution on a Vote of No Confidence must never be submitted as emergency legislation and must always be read twice to the Senate.
- b. On the first reading, the Resolution must only be read to the Senate. On the second reading, debate, discussion and a vote must occur on the Resolution.
- c. Vote of No Confidence Resolutions must provide, in detail, the justification for the removal.
- d. Passage of a Vote of No Confidence will result in the removal from their officer position, though they retain their position as a Senator. This section does not prohibit the issuance of further charges or proceedings including but not limited to removal from office through expulsion.

Section 24: Committee chairs will be members of the Senate and confirmed by the Senate.

- Section 25: Committees are classified differently from Departments based on the following criteria, if it:
- a. Reviews legislation,
  - b. Reviews actions of the university,
  - c. Investigates an issue of importance to the Student Body, or investigates a matter related to Student Government.
- Section 26: The Senate will meet on the first Monday of the first full week of classes in the fall semester at a time and location as predetermined by the Senate Chair, and thereafter every Monday at that same time and location. The Senate will enter recess in the fall semester during the first week of finals until the first full week of classes in the Spring semester, and again in the Spring semester on the first week of finals until the first full week of classes in the Fall semester. The Senate will not meet on holidays, or during any university closure. Any change to the meeting time or place after having been set on the first meeting will require two-thirds approval of the Senate. The Senate Chair may change the meeting location and time due to an unexpected university situation.
- Section 27: The time, place, and agenda of Senate meetings will be made public on the Student Government website at least three days beforehand. All proceedings will be documented, including final votes of legislation, which must be made public within three days after the meeting.
- Section 28: Meetings must be conducted in accordance with the procedures established by the Senate. If a procedure is not established, Robert's Rules of Order must be used.
- Section 29: Legislation and the subjects therein that are properly presented to the Senate and fail to attain approval cannot be brought up again in the same session except when overruling a veto of the president.
- Section 30: All pending legislation and the subjects therein end upon the first meeting of a new session.

## **ARTICLE VII - THE GRADUATE HOUSE OF REPRESENTATIVES**

- Section 1: The House is composed of the duly appointed representatives of graduate students.
- Section 2: The House will have limited regulatory power over the rest of Student Government but must exercise exclusive rights over the regulation of the House. The House will have sole power of Impeachment.

- Section 3: The House possesses limited legislative powers over Student Government, legislates on behalf of graduate students, and exercises the powers stated herein. The House will only legislate:
- a. Through resolution, expressing the opinion and will of the graduate students at Texas State University, or to concur or reject, when constitutionally permitted, Senate bills or resolutions,
  - b. To regulate the House through bills which, when properly passed and approved, will become a statute and Student Government law,
  - c. Review and approve legislation relating to the Judiciary,
  - d. Review and approve amendments to this constitution.
- Section 4: The House is composed of the Representatives and other House officers as prescribed by law. The House will be apportioned with two seats for each of the following graduate-degree granting colleges: Applied Arts, McCoy College of Business Administration, Education, Fine Arts and Communications, Health Professions, Liberal Arts, and Science and Engineering.
- Section 5: Quorum is required to conduct business and is defined in the House as one more than half the total number of Representatives in the House as apportioned by the constitution. A vote will not be held without a quorum under any circumstances.
- Section 6: In the event that quorum is not met, the chair of the meeting may hold the membership of the chamber for a time period not to exceed 45 minutes while all constitutional and parliamentary procedures are exercised to attain quorum.
- Section 7: Any action by the House must have attained at least a majority vote of Representatives to pass. The House may prescribe a higher threshold as it deems necessary.
- a. For the purposes of determining the majority in a vote, abstentions have no effect on the result, only affirmative and negative votes will be counted. All abstentions will change the threshold of passage based solely on the cast affirmative and negative votes. There will be no impact to the quorum requirements.
  - b. A member who desires to abstain from a vote must state the reason before making the abstention as their vote is recorded. The statement will be entered into the official record.
- Section 8: Final votes on all legislation are to be conducted by roll call, except legislative amendment voting which may be conducted with a vote by voice or other such method the House prescribes by law. Roll call votes are to be recorded in such a

way that the vote can be connected to the member who cast it. Secret ballot voting is prohibited under all circumstances, except for elections.

Section 9: Each member of the House has one vote. A member must be present when a vote is conducted in order to be counted. Proxy voting is prohibited.

- a. For House Representatives, voting by teleconference is only allowed with permission of the Chair.

Section 10: Simple resolutions express the will of the House as a component of Student Government, exercising the powers granted to it in this constitution, or performing non-binding ceremonial purposes and are not eligible for veto. Such acts include:

- a. Override a Presidential veto of its bills or resolutions by two-thirds vote,
- b. Review, and if so choosing, confirm graduate students nominated by the President to positions,
- c. Confirm House committee chair or other officer nominations.
- d. Review and revise, through amendment, resolutions from the Senate proposing changes to the Constitution,
- e. Approve Articles of Impeachment.
- f. Remove through expulsion a House member by two-thirds vote for:
  1. Behavior contrary to the Student Government Constitution, Student Government rules, codes, or standards,
  2. Violating the code of student conduct, federal or state law,
  3. Misrepresenting the will or official position of the Student Government,
  4. Abandonment of duty, or
  5. Abuse of power in their position.

Section 11: Representatives who have been expelled may appeal their expulsion to the Supreme Court on due process grounds only.

Section 12: A Resolution expresses the opinion of the graduate student body. Through a resolution, the House will have the legislative power to:

- a. Make recommendations or express the opinion of the graduate student body to the university administration,

Section 13: Through a bill, the House will have the legislative power to:

- a. Establish rules, eligibility standards, operations, and business of the House,
- b. Regulate selection of its members and fill vacancies as needed,
- c. Establish House committees, which must follow the same criteria for classification as a committee as is done in the Senate, as it sees fit,
- d. Concur, reject or propose amendment to changes, regarding ethics, member performance standards, and discipline for any such bill originating in the Senate to be considered passed and sent to the President for approval and enactment,
- e. Approve or reject Senate changes to the rules regarding the budget allocation process, except for specific fund allocation decisions made by the Senate. Regardless of House approval, legislation is sent to the President for approval and enactment,
- f. To review and provide nonbinding feedback on the annual operating budget of the Student Government,

Section 14: The House Leader must transmit passed legislation to the President within two days for Presidential signature. Once received, the President has up to five days to sign or veto legislation.

- a. In the event a President fails to sign or veto legislation within five days, it is the duty of the Leader to forward legislation to the Dean of Students whereby resolutions are made the official recommendation of Student Government, and bills are advanced for approval by the Dean of Students so that they become statutes and Student Government law.

Section 15: The House must override a Presidential veto of its bills or resolutions at its next regularly scheduled meeting, in the same session, for the override to be valid.

Section 16: The House Leader will serve as chair of the House and is the highest-ranking Representative. The Leader must be elected by a majority vote by the adjournment of the first House meeting of each new session, must be a Representative sitting in the current session, and must maintain their current status as a Representative to retain the position. The House Leader will:

- a. Manage and coordinate operations within the House,
- b. Transmit passed legislation to the President for signature,
- c. Have the power to call the House into emergency or special session, with three days' notice, when they deem it appropriate.

Section 17: The House Parliamentarian serves to preserve order at meetings of the House or Assembly. The Parliamentarian must be elected by a majority vote of the House by the second meeting of each new session, be a Representative sitting in the current session and maintain their current status as a Representative to retain the position. The House Parliamentarian will:

- a. Preserve order during meetings,
- b. Assist with issues of parliamentary procedure,
- c. Act as Sergeant-at-arms, per Robert's Rules of Order, and
- d. Not rule on legislation for which they author or co-author, sponsor or motions they make or second,
- e. Perform other duties as assigned by the Chair or as approved by the House.

Section 18: The House Leader or Parliamentarian will be removed from their officer position upon the passage of a Vote of No Confidence Resolution by a majority vote of their peers. The passage of a Vote of No Confidence Resolution expresses the view of the House that the officer no longer has the confidence of their peers and that the House believes the person cannot be effective in the performance of their duties. A Vote of No Confidence may be due to conduct unbecoming of their office, dereliction of duty, violation of the Constitution or laws of Student Government, violation of the code of ethics or other situation as prescribed by law, which in the view of their peers, markedly restricts the House Leader's or Parliamentarian's ability to function as a legitimate representative of the House.

- a. A Resolution on a Vote of No Confidence must never be submitted as emergency legislation and must always be read at least once to the House.
- b. On the first reading, the Resolution can be read, debated, discussed and a vote can be conducted.
- c. Vote of No Confidence Resolutions must provide, in detail, the justification for the removal.
- d. Passage of a Vote of No Confidence will result in the removal from their officer position, though they may retain their position as a Representative. This section does not prohibit the issuance of further charges or proceedings including but not limited to removal from office through expulsion.

Section 19: Committee chairs will be members of the House and will be nominated and confirmed by the House.

- Section 20: The House will meet on the first Friday of the first full week of classes in the fall semester at a time and location as predetermined by the House Chair and thereafter every other Friday at that same time and location. The House will enter recess in the Fall semester during the first week of finals until the first full week of classes in the Spring semester, and again in the Spring semester on the first week of finals until the first full week of classes in the Fall semester. The House will not meet on holidays or during any university closure. Any change to the meeting time or place after having been set on the first meeting will require a two-thirds approval of the House or as established by law. The House Chair may change the meeting location and time due to an unexpected university situation.
- Section 21: The time, place and agenda of House meetings will be made public on the Student Government website at least three days beforehand. All proceedings will be documented, including final votes of legislation, which must be made public within three days after the meeting.
- Section 22: Meetings must be conducted in accordance with the procedures established by the House. If a procedure is not established, Robert's Rules of Order must be used.
- Section 23: Legislation and the subjects therein that are properly presented to the House and fail to attain approval cannot be brought up again in the same session except when overriding a veto of the President.
- Section 24: All pending legislation and the subjects therein end upon the first meeting of a new session

### **ARTICLE VIII - THE JUDICIARY**

- Section 1: The judicial power of the Student Government is vested in the Supreme Court, Election Board and in such other lower courts that the Senate may establish by law. The Judiciary will minimally consist of the Supreme Court and Election Board.
- a. "Court(s)" for the purposes of Student Government, are defined as the bodies of Student Government which may hear testimony and provide remedy to specific cases, such as the Supreme Court, Election Board, and other courts the Senate may establish by law.
  - b. The Senate cannot establish lower courts with overlapping jurisdiction,
  - c. The only and final appeals court in Student Government will be the Supreme Court.
- Section 2: The Supreme Court is the superior court and the only appellate court within Student Government. The Supreme Court has the power of Judicial Review and Judicial Remedy in relation to the constitutionality of any action of Student Government.

The Supreme Court has original jurisdiction involving cases between two or more components of Student Government, any issues of constitutional interpretations and appeals from the Election Board.

- a. For every petition submitted to the Supreme Court, the justices must determine by a majority vote whether to hear the case or not,
- b. In matters concerning other rules and regulations where the Senate has established other courts, the Supreme Court has appellate jurisdiction,
- c. The Supreme Court is the final interpreter of all legislative or policy instruments under this constitution for the Student Government,
- d. The Supreme Court interprets the Constitution as written and makes no judgment, opinion, or order relating to the Constitution's validity or correctness. The same restriction will apply to all components of the Judiciary,
- e. When the Supreme Court has reached a majority decision, it will issue orders and opinions that are binding for all members of the student body in the context of the Student Government. Any person in violation of these opinions or orders will be considered in violation of this constitution. This same power may be granted to other courts established by the Senate,
- k. The Supreme Court will have the power to summon members of the student body to appear before it and require the production of documents and testimony when related to Student Government matters. This same power may be granted to other courts established by law.
- l. The Supreme Court and all other courts will provide relief and remedy to issues deemed actionable under its jurisdiction,
- m. In the event of a violation of any court orders the Supreme Court may, by majority vote of all Justices, hold in contempt and suspend members from their office, until such time as they win appeal or comply with the order.

Section 3: There are seven Supreme Court Justices, of which at least one will be a graduate student. From the seven Justices one will be elected by a majority of the Justices to serve as Chief Justice; no election for Chief Justice will occur if the Court has fewer than three Justices seated and present at said election.

- a. The Chief Justice will be the chief administrative officer and oversee the functions of the Judiciary and will hold office for a term of two years or until they resign, become ineligible to serve, or are removed from office,

- b. Justices will hold office for a term of two years or until they resign, become ineligible to serve, or are removed from office,
- c. The courts will not hear a case while having fewer than three Justices seated on the Supreme Court and are present at the court's proceedings,
- d. An evenly split court will result in upholding a lower court or election board decision,
- e. Where the Supreme Court is unable to fulfill its duties due to a lacking number of Justices or procedures conflict to conduct hearings, an aggrieved party may appeal to the Dean of Students for remedy. The Dean of Students will assume all powers of the court to hear a case.

Section 4: The student members of the Supreme Court will be appointed to serve alternating terms so that, as nearly as possible, one-half of the students serving as Justices will step down each year.

Section 5: In cases that the applicant pool does not yield at least five qualified applicants, the Dean of Students may recommend eligible candidates to the President for nomination.

Section 6: The Election Board:

- a. There will be five Election Board members. From the five members, one will be selected by the Chief Justice to serve as Chair.
- b. The Election Board has original jurisdiction involving issues related to the Student Government elections, special or general, and will enforce and interpret rules relevant to the election process. The Board will enforce all provisions of the Constitution, statutes, university policy and other relevant regulations in the context of elections and campaigning. The Election Board is vested with all powers necessary to bring forth just, appropriate, and reasonable remedies. The Election Board will:
  - 1. Have a minimum of three seated members present to hear a case,
    - i. If the Election Board cannot hear arguments due to the number of members seated, the Supreme Court must assume all powers of the board.
  - 2. Decide which cases it hears by a majority vote,
  - 3. Make decisions by a majority vote,

4. Have the power to issue temporary, appropriate, and reasonable relief or remedy,
5. Have the power to summon members of the student body to appear before the board and require the production of documents and testimony in relation to an election matter,
6. Upon reaching a decision, issue orders and opinions that are binding for all members of the student body. Any person in violation of these opinions or orders will be considered in violation of this constitution and subject to possible removal or bar from office,
7. Have broad powers to interpret, enforce and resolve election issues not otherwise specified in the constitution or prescribed by law,
8. Have jurisdiction applying to on-campus and off-campus activities.

Section 7: Rights and Due Process

- a. During any hearing conducted by the courts, the accused must be afforded certain rights and the accused has certain obligations which must include:
  1. A right to due process, meaning formal proceedings carried out regularly and in accordance with established rules and principles that do not contain provisions resulting in arbitrary treatment,
  2. A right to be informed of and address the charges against them,
  3. A right to a maximum of two Texas State students to serve as counsel,
  4. An obligation to appear before any properly established proceeding to answer questions and address the charges against them,
  5. An obligation to answer questions truthfully both verbally and in written communication.
  6. An obligation to take an oath or affirmation to abide by the aforementioned obligations.

Section 8: Appeals:

- a. Decisions of the Election Board or other courts are first appealed to the Supreme Court. The Supreme Court will render a decision within two days after hearing the appeal,

- b. Decisions of the Supreme Court may be appealed to the Dean of Students who will review and render a final decision,
- c. Appeals to each appellate level must be filed within three days following a decision.

Section 9: Judicial Independence:

- a. No member of the Judiciary may be a candidate nor support candidates or alliances for Student Government office in the year they seek application to the Judiciary,
- b. No court will make a judgment, opinion or order relating to the Constitution's validity or subject matter correctness.
- c. Members of the Judiciary must not serve in any appointed Student Government position for one year after serving in the Judiciary. Members of Student Government must not serve in the Judiciary for one year after serving in any other non-Judiciary position.
- d. Members of the Judiciary will not petition the court, present evidence, provide testimony or embrace any subject before them or any other courts,
- e. Members of the Judiciary must recuse themselves from proceedings when a conflict of interest arises.

Section 10: Precedent:

- a. The orders and opinions of the Supreme Court must have persuasive precedential value on future Supreme Court proceedings. This means that previous rulings of the Supreme Court must be used to help answer future cases of the same general subject matter so that the same case does not often result in different outcomes. Supreme Court decisions have binding precedential value overall proceedings of all other courts. This means all courts below the Supreme Court, which includes the Election Board, must adhere to, as a matter of case-law, the decisions of the Supreme Court and may never decide counter to the Supreme Court's rulings.
  - 1. Opinions and orders of all other courts must have persuasive precedential value on their future rulings,
  - 2. The passage of time has no effect on the value of any court precedent,
  - 3. The Supreme Court may vacate the precedent of the other courts,
  - 4. The courts are permitted to overturn precedent so long as the decision is justifiable under existing law, rooted in the legal text behind the case, and

the justification is thoroughly and accurately explained in the order overturning the precedent.

## **ARTICLE IX - ELECTIONS**

- Section 1: The Election Board will oversee Student Government elections and referenda.
- Section 2: General elections must be held once a year during the spring semester for four consecutive class days starting on the third Monday in February.
- Section 3: Candidates for office will run with shared goals as part of an alliance or independently.
- Section 4: Texas State students will cast one vote each for a President and Vice President candidate, and one vote for each position available for Senate candidates. Votes are cast for candidates, regardless of alliance or independent affiliation.
- Section 5: A campaign agenda is a stated set of campaign principles or initiatives that provide information about the candidates intended goals if elected.
- Section 6: Candidates running as part of an “Alliance”, must establish a shared campaign agenda and a list of at least five candidates running for office: A President, Vice President, and at least three Senators.
- Section 7: Candidates running independently must establish a campaign agenda.
- Section 8: Persons who are evaluating the decision to run for office will be allowed a period of time to explore and gauge interest in forming an alliance based on shared ideas. The exploration period will open on November 1 and close no later than the filing deadline. During this period, a potential candidate may publicly recruit other potential candidates to run on an alliance without the solicitation of votes.
- Section 9: All current Senators and Representatives, who have a year remaining in their term, must declare to the Election Board in writing their intent to complete the remainder of their term or intent to leave office at the end of the session, by November 1 each year.
- a. Any declared vacancies will not be placed on the ballot and will be held over for the next session to be filled by the process outlined in this constitution and as prescribed by law. The selected replacement will only complete the remainder of the unexpired term of office.
  - b. A Senator or Representative’s declaration of intent to leave office early at the end of the session is irrevocable upon the conclusion of elections and are automatically resigned from office at the end of the session.

- Section 10: An alliance or an independent candidate must be certified by the Election Board in accordance with all provisions of this constitution and related laws. Filing to form an alliance or to run independently will begin on the first class day in December and close on the first class day in the spring semester. Students wishing to run for office will file to form an alliance or run independently by the deadline and include:
- a. A short concise name of the alliance or stating independence,
  - b. The full name(s) and NetID(s) of the candidates seeking election under the alliance or independently,
  - c. A list of the positions sought by each candidate,
  - d. An campaign agenda.
- Section 11: The President and Vice President candidates will serve as the alliance's leaders and must represent the alliance in public and respond to any official requests from the Election Board, Supreme Court or other duly empowered body. Independent candidates must represent themselves in public and respond to any official requests from the Election Board, Supreme Court or other duly empowered body. This section is not to be construed to deny the candidates use of students as counsel in their representation.
- Section 12: Final changes to the alliance or independent status must be submitted by the Friday of the first week of class in the spring semester.
- Section 13: After the filing deadline alliances cannot be dissolved, candidates cannot be added, and any candidates within an alliance that withdraw cannot be replaced,
- Section 14: A person may withdraw from running for office in writing, or withdraw from an alliance at any time, except while an alliance or member thereof is under investigation for violating election rules or while either is serving an election related sanction.
- Section 15: An alliance must have a candidate for President, Vice President, and a minimum of five Senate candidates to be certified, as prescribed by law.
- Section 16: Public campaigning dates and updated election rules will be published and maintained by the Election Board upon the opening of the initial filing date.
- Section 17: The President and Vice President must be elected by a majority of students voting in an election. At-large Senators must be elected by a plurality of students voting in an election.

## **ARTICLE X - APPOINTMENTS AND NOMINATIONS**

- Section 1: Appointed Senators must meet the same qualifications as at-large Senators: full-time students as defined by Texas State University and maintain good academic and disciplinary standing. A Freshman student appointed to the position must have graduated in the top quarter of their high school class.
- Section 2: The times, location, and manner of selecting an appointed Senator may be prescribed by each organization or Texas State University department thereof; but the Senate may at any time by law make or alter such regulations, except as to the location of selection.
- a. If there are any vacancies in their representation, replacements will be selected by the President of these organizations or the affiliated Texas State University department.
  - b. An appointed Senator must only serve as a designated representative for one group listed in Article X, Section 1.
  - c. Each organization, except Freshman Council and Residence Hall Association, will select their Senators by the third Thursday of February each year.
  - d. Freshman Council and Residence Hall Association must select their Senator on or before October 1 each year.
  - e. Should one of the listed organizations in Article X, Section 1 no longer exist or be renamed, the name may be amended in each listing within this constitution by the university administration without a vote of the student body.
- Section 3: House Representatives must be selected by each college dean for appointment by March 15 of each year.
- Section 4: The Chief of Staff is directly nominated by the President and confirmed by the Senate.
- Section 5: The Department director(s) are nominated by the President, referred to the Nominations and Appointments Committee, which then reviews the nominee within seven days and if they approve will forward the nominee to the Senate for confirmation at their next meeting. Any member of the student body may apply and must have attended at least one semester as a full-time student as defined by university policy.
- Section 6: The Department assistant director(s) are directly appointed by the President from among the Assembly membership and confirmed by their respective chamber.

- Section 7: Positions in the Judiciary are nominated by the President, referred to the Nominations and Appointments Committee, the committee reviews the nominees and if they approve will forward the nominee to the Senate for confirmation. Graduate student nominees will also be confirmed by the House. Any member of the student body may apply and must have attended at least one semester as a full-time student as defined by university policy.
- Section 8: In cases that the applicant pool for Supreme Court Justices or Election Board members does not yield at least five qualified applicants, the Dean of Students may recommend eligible candidates, and submit them to the President for nomination.
- Section 9: University committee representatives are appointed by the President in accordance with university policy and applicable law.

#### **ARTICLE XI - IMPEACHMENT AND REMOVAL**

- Section 1: The President, Vice President, members of the Executive, members of the Judiciary, and others as prescribed by law will be removed from office if the House impeaches—formally charges—that official and if the official subsequently is convicted in a Senate impeachment trial by a two-thirds vote.
- Section 2: Impeachment is a process whereby the House brings formal charges of such acts deemed impeachable against the President, Vice President, members of the Executive, members of the Judiciary, and others as prescribed by law, similar to an indictment. The process evaluates the charges and decides if there is sufficient evidence to conduct a trial in the Senate.
- Section 3: Articles of Impeachment cannot be vetoed and do not need the approval of the President. Impeachable acts include:
- a. Violation(s) of this constitution,
  - b. Violation(s) of the rules, regulations and laws of the Student Government,
  - c. Violation(s) of orders or opinions of the Supreme Court or other courts,
  - d. Gross violation(s) of the Code of Student Conduct and university policies,
  - e. Dereliction of duty,
  - f. Conviction of any federal, state, or local crime above a class C misdemeanor,
  - g. Violation(s) of the Student Government Code of Ethics,
  - h. Misrepresentation of the will or official position of the Student Government,

- i. Abuse of power in their position.

Section 4: To impeach a President, Vice President, members of the Executive, members of the Judiciary, and others as prescribed by law, Articles of Impeachment must be introduced by three co-sponsoring Senators or Representatives and be passed by a majority vote in the House. Each charge will be a separate article under the Articles of Impeachment. The co-sponsoring members must include at least one Senator and at least one Representative, and one other co-sponsor from either chamber.

Section 5: Articles of Impeachment must never be submitted as emergency legislation and must be read two times in the House, at a regularly called or specially called meeting for that purpose:

- a. The House must meet twice within a two-week period to read, debate, discuss, and vote on the Articles of Impeachment.
- b. At the first meeting the articles must only be read to the House. Within 7 days of the first meeting the House will meet again and at the second meeting the articles will be read a second time, debated and discussed followed by a vote on each Article of Impeachment,
- c. Articles must provide, in detail, the justification for the impeachment.
- d. If any one Article of Impeachment is approved by a majority vote of the House, the official will be Impeached. A person who has been impeached will be temporarily incapacitated in their role and will lose all powers and responsibilities granted under this constitution until such time as they are acquitted by the Senate or upon successful appeal.
- e. Approved articles will be forwarded by the House Leader to the Senate Leader and to the accused for trial in the Senate.

Section 6: Upon passage of Articles of Impeachment in the House a trial will be conducted in the Senate. A trial is a process whereby the co-sponsoring authors of the Articles of Impeachment bring the approved Articles before the Senate with related testimony, witnesses, and evidence and may ask questions and get answers from the accused or witnesses present. The accused will answer the charges, provide their own testimony, answer questions, submit witnesses, and provide evidence and may ask questions of the witnesses present. At the end of the evidentiary process debate and discussion occurs in the Senate as with any legislative issue and a final vote is conducted whereby the Senators have two options; a vote of guilty or a vote of not guilty.

- a. The Senate will conduct a trial within seven days after the House approves of the Article(s) of Impeachment. Each article will be voted on individually. A two-thirds guilty vote on any one of the approved articles by the Senators present will constitute conviction. If none of the articles achieve a two-thirds guilty vote it will constitute an acquittal.
- b. When the President or Vice President is tried, the Chief Justice will preside over the trial.
- c. Conviction will constitute an immediate removal from office, and the guilty party will have three days to vacate physical offices and relinquish any Student Government property. They will not be allowed to hold any future office in Student Government.

Section 7: A convicted member of Student Government may appeal the decision of the Senate trial based on:

- a. Whether or not the accused was afforded procedural due process (procedural due process being a fair trial construction, notice of the alleged impeachable offense(s), and an opportunity to present an adequate defense),
- b. Whether or not the conviction was supported by a preponderance of evidence,
- c. Whether or not new evidence is introduced that was not available at the time of the trial.
- d. An appeal is not a retrial; an appeals review will focus on arguments addressing the basis, listed above, of the appeal.

Section 8: Appeals Process:

- a. After trial in the Senate, a convicted President or Vice President may:
  - 1. File an appeal of the decision to the Dean of Students.
  - 2. After a decision by the Dean of Students, file an appeal to the Vice President for Student Affairs for final determination.
- b. After trial in the Senate, a convicted member of the Judiciary, members of the Executive, or others as prescribed by law, who is not a President or Vice President, may:
  - 1. File an appeal of the decision to the Supreme Court,
  - 2. After a decision by the Supreme Court, file an appeal to the Dean of Students for final determination.

- c. Appeals must be filed within three days after a decision is rendered to the next appellate level.
- d. On a final reversal of conviction, the member will resume all previously held powers of office.

Section 9: Persons receiving a stipend will receive that pay until such time as they have exhausted all appeals. Should the member be acquitted, they will reassume the powers of their office and the case will be closed.

Section 10: The student body may remove any individual member of Student Government through a referendum that follows university policy on Referendums, [SA/PPS No. 07.09](#).

## **ARTICLE XII - SUCCESSION**

Section 1: In the event of the removal or other vacancies of offices, the vacancy must be filled only for the remainder of the unexpired term.

Section 2: In the event of a vacancy or removal of the President, the Vice President must immediately assume the powers of the presidency and will take the oath of office at a time and location scheduled by the university administration.

Section 3: In the event of a vacancy or removal of the Vice President, the Senate Leader must immediately assume the vice presidency and will take the oath of office at a time and location scheduled by the university administration.

Section 4: In the event of a vacancy or removal of both the President and the Vice President, the Senate Leader must immediately assume the powers of the presidency and will take the oath of office at a time and location scheduled by the university administration.

- a. If there is no Vice President or Senate Leader at the time of a presidential vacancy, a special election in the Senate will take place to elect a new President, new Vice President, and new Senate Leader from among current Senators no later than the next meeting of the session following the vacancy.

Section 5: In the event of a vacancy or removal of Senate Leader or Senate Parliamentarian, a special election in the Senate will take place no later than the second meeting of the session following the vacancy.

Section 6: In the event of a vacancy or removal of House Leader or House Parliamentarian, a special election in the House will take place no later than the second meeting of the session following the vacancy.

Section 7: In the event of a vacancy or removal of the Chief Justice, the Supreme Court will, as soon as practicable, elect a new Chief from among the sitting Justices.

Section 8: In the event of a vacancy or removal of an elected at-large Senator, the Nominations and Appointments Committee will review and recommend candidates to fill the vacancy and submit approved candidates to the Senate for confirmation.

Section 9: In the event of a vacancy or removal of an appointed Senator, the president of the student organization or the affiliated Texas State University department will fill the vacancy.

Section 1: In the event of a vacancy of a House Representative, the college dean must appoint a new representative no later than the second meeting of the session following the vacancy.

### **ARTICLE XIII - RATIFICATION**

Section 1: Upon ratification and approval, this constitution will supersede all other constitutions and will make void all rules, regulations, and court rulings established before its ratification, unless those rules are specifically paired with this constitution.

Section 2: This constitution will be ratified after a two-thirds vote of the Senate and House, a majority of those students voting during a referendum, and upon final approval by the university President. This constitution will take effect 15 days after its ratification.

Section 3: The Senate has the exclusive right to pass bills with instructions that outline how the new constitution should be implemented.

Section 4: A five-member transitional committee will be established by the previous Student Government to include at least two current or former undergraduate Student Government members, at least one current or former graduate Student Government member and the Dean of Students as chair. The President will nominate committee members to be confirmed by the Senate. This committee is empowered to decide, with the Dean of Students' approval, by what methods to best transition from the previous constitution and resolve any issues which may arise during this transition. This interim period and transitional committee's power will last no longer than six months.

### **ARTICLE XIV - AMENDMENTS**

Section 1: All amendments to the Constitution must be approved by the student body in a referendum.

- Section 2: The student body may petition to amend the Constitution through a referendum that follows university policy on referendums, [SA/PPS No. 07.09](#).
- Section 3: The Senate may initiate amendments to the Constitution and with a two-thirds vote will be sent to the House. The amendment will be reviewed and pass the House with a two-thirds vote. The approved proposed amendment will be sent to referendum for approval by the student body in accordance with university policy on referendums, [SA/PPS No. 07.09](#).
- Section 4: The President cannot veto constitutional amendment resolutions.
- Section 5: This Constitution may be amended by a majority vote of the Senate and House without a referendum vote of the student body, for the following reasons:
- a. On the advice of the transitional committee,
  - b. In order to comply with university policy, procedures, rules and regulations or federal, state, and local laws.
- Section 6: The Student Government may only amend the Constitution every three years, except as allowed by this Constitution or with special permission of the Vice President for Student Affairs and University President.

#### **ARTICLE XV - STUDENT BODY RIGHTS**

- Section 1: All students enrolled at Texas State University at the time of an election or referendums are eligible to vote.
- Section 2: Any student may petition to amend the Constitution through a referendum that follows university policy, [SA/PPS No. 07.09](#).
- Section 3: All students enrolled at Texas State University have the opportunity to attend public proceedings of the House, Senate, and Supreme Court.
- Section 4: Any student may redress grievances with Student Government and may speak, with reasonable time and forum limitations, at the meetings of the Senate, House, and Assembly.
- Section 5: Any student may petition to recall an elected member of Student Government through a referendum that follows university policy, [SA/PPS No. 07.09](#).
- Section 6: All students have the right to know who represents them in all aspects of Student Government.
- Section 7: Any member of the media will enjoy access to public meetings of Student Government.

Section 8: The rules, regulations, and policies of Student Government are to be free of harmful discrimination based on race, color, national origin, age, sex, religion, disability, veterans' status, sexual orientation, gender identity, or gender expression.

Section 9: All students have rights and due process in any hearing or trial proceedings of Student Government and include:

- a. A right to due process, meaning formal proceedings carried out regularly and in accordance with established rules and principles that do not contain provisions resulting in arbitrary treatment,
- b. A right to be informed of and address the charges against them,
- c. A right to a maximum of two Texas State students to serve as counsel,
- d. An obligation to appear before any properly established proceedings to answer questions and address the charges against them,
- e. An obligation to answer questions truthfully, both verbally and in written communication,
- f. An obligation to take an oath or affirmation to abide by the aforementioned obligations.