

1999

Constitutional Changes 1999-2000

Student Government Association BBC, Florida International University

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Amendment Request

This request is to ask that the constitutional committee to consider and more constructive defining of the SGA judicial branch. Though provided for in our current document the clause lacks specifications, and procedures to make it a functioning entity. The following clauses are being introduced in hope of clearing up the issues above, along with providing for a student governed area which provides unbiased due process.

Judicial Power:

All Judicial powers of the student Body shall be vested in the student court (located on each campus), student Supreme Court, and any other entity established by law.

Responsibility:

Each student is bound by the commitment to academic honest and the laws of the student body enacted in accordance with this belief. This therefore, prohibits each Judicial member from academic and ethical dishonesty; and offenses against the student body as may be defined by the student senate through law.

Authority:

The judicial authority of the student body shall include:

- A. the protection of student rights
- B. Hearing of all disputes involving violations of the constitution of the student body of Florida International University, and all other policy, that are subject to the constitutions authority.
- C. Judicial review of legislative and executive acts. Acts brought to the attention of the court may be declared unconstitutional by a majority concurrence of the supreme court.
- D. Provision of appellate procedures for rulings of the student court.
- E. Yearly review of the constitution and all articles or body of laws subject to its authority, in order to ensure clarity, constitutionality, balance, and relevance.
- F. Presiding over impeachment hearings to ensure their adherence to procedure as outlined in the constitution.
- G. Establishing all operating policy and procedures not outlined in the constitution.
- H. Creation of offices necessary for the efficient and effective functioning of the judicial branch.
- I. Ability to impose sanctions on all members of student government and student run entity.

Composition:

The Judicial Branch shall consist of the two Student Courts, and a Supreme court.

- A. The Judicial Council will be composed of eight Justices and four associate justices appointed on staggered presidential terms. Each president shall have the authority to appoint two justices and an associate justice.
- B. Four Justices and two associate justices shall make up each student court.
- C. A chief Justice will be chosen for each student court by the student body president of the respective campus. The candidate must be a one of the four justices appointed to the student court.
- D. The Supreme Court shall consist of a joint session of both student Courts.
- E. The Chief Justice of the Supreme Court shall be chosen through a majority vote of the members of the supreme court.

Qualifications:

Administration:

- A. The Chief Justice of each judicial court will serve as the chief administrative officer and shall exercise in accordance with rules adopted through a majority vote of the supreme court.

Procedures:

- A. Quorum for a judicial hearing of the student court shall consist of four members of the student court. While Quorum for the Supreme court shall consist of being four members from each student court.
- B. In absence of a Chief Justice each a interim justice may be designated according to judicial procedure.
- C. All members of the Court are prohibited from attendance at and serving on all student run or SGA sanctioned boards unless the issue is concerning a matter before the court.
- D. All Judicial procedure must be passed by a majority vote of the supreme court and must adhere to all guidelines and stipulations set forth in the FIU SGA constiution.
- E. The Judicial procedures shall provide for the removal of members of the council from office for absences.

Lady a 679@aol.com
Asa Rose

Duties of Judiciary Board Officers

Section 1: The duties of the Chief Justice shall be:

- § 1.1: To act as Chair of the Judiciary Board.
- § 1.2: To be the principal representative and spokesperson for the Judiciary Board.
- § 1.3: To be responsible for managing the efficient administration of the Judiciary Board.
- § 1.4: To preside at all hearings in which he or she participates.
- § 1.5: To allocate the judicial and administrative functions of the Judiciary Board.
- § 1.6: To perform all duties necessary to direct the Judiciary Board in accordance with the Constitution of the Students and this manual.

To mediate, adjudicate, and resolve conflicts within the Student Assembly.

Section 2: To hear and rule on requests for appeal.

Section 3: To interpret the Constitution of the Students.

Judicial Procedures

Section 1: Actions before the Judiciary Board, be they of original or appellate jurisdiction, shall be either primary or secondary level matters, to be determined by this manual or the Chief Justice.

Section 2: Primary level matters shall include, but not be limited to, matters of constitutional interpretation and amendment; matters of controversy between the governing bodies of the Student Assembly; matters of impeachment of the elected members of the Student Government; and infractions of established election policies.

Section 3: Primary level matters shall be heard by the full Judiciary Board, with the Chief Justice presiding.

Section 4: Secondary level matters shall include, but not be limited to, matters of interpretation of operational procedures; matters of allocation of Student Assembly resources; matters recognition or de-recognition of student organizations; and matters of discipline or removal of all other members of the governing bodies of the Student Assembly.

Section 5: Secondary level matters may be heard by judicial committees consisting of three (3) Justices, or may be arbitrated by either one (1) or two (2) Justices. The Chief Justice shall determine the method of hearing.

E. General Procedures

Section 1: The following sections relate to the general administration of the Judiciary Board and are intended to facilitate the administration of justice by the Judiciary Board. The Judiciary Board shall conduct its affairs in an open and democratic manner.

Section 2: All matters to be heard before the Judiciary Board shall be submitted in writing to the Chief Justice.

Section 3: Meetings of Judiciary Board may be called by the Chief Justice or any other three justices. Notice of all meetings of the Judiciary Board shall be given to all Justices.

Section 4: The quorum for all meetings and hearings of the Judiciary Board shall be a majority of Justices actively serving on the Judiciary Board.

3 APPOINTMENT, DUTIES AND RESPONSIBILITIES OF THE SENIOR JUSTICE:

A. From the judicial student board members duly appointed and trained, the Student Government President shall, with the occurrence of a majority of the Senate, designate a Senior Justice for a one-year term with responsibility to:

1. Administer the oath of office to all elected Student Government officials.
2. Serve on the Student Organizations Judicial Appeals Board.
3. Serve as the Chairperson of the Court of Impeachment and shall maintain in good conduct his or her respective office for a term of one (1) year from the time of appointment until the appointment of his or her successor.
4. Relinquish all of his or her power and responsibility on both the Court of Impeachment and the
5. Observe strict confidentiality regarding all details of Board matters, refraining from discussing hearing content outside the official Board hearings and meetings.
6. Assist in presentations on ethics and other life-skills issues to various campus populations.
7. Maintain objectivity at all times and disqualify oneself from a hearing if one cannot be fair or impartial.
8. Speak to various campus organizations concerning the discipline system and the Judicial Board selection process to assist in the recruiting of Board members.
9. Serve as an opinion leader who promotes dialogue, identifies and solves problems, and provides information regarding appropriate conduct.
10. Other duties related to the University peer conduct system as appropriate, which may include committee work, follow-up on charged students after hearings, assistance with training sessions, etc.

Kunga, Here is a draft. Tell me what you think.
By the way the FAU Constitution kicks ass! Definitely
we must use as our major Model Read the

The Student Government Association University Wide Council

Judicial
Excellence

Organization of the University Wide Council

PC

The Student Government Association University Wide (UW) Council shall consist of eight members: Four representatives from the University Park campus and four representatives for the North Campus. The President from the campus hosting the meeting shall chair the meetings. The other SGC President shall be the Vice Chair of the meeting.

1. The University Park campus student government representatives shall be the UP Student President, the UP Vice-President, the UP Comptroller, and a member to be appointed by the UP President and approved by the majority vote of the UP SGC.
Nominated
2. The North Campus student government representatives shall be the NC Student President, the NC Vice-President, the NC Comptroller, and the Broward representative elected by the Broward student body or appointed by the NC President and approved by the majority vote of the NC SGC.

↑ BALANCE OF POWER ON UW LIES
WITH THE EXECUTIVE COUNCIL I SUGGEST
2 DEPS 2 ELECTIVE

Powers and duties of the University Wide Council

The purpose of the Student Government Association University Wide Council is to provide a university-wide forum for the Student Government. The University Wide Council:

1. May enact amendments to this Constitution in accordance with Article ??? by a 2/3 vote of the University Wide Council.
2. Shall provide for and approve by a 2/3 vote, the ^{UW} SGA activity and service budget as follows:
 - a. Determine and approve by a 2/3 vote what measures/items are university wide government accounts and commitments.
 - IMPLICATION - NOT A POWER OR DUTY*
b. The University Wide Council shall not have the authority to mandate that a campus based student government fund any entity that the University Wide Council is unwilling to agree to fund.
c. Allocate funding as deemed necessary for entities classified as UW
3. Shall ensure that the integrity and sound business practice in the expenditure and disbursement of funds by the Student Government Association. Therefore, the UW council has the right to inspect the public documents related to the disbursement of activity and service fees.
4. Shall meet at least once a month and it may establish its own rules and procedures as well as meeting times, provided they are not contradictory to this constitution. The UW council shall have the ability to call a special meeting by at least 50 percent of

the representatives with at least a one (1) week written notice to all UW representatives.

5. Shall establish university-wide policies for A&S fee allocations to standing councils, and student clubs and organizations.
6. Shall establish university-wide uniform compensation policies for all student government positions.
7. Shall confirm the hiring of all university-wide student government agency directors.???
- ~~8.~~ ^{should not be} May consider and enact legislation and university-wide statutes or bylaws?? consistent with this constitution which are necessary and proper for the general welfare of the entire student body, **regardless of campus.**
9. May override a joint-campus senate based veto of the university wide budget, ??? by a 2/3 vote of the total active membership??? of the UW council.
- ~~10.~~ ^{CAN - ALL REFERRALS SHOULD BE DONE IN SENATE} May refer legislation to the student body under the referendum process. ^{if one senate approves then UW council may refer by 2/3 vote to student body}
11. Shall establish ^{university wide procedure for a} a student government judicial system.
12. Shall have 2/3 of its members present for quorum ??? with at least one representative from each campus group when it meets to consider business.
13. Shall not determine, write, produce or amend any campus-based budget.
14. May temporarily suspend expenditures from any UW account, which is judged inappropriate or illegal. ^{with a 2/3 vote}
15. May have the ability to amend the UW budget if it has been vetoed by the Vice-President of Student Affairs to address the cause(s) of the veto. Campus-based senates shall have the same power respectively.

University-Wide Legislation ????

- A. All proposed legislation must be submitted to the ^{senate AND} UW council five (5) academic days prior to any regular UW council meeting for placement on the agenda.
- B. Upon approval of the UW council, the legislation is then sent to each campus-based senate for ratification by a 2/3 vote. If both campuses agree the legislation becomes law.
- C. If the legislation is vetoed by one campus based senate, the legislation returns to the UW council. A joint veto or a one campus based veto may be overridden by 2/3 vote

^{CAN NOT BE}

of the total membership of the UW council and if it is overridden, the legislation becomes law.

*IN CASES OF JOINT VETOS LEGISLATION CAN BE REDMITTED AND
RESUBMITTED TO COUNCILS FOR APPROVAL.*

Article IV Officers of the SGC

B. Qualifications of the SGC President:

3. Must maintain no less than a 2.50 current and cumulative grade point average to run for and hold office the semester in which the election is held as well as the preceding and subsequent semesters. Seven (7) calendar days will be given following the posting of grades for the semester in which the election was held to correct any deficiencies in order to meet this requirement.

PROPOSED AMENDMENT #1
ARTICLE IV
REMOVAL FROM SGC

7. Authorize the disbursement of SGC funds. The Finance Committee Chairperson will also possess this authority.

PROPOSED AMENDMENT #2
ARTICLE IX
REMOVAL FROM SGC

- A. The basis for removal of a SGC member shall be malfeasance, misfeasance, and/or nonfeasance.
- B. All SGC Representatives will be immediately removed from office for one of the following reasons:
1. Three unexcused absences from three regularly scheduled SGC meetings. Requests to be excused from any SGC meeting should be made in writing no less than 48 hours prior to the start of the meeting to the SGC President.
 2. Failure to complete the required five (5) office hours per week for three weeks per semester without a proper excuse. A request to be excused must be made in writing to the SGC Vice President no less than 48 hours prior to the first scheduled office hour.
- C. The SGC President may place any paid appointee of the SGC on probation for a period not exceeding 30 days. Following this period, the members of the SGC Executive Board will make a recommendation to the SGC to either remove or retain the appointee in question.

AMENDMENT #3
ARTICLE X
Vacancies & Succession

- A. If the office of the SGC President becomes vacant, the order of succession shall be as follows:
1. The SGC Vice President

3. A person elected by the a temporary election by a vote of two-thirds of the SGC members present as a meeting at which there is quorum, until a pre-scheduled mid-year special election or regular annual election, whichever comes first.
3. Candidates for the position of SGC President must meet the requirements to hold the position.

AMENDMENT # 4
ARTICLE XIII
REMUNERATION

- H. Each SGC shall hire up to three staff personnel for the purpose of executing the professional and administrative coordinating functions in the SGC office. Each position must not exceed 20 hours per week. Job descriptions and compensation will be jointly determined by the SGC President and the SGC Advisor.

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Vacancies & Succession

- A. If the office of the SGC President becomes vacant, the order of succession shall be as follows:
1. The SGC Vice President

3. A person elected by the a temporary election by a vote of two-thirds of the SGC members present as a meeting at which there is quorum, until a pre-scheduled mid-year special election or regular annual election, whichever comes first.
3. Candidates for the position of SGC President must meet the requirements to hold the position.

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ARTICLE XIII
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- H. Each SGC shall hire up to three staff personnel for the purpose of executing the professional and administrative coordinating functions in the SGC office. Each position must not exceed 20 hours per week. Job descriptions and compensation will be jointly determined by the SGC President and the SGC Advisor.

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ARTICLE IV
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ARTICLE IX
REMOVAL FROM SGC

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- B. All SGC Representatives will be immediately removed from office for one of the following reasons:
1. Three unexcused absences from three regularly scheduled SGC meetings. Requests to be excused from any SGC meeting should be made in writing no less than 48 hours prior to the start of the meeting to the SGC President.
 2. Failure to complete the required five (5) office hours per week for three weeks per semester without a proper excuse. A request to be excused must be made in writing to the SGC Vice President no less than 48 hours prior to the first scheduled office hour.
- C. The SGC President may place any paid appointee of the SGC on probation for a period not exceeding 30 days. Following this period, the members of the SGC Executive Board will make a recommendation to the SGC to either remove or retain the appointee in question.

AMENDMENT #3
ARTICLE X
Vacancies & Succession

- A. If the office of the SGC President becomes vacant, the order of succession shall be as follows:
1. The SGC Vice President

3. A person elected by the a temporary election by a vote of two-thirds of the SGC members present as a meeting at which there is quorum, until a pre-scheduled mid-year special election or regular annual election, whichever comes first.
3. Candidates for the position of SGC President must meet the requirements to hold the position.

AMENDMENT # 4
ARTICLE XIII
REMUNERATION

- H. Each SGC shall hire up to three staff personnel for the purpose of executing the professional and administrative coordinating functions in the SGC office. Each position must not exceed 20 hours per week. Job descriptions and compensation will be jointly determined by the SGC President and the SGC Advisor.

AMENDMENT # 4
ARTICLE XIII
REMUNERATION

- H. Each SGC ~~member~~ shall ^{appoint} ~~hire~~ staff personnel for the purpose of executing the professional and administrative functions in the SGC office. The SGC President and the SGC Advisor will jointly determine job descriptions and compensation. The combined weekly time commitment for SGC staff personnel must not exceed 60 hours.

Yes

No

AMENDMENT #3
ARTICLE X
Vacancies & Succession

A. If the office of the SGC President becomes vacant, the order of succession shall be as follows:

1. The SGC Vice President
2. A person elected by the a temporary election by a vote of two-thirds of the SGC members present as a meeting at which there is quorum, until a pre-scheduled mid-year special election or regular annual election, whichever comes first.
3. Candidates for the position of SGC President must meet the requirements to hold the position.

4. ~~Person elected by a vote of two-thirds of the SGC members present as a meeting at which there is quorum, until a pre-scheduled mid-year special election or regular annual election, whichever comes first.~~ (2 weeks)

Yes

No

PROPOSED AMENDMENT #2
ARTICLE IX
REMOVAL FROM SGC

- A. The basis for removal of an SGC member shall be malfeasance, misfeasance, and/or nonfeasance.
- B. All SGC Representatives will be immediately removed from office for one of the following reasons:
 - 1. Three absences from regularly scheduled SGC meetings per semester.
 - 2. Failure to complete the required five (5) office hours per week for three weeks per semester.
 - 3. *Retreat 2week prior notice to president*
- C. The SGC President may place any paid SGC appointee on probation for a period not exceeding 30 days. Following this period, the members of the SGC Executive Board will make a recommendation to SGC to either remove or retain the appointee in question.

Yes _____

No _____

PROPOSED AMENDMENT #1
ARTICLE IV
Officers of the SGC

7. Authorize the disbursement of SGC funds. The Finance Committee Chairperson will also possess this authority.

Yes

No

Sec. E #5.

Authorize any disbursement of SGC Funds in the absence of SGC President & Finance Committee chairperson.

Yes

No