# Draft Constitution 2018

## STUDENT GOVERNMENT OF TEXAS STATE UNIVERSITY

## CONSTITUTION

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PREAMBLE

We, the students of Texas State University, recognize a need for student-centered representation, programs, and services. In an effort to meet this need, we have convened to establish this Constitution, subject to the authority of the Texas State University System Board of Regents.

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 do ordain and establish this Constitution for the Student Government of Texas State University.

PART I THE STUDENT GOVERNMENT

1 Name of the Organization

The name of the officially recognized student government of Texas State University is the “Student Government of Texas State University” or “Student Government” for short.

2 Purpose

The Student Government is the primary forum for student opinion, it represents the student’s interests and concerns to the administration, and provides activities and services it deems useful to students.

3 Diversity and Inclusion Statement

Student Government is committed to creating and sustaining a welcoming, inclusive, and socially-just community that values respect, celebrates, and advocates for all individuals. Student Government, to the extent not in conflict with federal or state law or institutional policy, prohibits discrimination or harassment based on race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression.

4 Ethics Statement

Members of Student Government will conduct themselves personally and professionally in a manner which will positively represent Student Government and the Student Body as well as Texas State University for the duration of their term of office. Members shall honor:

(1) Responsibility to the letter and spirit of the Student Code of Conduct and Honor Code, and the laws, rules, policies, and duties of Student Government and Texas State University.

(2) Responsibility to standards of personal integrity and civic behavior befitting a member.

(3) Responsibility to the public trust and to put first the interests of the public, avoiding conflicts of interest and actions for private gain, or to advance a particular agenda.

5 Structure

The Student Government’s structure is based on a democratically represented system. The structure is customized for Texas State University to be the most effective in representing the
varied and developing opinions among the student body at a large public university. The rules and conventions within this Constitution were developed with a focus toward responsiveness to its constituency: the students of Texas State University.

6 Components of Student Government

The components of Student Government are the Assembly, the Cabinet, and the Judiciary.

7 Constitution as the Basic and Supreme Law

This Constitution, to the extent not in conflict with federal or state law or institutional policy, is the basic and supreme law of Student Government and must be the basis for all statutes. Any action taken must be within the scope of this Constitution and must not violate it; any such action is void, illegal and unacceptable. No provision of this Constitution may be declared in conflict with itself or invalid because of a perceived conflict.

8 Office Holding Limitations

Members of the Cabinet or Assembly must never occupy an office of the Judiciary and will be ineligible to do so at any time during or after serving as a member of the Cabinet or Assembly. No one may hold both the Office of Student Body President and Office of the Student Body Vice-President at the same time.

9 Responsibility of Membership in Student Government

Members of Student Government represent the organization and their office at all times and in all places. Members, especially the Cabinet, must not take undue liberties in the representation of Student Government or their office on policy issues of public interest without authorization from a chamber or Assembly. All members have a responsibility to the students at Texas State and are held to a high standard as student leaders.

10 Qualifications for Office

(1) As verified by the Dean of Students office, all members must be enrolled as full-time students at Texas State University and must maintain good academic and disciplinary standing to participate in Student Government. Exceptions to this may be granted by the Dean of Students when an exception is justified.

   (a) The Student Body President (referred hereafter as “President”) and the Student Body Vice-President (referred hereafter as “Vice-President”) are required to have a 2.75 Texas State GPA to be eligible to run for office and, while in office, must maintain at least a 2.25 Texas State GPA. Graduate students wishing to run for either office must have and maintain a 3.0 Texas State GPA.

   (b) A candidate for Vice-President must have completed one semester and at least begun a second semester as a Senator or House Representative. A complete semester is defined to mean that a candidate will have assumed their office as a Senator or House Representative by the fourth meeting of any given semester.
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(c) Undergraduate students running for a Senate position are required to have a 2.5 Texas State GPA to be eligible to hold any office in Student Government and, while in office, must maintain at least a 2.25 Texas State GPA.

(d) Graduate students are required to have and maintain a 3.0 Texas State GPA to hold any office in Student Government.
PART II  ELECTIONS

11  Proportional Representation

(1) Proportional Representation - The essence of this system is one in which all votes count and contribute to the result.

(2) Student Government elections will follow a four step process that will provide a democratically represented system of governance. Via their election, Texas State students will be able to select a coalition, their President, Vice-President and the Senators as follows:

(a) Groups of candidates, called “Coalitions,” establish a list of 10 candidates running for Office (President, Vice-President and eight Senators). In addition, each Coalition must establish a shared, common, and written platform.

(b) During the elections, voters will follow a four step process: 1) They will select a coalition preference on their ballot, 2) The President, 3) The Vice-President, and 4) The Senators.

(c) The President and Vice-President get elected by the total number of votes received. A Coalition will get a proportional number of Senators based on the votes received. The Senators selected to represent each Coalition will be the ones who received the highest number of votes.

(d) Eight (8) Senators will be appointed seats in the Senate to ensure inclusivity of voices from historically underrepresented groups. These Senate seats include student representatives from: Students of Color, Veterans, Non-Traditional, Foster, Transfer, LGBTQIA+, Round Rock, and Freshman.

12  Proportional Allocation of Senate Seats per Coalition

(1) A Coalition must receive a minimum number of votes to be awarded one (1) seat in order to be granted any seats in the Senate based on the total number of votes cast.

(2) To determine the minimum number of votes needed for a Coalition to receive one (1) seat the Election Board will divide the total votes cast for all Coalitions by the total seats available during an election.

(3) To determine the number of seats a Coalition receives the Election Board will take the total number of votes a Coalition received and divide it by the minimum number of votes needed to receive one (1) seat. The resulting whole number determines the first allocation of seats awarded to the Coalition. The second allocation of remaining seats is based on the highest remaining fractions. Coalitions will receive the remainder of available seats based on the fractions (decimal points) with the highest number, e.g. In an example scenario where two (2) seats remain to be allocated, the remainders of 0.63, 0.61, 0.54,
and 0.22 would be allocated to the Coalitions with 0.63 and 0.61. Allocation of remaining seats will be awarded until all seats are filled.

(4) In the event of a tie, the President will appoint any remaining Senator seat(s) which must be confirmed by the Senate with a majority vote.

13 Formation of Coalitions and Filing of Candidates

(1) Coalitions must be certified by the Election Board in accordance with all provisions of this Constitution and related election rules. Filing to form a Coalition will begin on the first day in December and close on the first day of class in the Spring semester. A group of students wishing to run for office will file to form a Coalition by the deadline and include:

(a) The full names and student ID numbers of the initial candidates seeking election under the Coalition.
(b) A short concise name of the Coalition.
(c) The written platform of ideas and initiatives the Coalition supports.

(2) Starting on the first day of class in the Spring semester and ending on the last business day in January the Coalition may publicly recruit candidates to run in their coalition. By the last business day in January, the Coalitions will submit a final filing form. A Coalition must provide acceptable information on the final filing form which must include:

(a) The Coalition’s name.
(b) The full names and student ID numbers of all candidates seeking election under the Coalition.
(c) Designate, from their list of Senate candidates, a candidate for Student Body President and Vice-President who will be the coalition’s de facto leaders; and must represent the coalition in public and respond to any official requests from the Election Board, Supreme Court or other duly empowered body.
(d) Any final revisions or updates to the coalition’s platform, including merging of Coalitions, candidates and platforms.

(3) A Coalition must have at least ten (10) Senate candidates to be certified.

(4) No public campaigning to form Coalitions is permitted prior to the first day of class in the Spring semester.

14 General Elections

(1) Representatives in the House must be selected by each College Dean by March 15 each year.

(2) Voting in general elections will occur for four (4) consecutive business days starting on the third Monday in February. Students will cast a ballot for their preferred Coalition and for a list of preferred candidates that shall include their Coalition affiliation as follows:
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(a) The first item on the ballot will present students with the list of Coalitions and they may cast a vote for one (1) Coalition. The options on the ballot will present the Coalition’s name.

(b) The second item on the ballot will present students with a list of candidates for President and students may vote for one (1) candidate.

(c) The third item on the ballot will present students with a list of candidates for Vice-President and students may vote for one (1) candidate.

(d) The fourth item on the ballot will present students with a list of all the candidates running for Senate in all of the coalitions. From this list they may cast one (1) vote for each candidate. Students may vote for as many candidates as there are open Senate seats in each election.

(e) The Coalition that receives the majority of votes must be awarded the number of seats in the Senate in proportion to the votes received by the Coalition.

(f) The President and Vice-President will be elected by a majority of students voting in an election.

(3) By November 1 of each year, Representatives and Senators must declare to the Election Board in writing their intent to leave or remain in office for the remainder of their term. Any declared vacancies in the returning class must be opened for selection or election. The replacement will only complete the remainder of the unexpired term of office.

(4) Senators and Representatives will assume the powers of their office at noon on the first Monday in April.
PART III THE ASSEMBLY

15 The Assembly

(1) The Assembly consists of two chambers:
   (a) the Senate
   (b) the House

(2) The Senate is elected to represent all students of Texas State University and to ensure that the conduct of Student Government is for, with, and by the students under this Constitution. It does this by providing a forum for public consideration of the issues, by passing legislation, by scrutinizing the University administration and by holding the Cabinet accountable.

(3) The House is selected by the Deans of each college to represent the graduate student population and to serve as a revising body for important matters relating to student representation and governance in the following areas:
   (a) Review and approve legislation relating to the Judiciary.
   (b) Review and approve amendments to this Constitution.
   (c) Review and provide feedback on any agreement negotiated between the Student Government and an external entity.
   (d) To review and provide feedback on the annual operating budget of the Student Government.

(4) A Joint Committee of both chambers will be established to facilitate the reconciliation of differences of opinion between the Senate and House. The Assembly may establish other joint committees as needed.

16 Membership of the Assembly

(1) Both chamber’s members when assembled together shall constitute the Assembly. References herein to the Assembly must mean both chambers meeting together unless expressly stated otherwise.

(2) The House is composed of two Representatives for each of the following colleges:
   (a) Liberal Arts
   (b) Fine Arts and Communications
   (c) Science and Engineering
   (d) Applied Arts
   (e) Business Administration
   (f) Health Professions
   (g) Education
(3) The Senate is composed of forty-five (45) Senators elected from the student body at-large, which includes eight (8) appointed Senators. All Senators, regardless of mechanism for selection, have equal rights, responsibilities and recognition within the Assembly.

17 Term of Office

(1) 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.

(2) A Representative’s term of office must be for two years from the assumption of their office until the new Representatives assume their position every other year on the first Monday of April.

(3) Whenever the Senate or House have vacancies, and they are filled, it must be so only for the remainder of the unexpired term of office.

18 Meetings of the Assembly, Senate, and House

(1) The Assembly must meet on the first Monday in April each year to open a new session of the Assembly at a time and place as established by the outgoing Vice-President, in consultation with House Leader and Senate Leader.

(2) Upon their assumption of office, the Senate must meet weekly at 7 pm on Mondays. 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. Changes to the meeting date, time and locations must have Senate approval.

(3) The House must meet at least bi-weekly on a day, time and at a location, as predetermined by the House Leader at the start of a new session. 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. Changes to the meeting date, time, and locations after first being set by the House Leader must have House approval.

(4) The House, Senate, and Assembly may meet at other times as called to do so in accordance with this Constitution.

19 Quorum, Open Meetings, Minutes, Voting, and Records

(1) Majority, in all contexts under this Constitution, shall mean a number greater than half of the total.

(2) All meetings of the Assembly, House and Senate are to be open to the public, except when properly called into executive session.

(3) The time, place and agenda of meetings of either chamber must be published for the public on the Student Government website 72 hours beforehand and all proceedings including votes must be recorded. Final votes are to be recorded in such a way that the vote can be connected to the member who cast it.
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(4) All votes are conducted via a vote of acclamation unless a motion is made for a roll call vote, which requires a majority. Secret ballot voting, except for the purposes of elections, is strictly prohibited. Voting may be conducted with assistance from electronic devices.

(5) A number greater than half of the total membership of the House, Senate, or the Assembly as apportioned by this Constitution will result in a quorum to conduct business. Ex officio members do not count toward quorum. A vote may never be held without a quorum.

(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.

(7) Actions by either chamber or the Assembly will pass when it attains an affirmative vote of a majority of the members present; the chambers, as necessary, may prescribe higher thresholds.

(8) A member must be present when the vote is conducted in order to vote. Proxy voting, except by tele-conference for Round Rock Senate and House representatives, is prohibited. Ex officio members do not vote.

(9) Legislation and the subjects therein that are properly presented to a chamber and fail to attain approval cannot be brought up again in the same session except upon consideration of a veto override.

20 Student Body Vice-President

(1) There is established by this Constitution an Office of the Student Body Vice-President, who serves as the chair of both chambers of the Assembly.

(2) The Vice-President is no longer the Vice-President in any of the following situations:
   (a) They stop being a member of Student Government.
   (b) They are no longer a full-time student, or no longer meet required good academic or disciplinary standing.
   (c) They resign.
   (d) They are physically or mentally incapacitated, which is likely to be prolonged or permanent, confirmed by a unanimous vote of the Cabinet.
   (e) They are replaced upon the swearing in of a new Vice-President.
   (f) The Vice-President assumes the role of President.
   (g) They are Impeached.

21 Role, Function and Responsibilities of the Vice-President

(1) The powers, roles, functions, and responsibilities of the Vice-President must include the following:
   (a) Temporarily serve as Acting President in the event the President is incapacitated or unavailable.
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(b) Assume the Office of the President, for the remainder of the term, in the event of its vacancy. Chair meetings of the House, Senate, and the Assembly and propose the agenda therein.

(c) At their discretion, delegate, in writing, the chair duties to the House Leader or Senate Leader in their respective chambers. Delegation may be rescinded by the Vice-President with written notice transmitted to the leader with five (5) business days notice.

(d) Nominate officers of the Senate and make replacement nominations in the event of a vacancy of those offices.

(e) Shall meet with the Chairs of Senate and House Committees and provide direction on legislation.

(f) Assign and remove Senators to Senate committees.

(g) Be impartial as Chair in the House, Senate, and Assembly.

(h) Assign legislation to committees.

(i) Vote only in the event of a tie in the Senate, House or Assembly.

22 Senate Leader

(1) The Senate Leader is an officer and the highest-ranking member of the Senate, and serves as chair of the Senate when delegated to do so.

(2) The Senate Leader must be elected by a majority of Senators present at the second meeting of the Senate.

(3) A candidate for the office of Senate Leader must be a Senator sitting in the current session and the elected person must maintain status as a Senator to retain the position.

(4) The Senate Leader may call the Senate into emergency or special session, with five (5) days notice, when they deem it appropriate.

(5) The Senate Leader nominates the Chair of Senate committees, and at their discretion removes the Chair of any committee.

(6) The Senate Leader assigns and removes Senators to Senate committees.

23 House Leader

(1) The House Leader is an officer and the highest-ranking member of the House and serves as chair of the House when delegated to do so.

(2) The House Leader must be elected by a majority of Representatives present at the first meeting of the House.
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(3) A candidate for the office of House Leader must be a Representative sitting in the current session and the selected person must maintain current status as a Representative to retain the position.

(4) The House Leader may call the House into emergency or special session, with five (5) days notice, when they deem it appropriate.

(5) The House Leader nominates officers of the House and makes replacement nominations in the event of a vacancy of those offices.

(6) The House Leader nominates the Chair of House committees, and at their discretion removes the Chair of any committee.

(7) The House Leader assigns and removes Representatives to House committees.

24 Powers of the Senate

(1) The Senate possesses the legislative powers of the Student Government. It legislates on behalf of all students, and exercises the powers stated herein except for those matters that require passage by both the Senate and the House.

25 Resolutions of the Senate

(1) Through a Resolution, the Senate has the power to:

(a) Make recommendations or express student opinion to the university administration addressing any issue of student concern.

(b) Call for student referendums by a two-thirds (2/3) vote of Senators. A call for referendum will then have to be reviewed and approved by both chambers, whether meeting as chambers or in Assembly.

(c) Review and confirm nominations made by the President and Vice-President.

(d) Review, confirm and ratify agreements between Student Government and external organizations by a majority vote of Senators present.

(e) Review, oversee, amend, and exercise a legislative veto over any action taken by the President.

(f) Issue a Resolution of Impeachment.

(g) Issue a Resolution to Investigate Judicial Conduct.

(h) Override a Presidential veto of its Bills or Resolutions by a two-thirds (2/3) vote of Senators present.

(i) Issue Subpeonas.
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26 Bills of the Senate

(1) Through a Bill, the Senate has the power to:

(a) Establish, dissolve and regulate Student Government Departments.
(b) Establish, dissolve and regulate Senate committees.
(c) Establish a system to fill vacant Senate seats.
(d) Establish courts lower than the Supreme Court.
(e) Establish regular order through standing rules and regulations of the Senate.
(f) Allocate the annual budget of the Student Government.
(g) Legislate all statutes which are necessary and proper for the execution of all powers granted as prescribed in this Constitution. The House is exempt from Senate regulation unless the House approves.
(h) Originate all Bills governing the process by which the annual budget is allocated and transmit them to the House for review.
(i) Originate Bills governing the ethics and standards of conduct for Student Government members and transmit them to the House for review.
(j) Originate Bills amending this Constitution.

27 Powers of the House

(1) The House possesses legislative powers concerning graduate students, legislates on behalf of graduate students and exercises the powers stated herein. The House may only legislate:

(a) Through Resolution, expressing the opinion and will of the graduate students at Texas State University, or to concur on or reject Senate Bills or Resolutions.
(b) To regulate the House through Bills.

28 Resolutions of the House

(1) Through Resolution, the House has other powers, including:

(a) Make recommendations or express the opinion of the graduate student body to the university administration.
(b) Concur on or reject, without amendment, Senate Bills governing the process for allocating the annual budget.
(c) Concur on or reject, without amendment, Senate Bills governing the rules for the ethics and standards of conduct for Student Government members.
(d) Review and confirm or reject graduate students nominated to the Supreme Court and Election Board.

(e) Review and confirm or reject graduate students nominated to university committees.

(f) Review and confirm or reject House committee chair nominations.

(g) Issue a Resolution of Impeachment.

(h) Issue a Resolution to Investigate Judicial Conduct.

(i) Review, oversee, amend, and exercise a legislative veto over any action taken by the President.

29 Bills of the House

(1) The House has limited regulatory power over the rest of Student Government but may exercise exclusive rights over the regulation of the House through Bills which:

(a) Establish regular order through standing rules and regulations of the House.

(b) Regulate selection of its members and fill vacancies as needed.

(c) Review and revise, through amendment, Bills from the Senate proposing changes to the Constitution.

(d) Establish House committees.

30 Senate and House Legislative Procedures

(1) Legislation that requires passage in only one chamber of the Assembly becomes law after a majority of members present approve, and is signed by the President.

(2) Legislation that requires passage in the Senate and confirmation in the House becomes law after a majority of members in both chambers approve, whether meeting as chambers or in Assembly, and is signed by the President.

(3) House Bills become statutes upon passage and recommendation from the Dean of the Graduate College with final approval from the Dean of Students.

(4) Resolutions express the views of the Student Government or a chamber therein on issues pertinent to the student body. Some Resolutions are used to exercise specific powers of the Student Government, such as those which remove members from office.

(5) The President only has the power to veto Senate legislation.

(a) When the President issues a veto of legislation, the Senate will have until its next meeting to override the veto by a two-thirds (2/3) vote.
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(b) This veto power does not extend to Resolutions of Impeachment or Resolutions to Investigate Judicial Conduct.

(6) The method and procedure for presentation of legislation must be regulated by the standing rules of each chamber.

(7) Except with the permission of the Cabinet, through the President, the Senate must not proceed with any Bill which in the opinion of the Vice-President makes provision for any of the following purposes:
   (a) Proposing a referendum to the student body.
   (b) Proposing Bills for the expenditure, raising, and regulation of all Student Government funds.

(8) The Leader of the respective chamber must transmit passed legislation to the President within twenty-four (24) hours.

(9) A Presidential Veto must be submitted to the Dean of Students by end of business Friday following passage. The decision of the Dean of Students cannot be appealed and is final.
PART IV  THE CABINET

31  The Cabinet
(1) The executive power for the Student Government as vested in and subject to this Constitution are to be exercised by the Cabinet.
(2) There is established by this Constitution for the Student Government a Cabinet which must comprise:
   (a) The Student Body President.
   (b) The Student Body Vice-President.
   (c) The Chief of Staff.
   (d) The Senate Leader, who serves as an ex officio member.
   (e) The House Leader, who serves as an ex officio member.
   (f) The Director(s) of Internal Affairs
   (g) The Director(s) of External Affairs
   (h) The Associate Directors of Departments.
(3) The Cabinet has all the rights, powers, and capacities conferred by this Constitution and by or under Bills passed by the Assembly, or Chambers.
(4) Chief of Staff, Directors and Associate Directors service ends upon the installation of a new President.
(5) The Cabinet supervises, manages and executes the various executive functions of Student Government and advise and report to the President on all functions.
(6) The Cabinet meets at least once a week while the Senate is in session at a time and place decided by the President.
(7) The President will serve as Chair of the Cabinet and may authorize informal ex officio members of the Cabinet.
(8) Shall adhere to and provide changes as necessary to the Policies and Procedures of the Cabinet and subject to the approval of the President.

32  The Office of Student Body President
(1) There is established by this Constitution the Office of the Student Body President who serves as the head of the Student Government and directs the Cabinet and its agenda.
(2) If the Office of the President becomes vacant at any time before the expiration of the session, the Vice-President shall assume the Office of the President for the remainder of the term.
(3) The President is no longer the President in any of the following situations:

(a) They are no longer a full-time student, or no longer meet required good academic or disciplinary standing.

(b) They resign.

(c) They are physically or mentally incapacitated, which is likely to be prolonged or permanent, confirmed by a unanimous vote of the Cabinet.

(d) They are Impeached.

(e) They are replaced upon the swearing in of a new President.

33 Role, Function and Responsibilities of the President

(1) The powers, roles, functions, and responsibilities of the President includes the following:

(a) To faithfully execute and enforce this Constitution, the rules, regulations, statutes, and policies of Student Government.

(b) To upon passage of legislation by the House, Senate or Assembly, primarily pursue its enactment or execution.

(c) To participate in the business of and be held accountable by the Senate for the performance of their and the Cabinet’s duties.

(d) To negotiate the terms of agreements between Student Government and external organizations, and enforce as statute agreements so ratified by the Senate,

(e) To exercise the option to appoint Senators to vacated seats on recommendation from the respective coalition when possible.

(f) To be the representative of all students.

(g) With at least five (5) days notice, call special or emergency meetings of the House, Senate or Assembly.

(h) Appoint from nominations, a Chief of Staff, Directors, and Associate Directors from among the Student Body to be confirmed by the Senate.

(i) Have the power to remove the Chief of Staff, Directors, and Associate Directors with cause.

(j) Have the power to remove any person serving in a Department with cause.

(k) Appoint from nominations, the Chief Justice and student Justices of the Supreme Court, and any other members of the Juiciary to be confirmed by the Senate and House.

(l) Oversee the activities of the Cabinet and Departments.

(m) Have veto power over the actions of the Cabinet.

(n) 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 which expires upon the Senate’s next meeting.
(o) Report to the Assembly each year on the state of the Student Body at the second meeting of the spring semester and conduct other reports as they desire or as called to do so by the Senate.

(p) To perform such other roles, functions and duties as may be provided by statute and by this Constitution.

(q) Shall review and implement the policies and procedures of each position within Student Government.

34 The Office of the Chief of Staff

(1) Shall be appointed by the President and confirmed by the Senate through a majority vote of Senators present.

(2) The powers, roles, functions, and responsibilities of the Chief of Staff includes the following:

(a) Assist the President, Vice-President and Cabinet as assigned.

(b) Coordinate the overall efforts of the Directors, Associate Directors, and Executive Assistants and Interns.

(c) Plan for meetings of the President’s Cabinet, under the direction of the President, include 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.

(f) To perform such other roles, functions, and duties as may be provided by statute and by this Constitution.

(g) Shall implement and review Policy and Procedures of the Departments.

35 Departments

(1) Departments must provide for and execute specific functions of Student Government as decided by the President with the approval of the Senate. Departments must be classified differently from committees based on the following criteria:

(a) Provide a service, program, or coordinate a project used by students.

(b) Are charged with any responsibility that requires the expenditure of funds for the responsibility to be executed successfully, excluding the cost of meetings.

(c) Are designated as such specifically by Senate statute.

36 Directors of Departments

(1) Directors must be nominated by the President from among the Student Body and confirmed by a majority of Senators present.
(2) The titles and number of Directors may be set by the President as confirmed by the Senate or through passage of legislation within the Senate provided that:

(a) There are no more than four (4) Directors appointed at any one time

(b) The Directors must include among them:

(i) A Director of External Affairs having the responsibility to coordinate the Government’s efforts in building relationships with the Student Body, Community Residents, and Local and State Governments.

(ii) A Director of Internal Affairs having the responsibility to coordinate the fiscal and planning of Student Government functions and events.

(3) Directors must coordinate all activities of their Department and:

(a) Have attended one (1) semester as a full-time student as defined by their admission status under university policy.

(b) Have administrative, supervisory and management powers over their Department and must report to and take directions from the President or Chief of Staff.

(c) Provide a report to the House and Senate on the activities of their Department on a semesterly basis or when called to do so.

(d) Shall implement and review Policy and Procedures of the Department.

37 Associate Directors

(1) Associate Directors are nominated by the Directors and are appointed by the President from among the Student Body and confirmed by a majority of Senators present.

(2) The titles and number of Associate Directors may be set by the President as confirmed by the Senate or through passage of legislation within the Senate provided that:

(a) There are no more than eight (8) Associate Directors at any one time.

(b) Amongst the Associate Directors the following must be included:

(i) The Associate Director of Treasury within the Department of Internal Affairs shall have the responsibility to distribute the funds of Student Government as necessary.

(ii) The Associate Director of Programming within the Department of Internal Affairs shall have the responsibility to plan Student Government events for the Student Body, University Administration, and the Local Government to attend.

(iii) The Associate Director of Freshmen Leadership within the Department of Internal Affairs shall have the responsibility to coordinate the Leadership Program for Freshmen Students.

(iv) The Associate Director of Student Services within the Department of External Affairs shall have the responsibility to provide and implement services for the Student Body.
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(v) The Associate Director of Community Engagement within the Department of External Affairs shall have the responsibility to distribute information of Student Government, bring awareness to and from organizations, and create an inclusive environment on campus.

(vi) The Associate Director of Diversity, Equity and Inclusion within the Department of External Affairs shall have the responsibility to engage underrepresented student populations.

(3) Associate Directors must coordinate all activities of their Departments and:

(a) Have attended one semester as a full-time student as defined by their admission status under university policy.

(b) Have administrative, supervisory and management powers over their Agency and must report to and take directions from the President, Chief of Staff, or their Director.

(c) Report to the House and Senate on the activities of their Agency on a semesterly basis or when called to do so.

(d) Shall implement and review the policy of their Department.

38 Temporary Transition of Powers Due Special Circumstances

(1) Whenever the President transmits to the Senate and House Leaders a written declaration that the President is unable to discharge the powers and duties of the office, the powers and duties of President shall be discharged by the Vice-President as Acting President, until the President transmits to them a written declaration to the contrary.

(2) Whenever the Vice-President and a majority of the Cabinet, transmit to the Senate and House Leaders their written declaration that the President is unable to discharge the powers and duties of the office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.

(a) Thereafter, when the President transmits to the House and Senate Leader a written declaration that no inability exists, the President will resume the powers and duties of the office unless the Vice-President and a majority of the Cabinet, transmit within four days to the House and Senate Leaders a certification that the President is unable to discharge the powers and duties of the office.

(b) Thereupon the Assembly shall decide the issue, assembling within forty-eight (48) hours for that purpose if not in session.

(3) If the Assembly, within fourteen (14) days after receipt of the latter written declaration, determines by two-thirds (2/3) vote of both chambers 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.
PART V  THE JUDICIARY

39  Judicial Authority

(1) The judicial authority of the Student Government is vested in the courts. “Courts” for the purposes of Student Government are defined as the sub-components of Student Government, under direct appellate jurisdiction of the Supreme Court, which may hear testimony and provide remedy to specific cases where this Constitution does not provide the Supreme Court original jurisdiction.

(2) The Senate may establish courts but must never establish courts with overlapping original jurisdiction. The Judiciary consists of:

(a) The Supreme Court serves as and oversees issues relating to the Constitution and appellate authority in the judiciary.

(b) The head of the Judiciary for Student Government is the Supreme Court Chief Justice.

(c) The Lower Court, having jurisdiction over issues relating to:

   (i) The review of applications for members of the Cabinet and Supreme Court;

   (ii) Making recommendations of nominations to the President for appointments; and

   (iii) Serve as the Election Board during elections.

(d) Other courts may be established by the Senate, so long as it does not have overlapping original jurisdiction with an already existing court.

(3) The courts are independent and subject only to the Constitution and the laws of Student Government, which they must apply impartially and without fear, favor or prejudice.

(4) An order or decision by the courts bind all persons to whom it applies.

(5) The Senate has a duty to protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness and may propose regulations, which guarantee this therein.

40  The Supreme Court

(1) The Supreme Court has original jurisdiction involving cases between two or more components of Student Government, any issues of Constitutional interpretations, cases of appeal, and all other cases where a court is not already established with jurisdiction.

(2) There are five (5) Supreme Court justices, of which at least one (1) must be a graduate student, and one (1) will be a member of the faculty or staff as appointed by the Dean of
Students. Amongst the student justices, one (1) must be selected by the Student Government President to serve as Chief Justice. The student must also be in good academic or disciplinary standing.

(3) Applications to join the Supreme Court will be reviewed by the Lower Court and will recommend nominations to the President for appointment.

(4) Justices may hold office for up to two (2) years or until they resign, become ineligible to serve, or are removed from office. 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. The term of the Chief Justice is also two (2) years and will be appointed for a two-year term upon vacancy.

(5) The Supreme Court is vested with all judicial powers necessary to bring forth just, appropriate, and reasonable remedies to cases. The Supreme Court shall have jurisdiction over all cases arising under this Constitution and any associated legislative and policy instruments or actions of a component of Student Government. The Supreme Court possesses superior authority and appellate jurisdiction over all lower courts, and may consider new evidence or reconsider the initial ruling if it was based on an incorrect application of the rules/statutes of a case upon appeal. The Supreme Court shall:

(a) Have a minimum of three (3) sitting justices to hear a case.

(b) Decide by a majority vote of justices participating which subjects it will hear.

(c) Have the power of Judicial Review in relation to the Constitutionality of any action of Student Government.

(d) In any case whatsoever have the power to issue appropriate and reasonable relief or remedy.

(e) Provide clarification of legislative, policy instruments and this Constitution.

(f) Have the power to summon members to appear before it and require the production of documents. This same power may be granted to other courts.

(g) By a majority vote of justices participating, issue written orders and opinions as the instrument of the Supreme Court’s Constitutional judicial authority. The opinions and orders are binding for all members. Any person in violation of these opinions or orders will be alleged to be in violation of this Constitution and subject to the accountability process, including possible removal from office, as specified in this Constitution. This same power may be granted to lower courts.

(h) Have the power to declare null and void any act that violates this Constitution and any associated legislative and policy instruments or actions of Student Government.
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(i) Establish rules of the courts that are universally but exclusively applicable to the Supreme Court and all lower courts with the purpose of establishing hearing and other procedures for the proper and orderly conduct of judicial hearings. The rules of court will be codified with the statutes established by the Senate and the House.

(j) In the event of a violation of any court orders the Supreme Court may, by majority affirmative vote of all justices, hold in contempt and suspend members from their office.

(k) Where the judiciary is unable to fulfill its duties due to a lacking number of Justices or proper procedures conflict to conduct hearings, an aggrieved party may appeal to the Dean of Students for remedy regarding the matter.

(6) An evenly divided court must always result in an affirmation of the lower court until such time as the court comes to a majority decision.

41 The Lower Court

(1) The Lower Court has jurisdiction involving issues related to the review, recommendation, and nomination of members of the Cabinet and Supreme Court Justices, and issues involving the Election and Election Code.

(2) The Lower Court will be comprised of seven (7) graduate and undergraduate members who have completed one (1) semester as a student. The student must also be in good academic or disciplinary standing.

(3) Applications to join the Lower Court will be reviewed by a committee that includes at least three (3) Senators and one (1) House member. The committee will recommend nominations to the President for appointment. Appointments must be confirmed by the Senate and House.

(4) Members may have served as part of a campus judiciary body, e.g. the student justice board, student organization council, peer review board, etc.

(5) In cases that the applicant pool does not yield at least seven (7) qualified applicants, the Dean of Students may nominate candidates that meet the qualification as outlined in this section to the President for appointment. Appointments must be confirmed by the Senate and House.

(6) Members may hold office for up to two (2) years or until they resign, become ineligible to serve, or are removed from office. 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.

(7) The Lower Court is vested with all judicial powers necessary to bring forth just, appropriate, and reasonable remedies to cases. The Lower Court shall have jurisdiction over the review of applications for Cabinet positions and Justices of the Supreme Court,
shall make recommendations for nominations to the President for appointment, and serve as the Election Board. The Lower Court shall:

(a) Have a minimum of three (3) sitting members to hear a case.
(b) Decide by a majority vote of members participating which subjects it will hear.
(c) In any case whatsoever have the power to issue temporary, appropriate and reasonable relief or remedy.
(d) Have the power to summon members to appear before it and require the production of documents. This same power may be granted to lower courts.
(e) By a majority vote of members participating, issue written orders and opinions as the instrument of the Lower Court’s judicial authority. The opinions and orders are binding for all members. Any person in violation of these opinions or orders will be alleged to be in violation of this Constitution and subject to the accountability process, including possible removal from office, as specified in this Constitution. This same power may be granted to lower courts.
(f) If the Lower Court cannot hear arguments due to the number of members seated, the Supreme Court must assume all powers of the court.
(g) Recommend nominations to the President from applications for Supreme Court and Cabinet position appointment.

42 Lower Court as Election Board

(1) The Lower Court serving as the Election Board has original jurisdiction involving issues related to the Student Government elections, special or general, and will enforce and interpret the Election Code. The Board will enforce all provisions of the Constitution, statutes, university policy and other relevant regulations in the context of elections and campaigning.

(a) The Election Board has broad powers to interpret, enforce and resolve election issues not otherwise dictated in the Constitution or relevant election regulations.
(b) The Election Board jurisdiction must apply both to on-campus and off-campus activities.
(c) The Election Board must serve impartially and with the strictest separation from candidates for office to administer the elections.

(2) There shall be at least five (5) Election Board members, of the seven (7) Lower Court judicial members, that make up the Election Board. At least one (1) Election Board member must be a graduate student, and of the board, one (1) student must be selected by the President to serve as chair.
(3) Election Board members may hold office for two years or until they resign, become ineligible to serve, or are removed from office.

43 **Appeals**
(1) Decisions of lower courts must first be appealed to the Supreme Court. The Supreme Court will render a decision within seventy-two (72) hours.
(2) Decisions of the Supreme Court may be appealed to the Dean of Students.
(3) Appeals must be filed in three (3) class days after the decision is rendered to the next appellate level.

44 **Judicial Independence**
(1) Members of the Supreme Court and all lower courts must not be a candidate nor publicly support candidates/coalitions for Student Government office in the year they seek application to the Judiciary.
(2) The Supreme Court will make no judgment, opinion or order relating to the Constitution’s validity or subject matter correctness.

45 **Precedent**
(1) The orders and opinions of the Supreme Court must have persuasive precedential value in subsequent decisions of the Supreme Court and must have binding precedential value over all proceedings of lower courts.
   (a) Opinions and orders of lower courts must have persuasive precedential value on future lower court rules.
   (b) The passage of time has no effect on the value of any court precedent.
   (c) The courts are permitted to overturn precedent so long as the decision is justifiable under existing law, rooted deeply in the legal text behind the case and the justification is thoroughly and accurately explained in the order overturning the precedent.

46 **Rights and Due Process**
(1) During any hearing conducted by the judiciary the accused must be afforded certain rights, and the accused has certain obligations which must include:
   (a) A right to due process.
   (b) A right to be informed of and address the charges against them,
   (c) A right to a maximum of two (2) Texas State students to serve as counsel,
(d) An obligation to appear before any properly established proceeding to answer questions and address the charges against them, and

(e) An obligation to answer questions truthfully both verbally and written communication.

47 Removal from the Judiciary

(1) The Senate or House may pass a Resolution to Investigate Judicial Conduct, thereby establishing a joint committee to investigate any matter of conduct warranting removal of office for a member of the judiciary.

(a) The committee will be comprised of the Vice-President, as chair, House Leader, Senate Leader and two members of each chamber of the Assembly as selected by the chamber’s Leader.

(b) Upon passage of a Resolution to Investigate Judicial Conduct, the member of the judiciary being investigated will be temporarily relieved of their duties until the case is decided by the committee.

(2) No member of the judiciary may be removed from office except on the following grounds:

(a) Physical or mental incapacity which is likely to be prolonged or permanent.

(b) Violation of university policy, state or federal law, or Student Government Constitution.

(c) Failure in the execution of their office.

(d) Having placed themselves, by personal conduct or otherwise, in a position incompatible with the principles of judicial ethics and principles of judicial fairness.

(e) They are no longer a full-time student, or no longer meet required good academic or disciplinary standing.

(3) This committee will collect evidence and hear testimony in two (2) separate meetings as it relates to the grounds for removal from office.

(a) At the first meeting, the sponsors of the Resolution to Investigate Judicial Conduct will present accusations, evidence and make arguments justifying removal. The accused will have the opportunity to ask procedural questions of the committee or seek clarification about the charges.

(b) At the second meeting, the accused will be allowed to present their case, evidence, and make counter augment.
(c) The committee will review the evidence and arguments to deliberate in a session closed to the public and will reconvene for a public roll call vote.

(4) The committee will issue a written report to the Assembly on the merits and justification of the hearing result. A two-thirds (2/3) vote of the committee will constitute removal.

(5) If a member of the judiciary is not removed by the committee they must immediately resume all the powers of their office.

(6) Any member convicted and removed from office must have seventy-two (72) hours to vacate Student Government offices and relinquish any Student Government property. They will not be allowed to hold any future office in Student Government.

(7) Decisions of the committee may be appealed to the Dean of Students.

(8) Decisions of the Dean of Students may be appealed to the Vice-President for Student Affairs.

(9) Appeals must be filed in three (3) class days after the decision is rendered to the next appellate level.

(10) Appeal of removal must go to the Dean of Students, then the Vice-President for Student Affairs and finally the university President, in that order. Any members wishing to appeal his or her removal must have three business days between each level to do so.
PART VI  REMOVAL AND SUCCESSION

47  Removal From Office: Impeachment

(1)  An elected member of Student Government must be removed from their office upon the passage of a Resolution of Impeachment passed by a two-thirds (2/3) majority of the Assembly.

(2)  Resolution of Impeachment may be introduced when a member behaves in a manner unbecoming of their office, by violating university policy and procedures, federal or state law, misrepresentation of the will or official position of the Student Government, or abuse of power in their position.

(3)  A Resolution of Impeachment must be introduced by two (2) co-sponsoring members of the Senate or House in their respective chamber and must pass with a majority vote of members. After an affirmative vote, the Resolution will be sent by the originating chamber to the other chamber of the Assembly.

(a)  A Resolution of Impeachment must never be submitted as emergency legislation and must be read three (3) times to the originating chamber.
   i.  On the first reading, the Resolution must only be read to their peers. On the second reading, debate and discussion must occur on the Resolution. On the third reading, only a vote must be conducted.
   ii.  A Resolution must provide, in detail, the justification for the impeachment.

(b)  The Resolution will be reviewed for merit by the next chamber, and with a majority vote will be moved to the Assembly for trial.

(c)  The Assembly will conduct a trial based on the Resolution and with a two-thirds (2/3) majority vote the member in question must be Impeached.

(d)  Impeachment will constitute an immediate removal from office and the impeached member will have seventy-two (72) hours to vacate physical offices and relinquish any Student Government property. They will not be allowed to hold any future office in Student Government.

(4)  Appeals Process

(a)  When an insufficient evidence decision is made by the appropriate chamber for an impeachment trial, the Sponsors of the Resolution of Impeachment may appeal to the Dean of Students.

(b)  After a trial, an Impeached member or the Sponsors of the Resolution of Impeachment may appeal a decision to the Dean of Students

(c)  Decisions of the Dean of Students may be appealed to the Vice-President for Student Affairs only when a trial is conducted.

(d)  Appeals must be filed in three (3) class days after the decision is rendered to the next appeleate level.
(e) On a final reversal of Impeachment, the member will resume all previously held powers of office.

48 Removal from Office: Abandonment of Duty

(1) A Senator or Representative may be removed from their office with cause upon the recommendation of the Vice-President.

(2) When a member of the Senate or House fails to meet the basic duties of office and has failed to demonstrate improvement outlined in the code, the Vice-President will issue an Order of just cause for the Abandonment of Duty.

(a) An Order must provide, in detail, the justification for Abandonment of Duty.

(3) Abandonment of Duty will constitute an immediate removal from office and the member will have seventy-two (72) hours to vacate physical offices and relinquish any Student Government property. They will not be allowed to hold any future office in Student Government.

49 Removal from Office: Referendum

(1) The student body may remove any individual member of Student Government through a removal referendum. A removal referendum may be initiated by a petition conducted according to University policy with signatures of at least one-tenth (1/10) of the student body. Upon verification by the Dean of Students, a referendum will be scheduled within fifteen (15) days. If a majority of those voting in the referendum vote in favor of removal then the official will be removed from office.

50 Succession

(1) In the event of the removal or other vacancies of offices, the term shall be fulfilled to completion.

(2) A vacancy or removal in the Office of the President, the Vice-President shall assume the Presidency.

(3) A vacancy or removal in the Office of the Vice-President, the Senate Leader shall assume the Vice-Presidency.

(4) A vacancy or removal in both the Office of the President and the Office of the Vice-President, the Senate Leader shall assume the Presidency; thereafter the Chief Justice shall become President. If these offices are all vacant at the time of Presidential vacancy the Senate must meet within forty-eight (48) hours to elect a new President.

(5) A vacancy or removal of Senate Leader, a special election in the Senate will take place no later than the second meeting of the session following the vacancy.

(6) A vacancy or removal of House Leader, a special election in the House will take place no later than the second meeting of the session following the vacancy.

(7) A vacancy or removal of the Chief Justice of the Supreme Court shall result in a new appointment by the President, confirmed by a majority of the Senate.
A vacancy of the Senate seat shall result in a new appointment by the President, confirmed by a majority of the Senate.
PART VII AMENDMENTS

51 Amending the Constitution

(1) Proposed amendments may be initiated by petition of one-tenth (1/10) of the student body at Texas State University or by a two-thirds (2/3) vote of the Senate, House or Assembly.

(2) Proposed amendments to the constitution must be first approved by the Texas State University President, before proceeding to referendum.

(3) Amendments initiated by the House or Senate require a two-thirds (2/3) vote of members present in Assembly or the House and Senate consecutively.

(4) Amendments which have passed the House and Senate must be approved by a majority vote of the student body in a referendum to be ratified. Amendments to this Constitution do not require Student Body Presidential approval and are not subject to veto.

(5) This Constitution may be amended by a majority vote of the House and Senate on the advisement of the Dean of Students, without a referendum vote of the students in order to comply with university policy, procedures, rules and regulations, or federal, state, and local laws.

52 Transitioning and Implementing Amendments

(1) A transitional committee will be established to facilitate the implementation of amendments to the Constitution. The transitional committee will have no more than five (5) members: two (2) undergraduate students, two (2) graduate students and the Dean of Students as chair.

(2) The committee must be Constitutionally empowered to decide, with the Dean of Students approval, by what methods to best implement Constitutional amendments and resolve any issues which may arise during this interim transition period.

(3) The interim transition period and transitional committee’s power will last no longer than two (2) months from approval by the university President. When and how the committee should be selected will be determined by the chair.

(4) Amended sections of the Constitution will supersede the previous Constitutional language and where amendments embrace subjects under previous judicial rulings, the precedent is hereby voided.
PART VIII STUDENT BODY RIGHTS

53 The Student Government Bill of Rights

(1) The Student Body will have the right to be represented by a democratic Student Government.

(2) The Student Body shall have a right to redress grievances with the Student Government and to speak, with reasonable time and forum limitations, at the meetings of the Senate, House and Assembly.

(3) The Student Body will enjoy access on the Student Government website to their Student Government appointed-representatives on university-wide committees.

(4) The Student Body shall have a right to exercise the power of referendum and recall of elected members of Student Government.

(5) Every student enrolled at Texas State University at the time of an election, referendums, or recall are eligible to vote.

(6) The rules, regulations, and policies of Student Government shall be free of discrimination based on race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression.

(7) The Student Government shall take no action abridging the rights, immunities or privileges granted to students under the Constitution of the United States of America, the Constitution of the State of Texas, U.S. federal law or under the laws of the State of Texas, and City of San Marcos.

(8) No member of the press will be denied access to any public meeting of Student Government.