



**STATUTES OF THE STUDENT GOVERNMENT ASSOCIATION  
OF  
MONTCLAIR STATE UNIVERSITY INCORPORATED**

**GENERAL**

**A table of contents shall be provided at the beginning of the Statutes. Pages should also be numbered. These statutes shall prevail over the precedence set by any previous acts of Legislature.**

**ARTICLE ONE**

**STRUCTURE OF THE LEGISLATURE**

**SECTION ONE: LEGISLATIVE REPRESENTATION**

**A. General Requirements**

1. The Legislature shall not exceed sixty-five people.
2. All representatives shall hold and maintain a cumulative average of 2.25 or higher as certified by the Registrar, with the exception of first semester freshman.
3. Legislative vacancies shall be filled using a petition process that contains 150 signatures. Seats shall be filled on a first return-first seated basis. After these seats are filled, rolling admission shall be implemented thereafter.
4. Legislative vacancies may only be filled by appointment by the SGA President Pro Tempore and President of the Legislature. The President of the Legislature may appoint representatives before the President Pro Tempore is elected.
  - a. The appointments must follow the same petition process containing 150 signatures.
  - b. The petition must be completed before approval of the appointment by the Legislature may take place.
  - c. All appointments must be approved by a majority vote of the Legislature.
5. The President of the Legislature shall inform the SGA President of any appointments to the Legislature. The SGA President shall swear in all appointments within two weeks of being informed by the President of the Legislature. The Chief Justice may swear in legislative appointments with the approval of the SGA President.

**B. At Large Representative(s)**

At large representative(s) will represent no specific constituency, but shall serve all undergraduate students collectively.

**C. School & College Representative(s)**

1. One individual wishing to represent a particular school or college (College of Education and Human Services, College of Humanities and Social Sciences, College of Science and Mathematics, the School of the Arts and School of Business) on campus shall:
  - a. Be an enrolled undergraduate of said School or College
  - b. Submit a petition of 50 signatures of undergraduates enrolled in said school or college to the respective Dean of said school or college.
  - c. Be selected and endorsed by the respective Dean of said school or college through a process to be determined by the respective Dean's Office.
2. The Attorney General shall be responsible to check the enrollment of the departments.

**D. Freshman Representative(s)**

1. Five At-Large seats shall be reserved for first semester freshmen during the fall semester petitioning process. If not filled by freshmen, these seats shall be made available to the rest of the applicants.
2. Freshman Representative(s) shall represent the views and concerns of the freshman class.

**E. Class One Representative(s)**

1. Class One Organizations may send one representative to the legislature, provided that there is a vacancy in the Legislature, with the advice and consent of 2/3 of the organizations voting members. A Legislator may only represent one Class One Organization. The following procedures must be adhered to in order to swear in a Class One representative.
  - a. The appointed shall meet all necessary requirements outlined in Article 1, Section One except for the 150-signature requirement.
  - b. The appointed shall not already be a Presidential Cabinet Member, Executive Board, Legislator, or a Board of Trustee Representative.
  - c. Upon swearing in, the newly appointed Legislator is required to fulfill the same duties as an at-large Legislator.

## **F. Greek Council Representative**

1. Greek Council may send one representative to the legislature, provided there is a vacancy, with the advice and consent of 2/3 of the organizations voting members. The following procedures must be adhered to in order to swear in a Greek Council representative.
  - a. The appointed shall meet all necessary requirements outlined in Article One, Section One except for the 150-signature requirement.
  - b. The appointed shall not already be a Presidential Cabinet Member, Executive Board, Legislator, or Board of Trustee representative.
  - c. Upon swearing in, the newly appointed Legislator is required to fulfill the same duties as an at-Large Legislator.

## **SECTION TWO: DUTIES OF REPRESENTATIVES**

### Student Representative(s) shall:

- A. Establish effective means of communication with his/her constituency.
- B. Perform all such other duties required by the Constitution and Statutes as well those other duties generally associated with the office.
- C. Serve at least one hour per month for the SGA, as advisors and as the representative(s) of student interests at the University. This hour must be approved by an SGA Executive Board member, and documented on the forms available in the SGA office, and then be turned in to the SGA Executive Secretary.
- D. Serve on at least one SGA Standing Committee.
- E. Serve at least two hours at the polls during all SGA polling, including elections.
- F. Submit class schedule to the Executive Secretary at the beginning of each semester if there is a class conflict.
- G. Be present for the entirety of all meetings of the legislature unless excused by the Executive Secretary at the beginning of the semester due to class conflict. In the event of any other extenuating circumstances that would cause the representative to miss part of the meeting on a regular basis, s/he must inform the Executive Secretary at the beginning of the semester and receive permission from her/him to leave early/come late.
- H. If for some reason a representative has to miss part of the meeting on a particular day, s/he must inform the Executive Secretary before the commencement of the meeting.

### **SECTION THREE: DISCIPLINARY PROCEDURES FOR LEGISLATORS**

- A.** Any Legislator deemed to be malfeasance, misfeasance, or nonfeasance of their duties, shows general negligence of their duties, or partakes in actions unbecoming of a Legislator may be subject to sanction, censure or impeachment.
- B.** A Legislator may be brought forth for disciplinary proceedings by the SGA President, the President Pro Tempore, or by petition of 2/3 of the Legislature.
  - 1. These charges must be submitted in writing to the Attorney General, the President Pro Tempore, the SGA Executive Board, and the accused.
  - 2. These charges must be submitted within two weeks of the discovery of the incident(s), or action(s) in question.
  - 3. The accused shall have two weeks to prepare a proper defense.
- C.** Upon the submission of charges a Disciplinary Committee shall be formed.
  - 1. This committee shall consist of:
    - a. The Attorney General, who shall preside over and chair the committee's proceedings,
    - b. The President Pro Tempore, or the President of the Legislature if the President Pro Tempore is the accused or accuser.
    - c. Six SGA Legislators.
    - d. The Chief Justice, who shall act as ex-officio to ensure consistency and impartiality.
  - 2. All members of the disciplinary committee shall have one vote, except for the Attorney General and the Chief Justice.
- D. SELECTION OF LEGISLATOR(S) TO SERVE ON THE DISCIPLINARY COMMITTEE**
  - 1. At the first meeting after charges are submitted, the SGA shall enter into closed session for the purpose of selecting six Legislators.
  - 2. The Attorney General will draw the names of six Legislators randomly. S/he will also draw six alternates.
  - 3. If either the accused or the accuser believes that any Legislator drawn may be biased in these proceedings, s/he may exercise a refusal.
  - 4. Each side will be permitted three refusals.
  - 5. If any Legislator, who is selected, demonstrates sufficient cause, may excuse him or herself from these proceedings. Sufficient cause is to be determined by the Attorney General.

## E. PROCEDURE FOR DISCIPLINARY HEARING

1. When the committee is called to order the charges against the accused shall be read out loud.
2. The accused shall enter a plea of either guilty or not guilty.
  - a. If the accused enters a guilty plea, the committee will then enter into deliberation for the purpose of deriving a sentence.
  - b. If the accused enters a plea of not guilty, then s/he shall present a defense.
3. After the accused presents his or her defense, the accuser(s) shall present their arguments. The accuser(s) shall have the burden of proof by preponderance of the credible evident.
4. Both sides may call as many factual or character witnesses as they deem necessary.
5. Legal council or any other individual may represent either side.
6. The Disciplinary Committee shall be permitted to ask questions of both sides after they have presented their arguments.
7. The Disciplinary Committee shall have the power to determine the guilt or innocence of the accused, and shall have the power to determine whatever sentence they deem appropriate, including permanent expulsion from the SGA Legislative, Executive, Judicial Branches or the Board of Trustees Alternate.
8. Except for the committee's deliberation this entire proceeding shall be open to the public, minutes shall be taken, and these proceedings shall be tape-recorded.
9. The Disciplinary Committee's decision shall be binding on all parties and shall be final.
10. Any action taken under the auspices of this section shall not preclude the occurrence of civil or criminal action.
11. Requests for an Appellate Hearing must be made in writing to the Judicial Branch as set forth in Article Eight, Section Seven.

#### **SECTION FOUR: STANDING COMMITTEES**

- A. There shall be five standing committees: Student Affairs, Appropriations, Constitutional Review, Government & Administration and Marketing & Publicity.
1. Each representative will sit on at least one committee and will decide and announce his/her committee choice to the Executive Secretary no later than the third meeting after the beginning of the semester or the filling of the vacancy.
  2. The committee shall elect a chairperson. No representative shall be chairperson of more than one committee during a semester, excluding ad hoc committees.
  3. A secretary shall be elected by the committee to take accurate accounts of their committee's attendance and inform the President Pro Tempore and Executive Secretary of its status.
  4. Any student-at-large wishing to be a member of any committee may obtain ex-officio status.
  5. Ex-officio members:
    - a. An Executive Board member, or designee, may be an ex-officio member of their respective standing committee.
    - b. Executive Presidential Cabinet members may be ex-officio members to their respective committees outlined in Article Three.
    - c. An ex-officio member shall be known as a non-voting member, with such privileged title on account of their knowledge in that particular committee. The committee's direction of legislative business and voting power shall be vested in its Legislator(s).
  6. All standing committees shall meet at a definite time each week, as specified by the members of the committee at the beginning of each semester. No two committees shall meet on the same day at the same time. The President of the Legislature shall be an ex-officio member of all committees.
  7. Each committee shall investigate all areas of campus life as outlined by said committee's description.

## **B. Duties Of The Chairperson**

1. Shall coordinate the activities of their respective committees.
2. Shall schedule all meetings and hearings of the committee.
3. Shall chair all meetings.
4. Shall report all findings and recommendations to the Legislature.
5. Shall perform all duties inherent to the office of the chairperson.
6. Shall attend all committee chairperson meetings as set by the Vice SGA President.
7. Failure to attend a Committee Chair meeting without the consent of the Vice President will result in an unexcused legislative absence.
8. At the close of each semester, all committee chairs must submit a written report to the Vice President, detailing projects worked on, legislation deliberated, and enumerating goals for the coming semester.

## **C. Duties Of The Committee Secretary**

1. Shall keep and post all records of the deliberations of the committee and shall forward copies of the same to the Executive Secretary.
2. Shall serve as Chairperson in the event of the regular Chairperson's absence.
3. Shall keep accurate accounts of their committee's attendance and inform the President Pro Tempore and Executive Secretary of its status.
4. Shall perform all duties inherent to the office of the Executive Secretary.

## **D. Appropriations Committee**

1. Shall review and hold open hearings, as is necessary, on financial bills to be presented to the Legislature and formulate recommendations for the Legislature.
2. Shall act as the formal channel for all-financial bills, budgets, line transfers and requests to come out of Unappropriated Surplus.
3. Shall consider bills concerning gifts of money to any charity.
4. Shall review all Class One budgets annually in the Spring Semester and make recommendations to the Legislature.
5. Shall also recommend action on any bill involved with Bus Authorization trips.
6. Shall have the SGA Treasurer as an ex-officio member.

**E. Constitutional Review Committee**

1. The purpose of the Constitutional Review Committee is to review the constitution of any organization that wishes to become an SGA chartered organization or renew their current SGA charter. This would include examining the organization based on evaluation criteria found in Article V.
2. Shall review Class One/Media organizations charters and constitutions in the spring semester and recommend to the Legislature the constitutionality of the respective organization's charters and constitutions and the continuing fulfillment of their purpose.
3. Shall review Class II constitutions each year and Class III & IV Organization constitutions on alternating years.
4. Shall notify each organization and allow attendance at such review by any interested students.
5. Shall be present and complete all reviews and changes before any scheduled date for discussion of the respective Class One Organization's budget by either the Appropriations Committee or the Legislature as a whole.
6. Shall be chaired by the President Pro Tempore.
7. Must have a minimum of five voting members, of which three must be Legislators, sitting and present to conduct any business of which the majority of Legislatures may not be official members of any organization the committee is reviewing.

**F. Government & Administration Committee**

1. Shall administer all elections as prescribed by Article IV of the Statutes.
2. Shall constantly review the operations of the SGA.
3. Shall review any Statute changes and make recommendations to the Legislature.
4. Shall review Greek Council by-law changes.
5. Shall have the SGA Attorney General as an ex-officio member.

**G. Student Affairs Committee**

1. Shall examine the needs of all students of the University and make recommendations based on such. Areas of concern should include, but not be limited to, academic, residential, commuter, student safety and welfare, parking, and food services.
2. Shall coordinate and review nominations for the Excellence in Education Award.
3. The Secretary of Academic Affairs, Secretary of Residential Affairs, Secretary of Commuter Affairs and the Director of Student Outreach shall have the privilege of acting as ex-officio members of this committee.



## **H. Marketing & Publicity Committee**

1. Shall create/review legislative action that:
  - a. Involves promotion of the SGA and shall act upon such means of publicity, advertising, etc.
  - b. Concerns national, state or local affairs and consider SGA, Inc. membership in any outside organization.
  - c. Involves collaboration or advocacy between the SGA, Inc. and any recognized University Athletic team or recreational board.
  - d. Collaboration between the SGA, Inc. and the University recognized student events and productions.
2. Shall review and produce such legislation so that, through a positive collaboration with the SGA, students can actively participate in recognition of such non-SGA campus teams, boards, happenings, etc.
3. The Executive Secretary and the Press Secretary shall have the privilege of acting as ex-officio members.
4. Executive Presidential Cabinet members not listed herein may have the privilege of acting as ex-officio members, if subject matter pertains to their scope. Such privilege will be at the discretion of the Presidential Cabinet member and the SGA President and subject to the approval of the committee.

## **I. Guidelines for Membership Voting on Committees**

1. Any member of the SGA may vote on any standing committee, with the exception of Justices and members of the Executive Branch, whom have waived their right to vote.
2. In order to gain voting privileges any member must attend two consecutive committee meetings and may not accumulate more than three absences in a semester.
3. At the initial two-committee meetings of the semester, any eligible SGA member may vote without restrictions.

\*All standing committees shall be responsible for the carrying out of any specific projects authorized by the Legislature within their area of jurisdiction.

## **J. Committee Chair Meetings**

1. Shall be chaired by the Vice President.
2. Shall consist of all Committee Chairs.
3. Shall discuss committee projects.
4. Shall initiate committee projects in bill form to be placed into appropriate committee.
5. Failure to attend Committee Chairs meeting without the consent of the President Pro Tempore of the Legislature will result in an unexcused legislative absence.

**SECTION FIVE: AD HOC COMMITTEES**

- A. The Legislature may form an Ad Hoc Committee, by 2/3 vote, to discuss bills or issues outside the normal realm of the existing standing committees.
1. A chairperson will be approved by the Legislature.
  2. A time limit will be set on any such committee.
  3. The committee shall make a written report of their findings, within that specified time to the Legislature.

**SECTION SIX: ADVISORY COMMITTEES**

**A. THE FOOD SERVICE ADVISORY COMMITTEE SHALL:**

1. Hear and evaluate student concerns regarding the school's food service.
2. Bring these concerns to the attention of the Food Services management and work with the food service to address those concerns and improve the equality of campus life as affected by the food service.
3. Work, through its own initiative, to improve the quality of the University Food Service.

**B. THE EQUITY AND DIVERSITY ADVISORY COMMITTEE SHALL:**

1. Examine the needs of all students of the university and make recommendations based on the following areas of concern; cultural and identity issues, herein defined as but not limited to, matters of gender, race ethnicity, religion, socio-economic class, age, sexual/affectational orientation, political philosophy.
2. Take active commitment to resolving issues of the above subject and inform the Executive and Legislative Branches of such issues as needed.
3. Be in charge of putting out a semester calendar of Equity and Diversity programming highlighting events on campus that promote equity and diversity on campus.
4. Consist of at least three Legislators, each of which will have one vote on any issues to be released from committee.
5. Be open to any undergraduates who, after attending two consecutive meetings, may vote on issues to be released from committee.
6. The Director of Equity and Diversity shall have the privilege of acting as an ex-officio member of this committee.
7. The women's center, center for non-violence, CSI, and the disability resource center shall have the privilege of sending one representative each to act as ex-officio members.
8. Hear, evaluate and address student concerns regarding any racial or ethnic issues or problems on campus.
9. Take actions to facilitate a greater sense of multicultural awareness, harmony, and understanding in the campus community.
10. Work with other campus groups to achieve the goal of the committee.
11. This committee shall be set up no later than the third SGA Legislative meeting of the fall semester.

## ARTICLE TWO

### HOUSE RULES OF THE LEGISLATURE

#### SECTION ONE: PROCEDURE FOR LAWS

\*Any legislator of the Legislature and SGA President may author a bill.

- A. All bills (e.g. Financial, Policy Statements, Chartering Procedures) shall be written as follows: “**BE IT ENACTED BY THE LEGISLATURE OF THE STUDENT GOVERNMENT ASSOCIATION OF MONTCLAIR STATE UNIVERSITY INCORPORATED, THAT...**”
- B. The author of the bill must submit the bill in its proper form to the President of the Legislature no later than 4pm Monday prior to the meeting of the Legislature at which time the bill is to be introduced:
  1. All guidelines for chartering shall be adhered to as per Article 5, and subsequent executive policies.
  2. All guidelines for financial bills shall be adhered to as per Article Six and subsequent executive policies.
  3. All guidelines for charter renewals shall be adhered to as per Article 5, Section 2, subsection E.
- C. The President of the Legislature shall appropriately number and register the bill.
- D. The Clerk or Executive Secretary shall make available a copy of the bill to public.
- E. The President of the Legislature shall call for and have the bill read by the Clerk or Executive Secretary. The President of the Legislature may then place the bill in committee for investigation.
- F. The bill shall be returned from the committee with its recommendations and/or advice at the next meeting or shall give a progress report.
  1. The Clerk shall read the bill for a second time.
  2. The Chairperson shall report the findings of the committee.
  3. The sponsor or his/her designee then has the right to address the Legislature concerning the proposed bill as introduction to general discussion and debate.
  4. The way is then clear for general discussion and the Legislature shall act upon the bill.
- G. Any representative may enter a motion to discharge a committee from further consideration of a bill which it has failed to report progress.

- H. If a representative is unable to post the bill in time to be considered at the next meeting and s/he feels that it is of an emergency nature, s/he may present it to the President of the Legislature prior to the meeting. The President of the Legislature gives it a number if it is of sufficient need to be considered immediately. The President of the Legislature reports it to the Legislature before New Business.
- I. A bill involving the appropriations of monies or the chartering of an organization requires a 2/3 majority vote. Only votes for and against the bill are tabulated and abstentions and no votes against will not be considered.
- J. All statute bills shall go into effect the day following the semester the bill became law.

#### **SECTION TWO: CONSTITUTIONALITY OF BILLS**

Upon request of any member of the Legislature, the Attorney General shall determine the constitutionality of any bill. A ruling of unconstitutionality by the review may be over-ridden by a three-fourths vote of the Legislature to ensure constitutionality of SGA, Inc. following the order set forth in Article II, Section Nine.

#### **SECTION THREE: APPROVAL OF BILLS BY THE SGA PRESIDENT**

- A. In the name of the President of the Legislature, the Secretary of the Legislature shall transmit accurate copies of all bills passed by the Legislature to the SGA President within three days of such passage.
- B. After being passed by the Legislature, a bill shall become law upon signature of the SGA President or upon failure of the SGA President to act within fourteen days, or by the end of the semester.

#### **SECTION FOUR: FILING OF BILLS**

The Executive Secretary shall keep a file of all Legislative bills in numerical order. This bill shall also indicate the semester in which the bill was submitted. Each bill shall have attached to it:

A statement by the Executive Secretary attesting to the Legislative sponsor, the date of the first reading, the date of passage by the Legislature, and the committee which acted upon the bill, and; either a statement signed by the SGA President, of approval or of veto, or a statement by the Clerk or Executive Secretary to the effect that the SGA President had failed to act within fourteen days, or that the veto had been over-ridden.

## **SECTION FIVE: MEETING TIME**

- A. Each Legislative session shall meet on Wednesday at 3pm at a permanent location determined at the first meeting of the fall semester. A temporary exception may be made if the administrator or director of those location's grounds has deemed that area to be unsafe due to an emergency situation and pending legislative approval by a majority of votes.
- B. The representative(s) elected during the Spring Semester for the following academic year will be forwarded a Legislative Packet via mail no later than two weeks before the commencement of the fall semester.

## **SECTION SIX: PRESIDENT PRO TEMPORE OF THE LEGISLATURE**

- A. The Legislature shall elect from among its membership a President Pro Tempore based on Article II, Section Four, and Part N of the Constitution, who shall serve as President of the Legislature in the absence of the Vice President.
- B. The nominations for this position will take place at the second meeting of the Fall Legislative session, with the election being held at the third meeting of the Fall Legislative session. The winner shall be determined by a majority of the votes cast. If the position of President Pro Tempore is vacated, then an election to fill the position shall take place at the next regular meeting.
- C. The President Pro Tempore shall serve as chairperson of the Constitutional Review Committee and act as the liaison of the Legislature to the Executive Board, and Judicial Branch.
- D. Any candidate running for the position of President Pro Tempore of the Legislature must have completed a Legislative Petition by the first meeting of the fall semester.
- E. The President Pro Tempore must not have a conflict and must be present for the entirety of all Legislative meetings. If a regular conflict arises, the President Pro Tempore must resign from the position. In the event that he/she refuses to resign, the Vice President along with the Attorney General may remove him/her from office by submitting a written letter to the President Pro Tempore, Chief Justice and the SGA President.
- F. In the event that the President Pro Tempore must be absent, the President of the Legislature will appoint a temporary President Pro Tempore for that meeting with the advice and consent of 2/3 of the Legislature.
- G. The President Pro Tempore of the Legislature shall, at all times, have access to all organizational paperwork, including (re) charter packets/contact information, constitutions and charter certificates.
- H. The President Pro Tempore may not hold an Executive Board position of any SGA Chartered Organization including Greek Council and class V organizations during his/her term of office.

## **SECTION SEVEN: ABSENCES**

### **A. General**

To assure each student of the University is represented in the SGA by his/her representative.

1. Is permitted two unexcused absences during each semester.
2. Upon accumulation of one excused absence and two unexcused absences, the President Pro Tempore shall send a warning letter to that representative.
3. Upon the third absence, the President Pro Tempore shall send a letter of removal to that representative.
4. Any action taken under the auspices of this section may be appealed to the Legislature and over-ridden by a 2/3 majority vote. The appeal must be presented within two official meeting(s) of the Legislature after the action was instituted.
5. In the event that a representative has a registered class for a portion of the meeting, s/he will be required to gain permission from the Executive Secretary to leave early at the beginning of the semester.

### **B. Proxy**

Each Legislator may yield his/her seat by proxy to any eligible fee-paying undergraduate upon written notification to the Executive Secretary.

1. The Executive Secretary must receive this notification, no later than twenty-four hours prior to the Wednesday meeting.
2. This right to proxy shall be limited to two utilizations per semester.
3. If a proxy is utilized, the Legislator will not be marked as absent.

### **C. Committee Absences**

1. A representative member is permitted four absences from their Primary Committee during a semester.
  - a. The accumulation of two Primary committee absences shall result in one unexcused Legislative absence.
  - b. The accumulation of four Primary committee absences shall result in a second unexcused Legislative absence.
  - c. The accumulation of five Primary committee absences shall result in expulsion from the committee and the Legislature.
2. The committee secretary will be responsible for informing the President Pro Tempore and Executive Secretary of their committee's status.
3. If a legislator does not identify and attend their Primary committee's meeting within the first two weeks of that committee's formation, that legislator will receive two unexcused Legislative Absences.

4. If a legislator does not identify and attend their Primary committees meeting within the first four weeks of that committee's formation, that legislator will be removed from the Legislature.
  5. Any legislator sworn in during or after the third legislative week has a two week grace period to join a committee. After those two weeks have passed, if that legislator does not identify and attend their Primary committee's meeting they will receive two unexcused Legislative Absences. If that legislator does not attend their Primary committee's meeting two weeks after receiving the two absence policy, that legislator will be removed from the Legislature.
- D. All Legislators must submit his/her class schedule to the Executive Secretary at the beginning of each semester if there is a recurring class conflict with the SGA meeting.
- E. All Legislators shall be present for the entirety of all meetings of the legislature unless excused by the Executive Secretary at the beginning of the semester due to class conflict. In the event of any other extenuating circumstances that would cause the representative to miss part of the meeting, s/he must inform the Executive Secretary before the commencement of the meeting and receive permission from her/him to leave early/arrive late.
- F. S/he must inform the Executive Secretary before the commencement of the meeting and receive permission from him/her to leave early/come late.

**SECTION EIGHT: RECOGNITION OF EXECUTIVE BRANCH**

SGA Executive officers and Presidential Cabinet members and Justices specifically designated to represent the Executive and Judicial Branch on specific legislation shall be afforded the right to be recognized in the Legislature as well as to raise "Points of Information" and "Points of Personal Privilege."

**SECTION NINE: APPROVAL OF BILLS BY THE JUDICIAL BRANCH**

All bills passed by the legislature must be forwarded to the Justice clerk in the name of the President of the Legislature, and the Executive Secretary before the next business day. The Justices then have the right to call for a judicial review of any bill they feel to be unconstitutional. If there is no review made within one week time of receiving the bill, the bill is assumed to be constitutional and fit for signing by the Student Government Association President. As afforded in the Constitution, the Justices have the right to examine all Statute revisions and organization's by-laws and constitutions. Judicial reviews can be called on any bill, or law, at anytime. If a review finds a violation, then the reasons must be outlined in writing. A ruling of unconstitutionality by the review may be over-ridden by a three-fourths vote of the Legislature.

## **ARTICLE THREE**

### **THE EXECUTIVE**

#### **SECTION ONE: EXECUTIVE OFFICERS: DUTIES AND RESPONSIBILITIES**

- A. The qualifications for the Executive Officers are defined in Article III of the Constitution.
  
- B. The General Corporate Board shall be composed of the elected Executive Officers of the SGA, Inc. All Executive Officers in the SGA be required to hold a minimum GPA of 2.25 or be subject to removal from office. The duties of the General Corporate Board are to perform all duties as defined in the Constitution and as follows:
  1. The General Corporate Board shall be responsible for running and maintaining the corporate structure during the summer and winter breaks. The General Corporate Board shall be responsible for the General Corporate Administration throughout the year.
  2. It is recommended that the newly elected General Corporate Board take credits and live on campus during summer session prior to taking office. The SGA will absorb all cost, for room and board for the new officers while on campus.
  3. The Board will report on the events and issues that arose during the winter break, as well as on the status of the corporation. This written report shall be presented to the Legislature at the first meeting of the spring semester.
  4. A written report of the major events and issues that are still pending which arose during the Fall and Spring semesters, as well as the status of the corporation, shall be presented at the last meeting of the respective semester by the SGA President so as to inform the campus community of the events and issues which arose.
  
- C. **OFFICE DIRECTORS**
  1. The SGA President shall serve as Office Director during academic recess (summer recess, winter break, spring break). If the SGA President is unable to fulfill the duties of Office Director, the Vice-President shall serve as Office Director.
  2. The SGA Treasurer shall serve as co-director during academic recess (summer months, winter break, and spring break). S/he shall assist the Office Director in all monetary procedures and oversee the financial system.
  3. The Executive Secretary and the Vice-President shall serve as Associate Office Directors.
  4. If it known that no member of the Executive Board-elect will be able to fulfill said duties during the summer recess following their election, the Legislature shall appoint an Acting Office Director before the close of the spring semester. Service during other academic recesses is optional, though recommended.



5. Duties of the Office Director:
  - a. Supervise the running and maintenance of the corporate structure.
  - b. Immediately following summer recess and Winter Break, report to the Legislature on issues which arose over the academic recess, to be called the State of the SGA Report. This report shall also be written.
  - c. Facilitate and plan SGA activities that shall occur during and following the academic recess, as s/he sees appropriate.
  - d. See that all the hours of directors are accurately recorded and verified by the SGA Financial Advisor in order for any compensation to be paid. Hours must be recorded in a time-clock system. Any questions or concerns as to the method in which the Office Director conducts this should be made in writing to the co-Director, the SGA Financial Advisor, and the Office Director's administrative advisor (i.e. Dean of Students).
6. Summer Recess Compensation (June 1 – September 1):
  - a. The directors shall be compensated equitably.
  - b. The directors shall be paid \$350 weekly from Unappropriated Surplus to work from June 1<sup>st</sup> to September 1<sup>st</sup> during regular business hours, determined by the Office Director.. S/he shall keep a complete and accurate record for such purposes. They shall be paid during the time they are attending the Summer Leadership Conference.
  - c. The directors must each work no less than twenty-five hours weekly in order to receive payment. Lunch breaks shall not be included.
  - d. The directors shall be allowed seven-paid vacation days and five paid personal days, each day being equivalent to five hours.
  - e. The directors will be reimbursed at the end of the week for money spent on food during that week provided receipts are submitted for up to, but not exceeding \$150. No director may be cash advanced on any monies for food, except during the Summer Leadership Conference. Directors shall only be reimbursed for money spent on food during weeks when they have accumulated (25) twenty-five hours or more.
  - f. The directors shall receive on-campus housing during this time. This money shall be taken out of the appropriate budget line.. Directors may subsidize off-campus housing given that it is of equal or less value than on-campus housing, within twenty miles of the campus, and not their legal permanent address.
7. Winter break/Spring Break/Summer Recess before June 1
  - a. The directors shall be compensated equitably.
  - b. The directors shall be paid \$50 daily from Unappropriated Surplus to work regular business hours when the University is in operation during Winter Break, Spring Break, and the period of summer recess between the last day of Spring semester classes and June 1.
  - c. The directors shall work no less than five hours each day that they are compensated.
  - d. Mileage and transportation fees shall only be reimbursed from Unappropriated Surplus if the director lives off-campus or has on campus housing that has closed and is traveling from their legal permanent address as registered with the University. Any questions or concerns as to the method in which directors are reimbursed for mileage should be made in writing to the Attorney General, the Financial Advisor, and the Office Director's administrative advisor (i.e. Dean of Students).
  - e. Each director shall be reimbursed for lunch from Unappropriated Surplus during days compensated for. No single lunch reimbursement should exceed \$10 per director. No director may be cash advanced any monies for lunch.

#### **D. OFFICE HOURS**

1. All Executive Board members must work a minimum of 10 regular office hours per week. These hours must be between 7am and 6pm, Monday – Friday, established by the second week of the semester, posted in the SGA Office, submitted to the Attorney General and Financial Advisor and followed for the duration of the semester.
2. Each Executive Board member will complete a Time Card. They will punch in when they arrive for their hours and punch out when they leave. These Time Cards must be submitted to the Attorney General for review at the end of each week. If the Attorney General is unavailable, the Time Cards will be submitted to the Financial Advisor.
3. In the event that an Executive Board member's Office hours conflict with other specific duties and responsibilities of their position as laid out in the Constitution and/or Statutes, the Office hours in question may be skipped.
  - a. A written excuse must be submitted to the Attorney General at least one week before the missed Office hours. It will be at the discretion of the Attorney General to decide whether or not the excuse is valid. If it is, the hours do not have to be made up. If it is not, the hours will come out of the Officer's Personal Hours as outlined in Article Three, Section 1, Subsection D, #4 of these Statutes.
  - b. If the excuse is valid, the missed hours must be publicly posted in the SGA Office and the Office Coordinator must be notified.
4. Each Executive Board member will be allotted 10 Personal Hours per semester which they can utilize in case of an emergency.
  - a. The Attorney General must be notified if these hours are going to be utilized. Proper action will be taken against the Executive Board if the Attorney General is not notified.
  - b. Missed hours must be made up within two weeks, or action may be taken against the Officer.

**E. SGA Executive Board Officers may not hold another Executive Board position of any SGA Chartered Organization, (including Greek Council), with the exception of Greek Organizations, during their term of office.**

## **SECTION TWO: THE ATTORNEY GENERAL**

- A. Shall conduct a systematic and continuing study of the SGA Statutes, and recommend that all inconsistencies in the Statutes be removed and clarified as to meaning.
- B. Shall be a member of the President's cabinet, and an ex-officio member of the Government & Administration Committee.
- C. Shall inform the Legislature in an open meeting any time s/he believes the Constitution or Statutes have been violated.
  - 1. A ruling shall be defined as any time the Attorney General is asked, or feels it is his/her duty, to advise the Legislature on the constitutionality of a bill the constitutionality of a statute change, or clarifications and inconsistencies which have been asked to be reviewed. (Refer to Article II, Section Two)
- D. Shall be required to be present for the entirety of all of the meeting(s) of the Legislature. If s/he shall not be able to attend, s/he must first obtain permission from the SGA President. In the event that the Attorney General is to momentarily leave an SGA meeting, the meeting shall be halted until his/her return.
- E. Shall serve as the Elections Committee chairperson. In the event that the Attorney General is a candidate, then the SGA President must appoint a replacement Elections Committee Chairperson with 2/3 approval of the legislature.
- F. In the event that the Attorney General cannot be present at a meeting or part of a meeting of the Legislature, the SGA President shall appoint with 2/3 approval of the Legislature, a temporary Attorney General to serve during the time of the regular Attorney General's absence.
- G. The Attorney General may be removed in the same way as other appointed cabinet members by the SGA President. The Legislature may also remove the Attorney General by impeachment. The reasons for impeachment may be misfeasance, malfeasance, or non-feasance. The same proceedings for the removal of an Executive Board Officer shall be followed and this requires a  $\frac{3}{4}$  vote of the Legislature. If the Attorney General is a past President then s/he may only be removed by the SGA President in bill form, with the approval of 2/3 of the Legislature.
- H. Shall be required to be present for the entirety of all of the meetings of the Greek Council.
- I. Shall be responsible for keeping track of all Executive Board Office hours during the regular school year.
- J. Shall fulfill duties in Article III, Section III, Sub-section B and C if no Chief of Staff is appointed.

- K. May not hold any other position within the SGA. This does not include membership of organizations, but only refers to officer positions. This does not apply to Greek organization officer positions, and in the event of a situation arising with a Greek organization that the Attorney General is a part of, the SGA President shall appoint an appropriate temporary designee to deal with the situation.
- L. Shall enforce all laws passed by the Legislature, rulings of the Judicial Branch, and Policies of the Executive Branch, as the President's Chief Law Enforcement officer of the SGA.

### **SECTION THREE: CHIEF OF STAFF**

- A. At the first meeting of the Presidential Cabinet, after appointed Cabinet members have been approved by the Legislature, the SGA President will announce his/her choice of Chief of Staff. The Presidential Cabinet must approve by majority the appointment and announce their choice to the Legislature.
- B. S/he shall be in charge of coordinating the SGA President's Cabinet and/or Executive Branch, keeping a record of their attendance at the meeting(s) of the Legislature, enforcing the expectations of each Presidential Cabinet member.
- C. His/her duties are to compile the Presidential Cabinet members' monthly/semester reports.
- D. S/he may present the SGA President's Officers Report at the Meeting(s) of the Legislature.
- E. If no Chief of Staff is appointed, the duties detailed in Article III, Section III, subsection B and C shall belong to the Attorney General.
- F. S/he shall not be a member of the Presidential Cabinet, therefore shall not require legislative approval and may not be a legislative representative.

### **SECTION FOUR: THE CABINET**

#### **A. GENERAL**

- 1. All Presidential Cabinet members must be undergraduate students of MSU in good academic standing.
- 2. No Presidential Cabinet member may be a legislative representative
- 3. All Presidential Cabinet members shall be appointed by the SGA President with a 2/3 vote of the Legislature.

4. The SGA President shall appoint an individual to serve in every Presidential Cabinet post established in the Statutes at his/her discretion. The SGA President and any Presidential Cabinet appointee may develop additional projects. Legislative approval is needed to take these projects to committee.
5. Each Presidential Cabinet member will provide a written report to the SGA President at the conclusion of each semester. This report should include activities and accomplishments, as well as evaluations and recommendations for the following.
6. Each Presidential Cabinet member will provide a written monthly report to the Legislature. This report should contain present goals and activities.
7. Each Presidential Cabinet member is required to attend Meeting(s) of the Legislature, provide an oral report and remain until the adjournment twice per regular four-week month. Any month with less than four meetings of the Legislature shall warrant one required full attendance by Presidential Cabinet members, but two reports during Cabinet Reports.
8. Shall attend Presidential Cabinet meetings at the discretion of the SGA President.
9. The SGA President shall have the power to remove and/or create a cabinet post at his/her discretion. The President shall also be able to make changes to current cabinet posts. Any changes to current posts shall become effective after the SGA President has announced them to the legislature, and said changes have been approved by the legislature with a majority vote.

**C. DIRECTOR OF PROGRAMMING**

1. Shall act as a liaison between Class One Organizations and the Office of the SGA President through correspondence and in monthly meeting(s).
  - a. The first meeting shall take place no later than the fourth full week of the fall semester.
  - b. This director must inform all organizations of the meeting time and place no later than two weeks before such meeting.
2. This director must, or have a designee, take accurate minutes of such meeting and submit them to the Executive Secretary no later than one week after the meeting.
3. Shall chair the SGA President's Programming Board of the SGA and the monthly Class One meetings.
4. Shall keep regular communication and meeting with the Office of Student Activities and the Office of Residence Life's Coordinator of Community Development as to ensure minimal programming competition and more collaboration between these two offices and the SGA.
5. S/he shall coordinate and direct all the SGA non-contractual services evaluate these services at the close of the semester and propose concepts for new services.

### **C. DIRECTOR OF CLASS II, III & IV ORGANIZATIONS**

1. Shall act as a liaison between the Executive Board and the Class II, III & IV organizations.
2. Shall be responsible to inform Class II, III & IV Organizations of SGA procedures by holding monthly meetings.
  - a. The first meeting shall take place no later than the fourth full week of the fall semester.
  - b. This director must inform all organizations of the meeting time and place no later than two weeks before such meeting.
  - c. This director must, or have a designee, take accurate minutes of such meeting and submit them to the Executive Secretary to no later than one week after the meeting.
  - d. This director shall take inventory of all items which have been appropriated by each organization, both recently and in the past at these meetings.
3. Shall coordinate programming information of these organizations and assist in forwarding this information to the appropriate forms of advertisement.
4. Shall hold a meeting within the first two weeks of the semester, with one month prior notification, to discuss operational manuals. Attendance is mandatory with suspension for absence. SGA Executive Board must be present.

### **D. DIRECTOR OF GREEK & SOCIAL FELLOWSHIP LIFE**

1. Shall act as a liaison between the Greek Council and the Student Government Association President.
2. Shall represent the SGA President at all meetings of Greek Council.
3. Shall be prepared to assist Greek organizations with questions and difficulty in regards to the re-chartering process.
4. Shall be appointed by 2/3 consent of the Greek Council.
5. Shall assist Greek Council with questions concerning SGA Legislators writing bills for them to access the funds available to Greek Council in Article Six, Section One, Letter R.
6. Shall be responsible for providing the SGA President with documentation of approved Greek Council bills, to allow for Greek Lines to be utilized from the SGA Executive Budget.

**E. PRESS SECRETARY**

1. Shall work with SGA and all its constituents on the efforts regarding the promoting, recruitment and publicity of the SGA among the students of the University.
2. Shall keep regular contact with all Media organizations and student publications as to the contemporary happenings of the SGA per a schedule determined by the student publication and the Press Secretary. The Press Secretary shall correspond with Media organizations at a minimum of once a month and deliver findings to the SGA President.
3. Shall assist the Executive Secretary to better facilitate public relations and publicizing of the SGA.
4. Shall, with the consent of the SGA President, coordinate community service programs and be responsible for correspondence involving external inquiries from outside the campus community.
5. Shall have the privilege of being an ex-officio member of the Marketing and Publicity Committee.

**F. SECRETARY OF RESIDENTIAL AFFAIRS**

1. Shall act as a liaison between the SGA, The Office of Residence Life via regular meeting(s) determined between these two parties.
2. Shall be sensitive to fair representation of residence halls in the Legislature.
3. Shall have the privilege of being an ex-officio member of the Student Affairs Committee.

**G. SECRETARY OF COMMUTER AFFAIRS**

1. Shall be sensitive to the needs and concerns of the campus commuting populations and make recommendations of such remedies to the Executive and Legislative Branches.
2. Shall help coordinate commuter activities and programming.
3. Shall be committed to recruiting an effective volume of commuting populations in the Legislature.
4. Shall represent the Office of the President to SGA and University recognized commuter organizations.
5. Shall have the privilege of being an ex-officio member of the Student Affairs Committee.
6. Shall chair the SGA President's Parking and Shuttle Transportation Board.
  - a. Shall consist of four additional committee members who shall be appointed by the chair with the approval of the SGA President.
  - b. Shall meet with the Director of Parking Services once per month.
  - c. Shall meet with the Director of Shuttle Transportation once per month.
  - d. Shall report their findings to the SGA Legislature monthly.

## **H. SECRETARY OF ACADEMIC AFFAIRS**

1. Shall coordinate the efforts of SGA Legislature from the Schools of the University as prescribed by Article One, Section One, and Part C of the SGA Statutes.
2. S/he shall be responsible for academic reform within the campus community.
3. Shall have the privilege of being an ex-officio member of the Student Affairs Committee.
4. Shall also work with the Student Advocate to deal with problems of student welfare on the University campus.

## **I. DIRECTOR OF STUDENT OUTREACH**

1. Shall be sensitive to the needs and concerns of all members of the campus population and make recommendation of such remedies to the Executive and Legislative Branches.
2. This director shall be attentive to all students, with particular emphasis on the following groups:
  - a. 25 years of age or older
  - b. Interrupted during his/her pursuit of higher education.
  - c. Has/is working full time while in school.
  - d. Married or other legal union.
  - e. Have children/dependents.
3. Shall help coordinate activities and programming with other cabinet members.
4. Shall be committed to recruiting an effective volume of non-traditional input in the SGA.
5. S/he is an ex-officio member of Student Affairs Committee.

## **J. DIRECTOR OF EQUITY AND DIVERSITY**

1. Shall be sensitive to cultural and identity issues, herein defined as, but not limited to, matters of gender, race, ethnicity, religion, socio-economic class, age, sexual/affectional orientation, political philosophy.
2. Shall take active commitment to resolving issues of the above subject inform the Executive and Legislative branches of such issues as needed.
3. May request meeting(s) with culturally and identity based organizations of the SGA for the purpose of helping them advance their mission statement.
4. Shall represent the SGA on a cultural basis and inform the SGA of cultural issues as needed.

## **K. DIRECTOR OF RECREATION & ATHLETICS**

1. Shall develop a relationship between the recognized University athletic departments and other MSU teams and recreations boards.
2. Create means in which the SGA and these teams and boards can recruit student support, participation and attendance.



3. Shall be sensitive to the needs of the individuals of such recognized athletic departments and recreation boards and make recommendations to the Executive and Legislative Branches.
4. Shall coordinate SGA participation in campus intramurals.
5. Shall have the privilege of being an ex-officio member of the Marketing and Publicity Committee.

**L. WEB COORDINATOR**

1. Shall work with the Executive Branch and Legislature in regards to the coordination of the SGA Website(s).
2. Shall assist Executive officers in the creation and employment of SGA list services.

**M. SECRETARY OF EDUCATIONAL FUNDING**

1. Shall have awareness in contemporary issues concerning state budget educational funding in higher education that affect our university life and welfare.
2. Shall be intimately involved in the efforts of the SGA in regards to state and national and higher education.
3. Shall compile research and data on such budget educational funding for open viewing by members of the SGA, Inc.
4. Shall take an active role in movements that address such budgets cuts, including, but not limited to, letter writing campaigns and rallies.
5. Shall act as a liaison between the Office the SGA President and students whom are directly affected by such budget educational funding.
6. Shall cooperate and communicate with the student trustees and any external organizations of interest such that the SGA has membership in.

**SECTION FIVE: REPRESENTATIVE BODIES OF THE EXECUTIVE BRANCH**

- A. Greek Council shall be a branch under the SGA Executive Branch, and shall have their purpose within the scope of the SGA Constitution.
- B. This branch shall be governed by its own documents in accordance with the rules and regulations of the SGA, including all statutes and executive policies.
- C. Any changes to the governing documents of this branch shall require 2/3 approval of the SGA Legislature.
- D. Three lines shall be created in the SGA General Corporate Operations executive budget to supply funding for specific needs of Greek Council. A minimum of \$15,000 must be distributed between these lines, and the total yearly expenditure of funds from these three lines shall not total more than \$15,000 dollars. The three lines shall be titled Greek Security, Greek Sub-house funds, and Greek week. Greek Council may only ask the SGA President and Treasurer for funds from these lines after a bill is passed by a 2/3 majority vote of Greek Council approving said expenditure of funds. Funds from these lines may only go towards events open to the entire undergraduate campus community.

## **SECTION SIX: LEADERSHIP CONFERENCE**

All Student Government Executive Officers, Judicial Officers, Legislator(s) and Executive Presidential Cabinet Members shall be required to attend the Leadership Conference in the spring, which shall be planned by the SGA Vice President.

- A. In the event that it is impossible for an individual to attend, the said individual may obtain an excused legislative absence from the Vice President. Failure to attend the Conference without an excuse shall result in one unexcused Legislative absence.
- B. The President and Treasurers of Class I Organizations shall be required to attend the Leadership Conference, unless excused by the SGA Executive Board. If unable to attend, suitable representation shall be decided upon by the executive boards of both the organization and the SGA. Any unexcused absence will result in a fine of 10% of the offending organization's budget per representative not in attendance, as decided by the SGA Executive Board.
- C. The Vice President shall give four weeks notice to all persons who are required to attend the Leadership Conference.

## **SECTION SEVEN: DISCIPLINARY PROCEDURES FOR EXECUTIVE OFFICERS**

- A. Any Executive Board Officer deemed to be malfeasance, misfeasance, or nonfeasance of their duties, shows general negligence of their duties, or partakes in actions unbecoming of an Executive Officer may be subject to disciplinary action including sanctions or censure. Just cause for impeachment is outlined in Article III, Section 1, Letter C. of the SGA Constitution.
- B. An Executive Board Officer may be brought forth for disciplinary proceedings by the Chief Justice, Attorney General, or by 2/3 petition of the SGA Legislature.
  1. These charges must be submitted in writing to the Attorney General, the Chief Justice, the SGA Executive Board, and the President Pro Tempore.
  2. These charges must be submitted within two weeks of the discovery of the incident(s), or action(s) in question.
  3. The accused shall have two weeks to prepare a proper defense.
- C. Upon the submission of charges, a Disciplinary Committee shall be formed.
  1. This committee shall consist of:
    - a) The President Pro Tempore, who shall preside over and chair the committee's proceedings
    - b) Nine SGA Legislators
    - c) The Attorney General, or the Chief Justice if the Attorney General is the accuser, shall act as ex-officio to ensure consistency and impartiality
  2. All members of the disciplinary committee shall have one vote, except for the President Pro Tempore and Attorney General/Chief Justice.

#### **D. Selection of Legislators to Serve on the Disciplinary Committee**

1. At the first meeting after the charges are submitted the SGA shall enter into a closed executive session, for the purpose of selecting nine Legislators.
2. The Attorney General, or the Chief Justice if the Attorney General is the accuser, will draw the names of nine Legislators randomly. S/he will also draw nine alternates.
3. If either the accused or the accuser believes that any Legislator drawn may be biased in these proceedings, s/he may exercise a refusal.
4. Each side will be permitted three refusals.
5. If any Legislator who is selected demonstrates sufficient cause, s/he may excuse him/herself from these proceedings. Sufficient cause is to be determined by the Attorney General/Chief Justice.
  - a) If the President Pro Tempore excuses him/herself, an extra Legislator shall be selected, and the Disciplinary Committee shall elect a chair.

#### **E. Procedure for Disciplinary Hearing**

1. When the committee is called to order the charges against the accused shall be read out loud.
2. The accused shall be asked whether or not they understand the charges brought against them. If s/he does understand, s/he shall enter a plea of either guilty or not guilty.
  - a) If the accused enters a guilty plea, the committee will then enter into deliberation for the purpose of deriving a sentence.
  - b) If the accused enters a plea of not guilty, then the trial shall commence.
3. The accuser(s) shall then present their arguments. The accuser(s) shall have the burden of proof by preponderance of the credible evidence.
4. After the accuser(s) present their case, the accused shall present a defense.
5. Both sides may call as many factual or character witnesses as they deem necessary.
  - a) A full list of witnesses to be called must be submitted to the President Pro Tempore three days before the hearing by both parties.
6. Legal counsel or any other individual may represent either side.

7. The Disciplinary Committee shall be permitted to ask questions of both sides after they have presented their argument.
  - a) During the questioning periods, the opposing side may ask questions through the chair.
  - b) These questions must be written down and handed to the chair to be asked.
8. The Disciplinary Committee must then determine the guilt or innocence of the accused, and shall have the power to deem an appropriate sentence. Expulsion from the SGA Legislative, Executive, or Judicial Branches or the Board of Trustees Alternate may occur if the Disciplinary hearing is an impeachment trial.
  - a) If the punishment includes the removal of the accused from office, a  $\frac{3}{4}$  vote approval of the Legislature is needed.
  - b) If a positive  $\frac{3}{4}$  vote is not reached, the Disciplinary Committee shall have the power to implement any punishment they deem appropriate barring removal from office.
9. Except for the committee's deliberation, this entire proceeding shall be open to the public, minutes shall be taken, and these proceedings shall be tape-recorded.
10. Only members of the committee, the accused and the accuser(s), and registered witnesses may participate in the hearing. Others present may not speak for or on behalf of either side.
11. The Disciplinary Committee's decision shall be binding on all parties and shall be final, unless it includes removal from office.
12. Any action taken under the auspices of this section shall not preclude the occurrence of civil or criminal action.
13. Requests for an Appellate Hearing must be made in writing to the Judicial Branch as set forth in Article Eight, Section Seven. The Chief Justice may not participate in the Appellate Hearing due to his/her involvement in the original proceedings.

**ARTICLE FOUR**  
**ELECTIONS**

**SECTION ONE: SCHEDULE**

**A. GENERAL**

1. The Elections Committee
  - a. Shall be formed no later than the second week in November at which time a definitive meeting time will be set.
  - b. Shall consist of the Attorney General, who will act as the chair.
  - c. Shall consist of at least five Legislators, each of which will have one vote on any issues to be released from committee. If for any reason a legislator serving as secretary must serve as chair, then said legislator serving as chair may not vote, unless there is a tie, at which point the chair would normally break the tie as per Robert's Rules of Order.
  - d. Shall be open to any undergraduates who, after attending two consecutive meetings, may vote on issues to be released from committee
2. The method by which the elections will be carried out shall be voted on by the Elections Committee and announced to the Legislature by the Attorney General at the last meeting in November.
  - a. If only the election machines are to be utilized for voting, then refer to Section Four for preparation and voting procedures.
  - b. If only an online voting system will be utilized for voting, then refer to Section Five for preparation and voting procedures.
  - c. If a combination of an online voting system and the election machines are to be utilized, then refer to Section Six for procedures.
3. If the Legislature disapproves of the selection by a 2/3 vote, the Attorney General may request a discussion on the issue during Open Forum.
4. Dates for the election, which shall last no longer than ten consecutive days, shall be decided by the Attorney General in conjunction with the Elections Committee and approved by the Legislature in bill form by a majority vote at the second meeting of the Spring semester. If a combination of online voting and the election machines will be utilized, then the voting period shall last for ten consecutive days.
5. Dates for the election of representative(s) of the SGA Legislature shall follow Article II, Section 3 of the Constitution.

6. Dates for the election of the Student Representative to the University Board of Trustees shall be the same dates used for the election of the Executive Officers of the SGA, and this election shall be administered by the SGA.
7. Any additional rules and regulations will be called SGA Election Rules. These rules and regulations shall be determined by the Attorney General and the Elections Committee and approved by the Legislature in bill form before the distribution of petitions.
8. All candidates must abide by the rules and regulations set forth or provided for by this article, as well as any additional rules and regulations approved by the Legislature.
9. The flag of the United States shall be present at all election or special elections.

## **B. SPECIAL ELECTION AND VACANCIES**

1. In the event that an Executive Office is vacated, whether by recall, resignation or for some other reason and the filling of this office is not specifically provided by within the Constitution or by previous Statute law, then a special election shall be requested by the SGA President, declared by the Legislature and administered by the Government and Administration Committee.
2. If vacancies still exist after this special election is held, the SGA President shall appoint a candidate with credentials to fill the executive office within two (2) weeks in bill form. Within two weeks of his/her nomination the legislature shall vote on the Bill and the appointee shall assume the vacant office with the advice and consent of a 2/3 vote of the Legislature.
3. Constitutional Provisions for Replacement of Officers:
  - a. SGA President-Article III, Section 1, Part B of the Constitution.
  - b. Vice President, Article III, Section 3, Part B of the Constitution.
  - c. In the event that the position of the Attorney General is vacated, the SGA President with 2/3 consent of the Legislature shall appoint a replacement.
4. Legislative vacancies shall be filled in accordance with the same petition process used during SGA elections. The same appointment shall apply and all petitions must be submitted by 12 noon on the Friday of the third full week of the semester, after which time appointments are at the discretion of the President of the Legislature and the PPT as per Article I.

### **C. CONTESTING ELECTIONS**

1. All challenges of elections must be made by the close of the polls. Any undergraduate student may make challenges.
2. They shall be submitted in writing to the SGA Executive Board, the Attorney General, President Pro Tempore of the Legislature and the Chief Justice.
3. Violation of Article IV of the Statutes or the Election Rules or any other substantial matter can be grounds for a contestation.
4. Any challenge made up to a week after the closing of polls may only be accepted at the discretion of the Judicial Court.
5. Once an undergraduate student has submitted the proper notifications and officially contested the elections, the contestation shall be added to the agenda of the next meeting of the Legislature. The decision to contest the elections will then be debated and discussed by the Legislature. A 2/3 vote of the entire legislature is then required to contest the elections. The voting shall be by secret ballot.
6. Once the Legislature has voted to contest the elections, the guidelines under Article IV, Section One, letter B shall be followed.

### **SECTION TWO: PETITIONS**

- A. Nomination to appear on the ballot for election to office shall be self-nominating by petition.
- B. SGA Executive Office, Judicial Branch, and Board of Trustees Representative(s) candidates shall submit a petition bearing 300 undergraduate signatures.
- C. Candidates for Representative(s)-at-large in the Legislature shall submit a petition bearing 150 undergraduate signatures.

### **SECTION THREE: WRITE-IN CANDIDATES**

- A. Anyone who is a University undergraduate student may declare him/herself a write-in candidate.
- B. Write in candidates shall be required to abide by all the guidelines set down by the SGA Election Rules and the SGA Statutes.
- C. Write-in candidates shall receive all benefits that official candidates receive except for:
  1. The appearance of his/her name on the ballot.
  2. Space on the Candidate Information Board
  3. Participation in any scheduled SGA debates.
  4. Any others stated in the Election Rules.
- D. Space will be provided on the ballot or in the election machines for a write-in candidate. The procedure for writing in a candidate's name will be clearly explained at the polls or on any online voting website that is utilized.

## **SECTION FOUR: UTILIZING THE ELECTION MACHINES**

### **A. INSPECTION**

1. The Attorney General, in conjunction with the Elections Committee and the Government and Administration Committee, shall have the election machines inspected by the second meeting of the spring semester.
2. The election machines will also be "cranked-up" and checked for proper operation.
3. In the event that the machines are damaged or inoperable, the Attorney General will refer to the election machine operations manual, kept by the Executive Secretary, and will make every effort to repair the damage or find the cause of and repair any malfunction.
4. If found that the damage or malfunction cannot be repaired, the Attorney General will contact the Electec Company (1-800-833-9912) and rapidly initiate the repair of any damages or malfunction of the election machines.
5. The Attorney General must submit to the Legislature, in writing, the results of the visual and operations check of the election machines and any action that was taken to correct/fix any problems.

### **B. PREPARATION**

1. One month prior to the commencement of elections, the Attorney General shall send the names of the candidates and any referendum questions to Electec in order to prepare the election machines for the voting period.
2. One week prior to the first day of the start of the scheduled elections, the Attorney General, in conjunction with the Elections Committee and the Government and Administration Committee, will prepare/set the elections machines with names of the candidates and any questions that may be presented to the student body in accordance with the guidelines presented in the election machine manual.
3. At this point, the election machines will be given one last test operation prior to being set for the first day of elections.
4. All witnesses to the preparation and testing of the election machines shall sign a sheet of plain white paper under the signature of the Attorney General with the day, date, and time of the preparation and testing. This paper must be submitted to the Legislature prior to the start of the elections in order that the witnesses attest to the fact that the election machines were not tampered with. This paper will go into the concurrent week SGA agenda in order that it may become a permanent record of the proceedings.



## C. VOTING

1. No one will be permitted to vote without personal proof of SGA membership, that being a valid undergraduate card of the University, or without positive identification, both of which will be verified against a master list.
2. GRADUATE VOTING
  - a. Paper ballots shall be made available to graduate students who wish to vote for the candidates running for the position of Board of Trustees Representative. The manner in which the paper ballots are to be secured shall be determined by the Attorney General and the Election Committee.
  - b. In order to vote, these students must provide positive identification and must be verified on a separate list of all registered graduate students.
3. All legislative representative(s) must work two hours during the voting process at the election machines as set forth by the Statutes, or receive an unexcused absence and lose voting privileges for the meeting following the election.
4. The polling place will be supervised by the Attorney General and/or an appointed independent supervisor named by the Government and Administration Committee and approved by the Legislature. In addition, there will be two poll workers present at all times. If no poll workers are present, the Attorney General and/or the appointed independent supervisor must close the polls until at least one poll worker arrives for his/her assigned duties.
5. No absentee ballots will be provided.
6. On the last day of voting, the polls shall close no later than 5:00 pm in order that the results can be verified in a timely manner.
7. Immediately after the closing of the voting period, the Attorney General in conjunction with the Election Committee and the Dean of Students (or designated representative) shall verify the votes obtained during the voting period.
8. No later than three business days following the close of the voting period, the Attorney General shall release the official votes of the elections to the student body. These results shall be signed and dated, and shall be entered into the SGA agenda for the concurrent week.

## **SECTION FIVE: UTILIZING AN ONLINE VOTING SYSTEM**

### **A. INSPECTION AND PREPARATION**

1. The Attorney General may organize a mock election to test and verify the validity of the system, in the following manner:
  - a. A sample registry, which shall be a list of no less than 60 undergraduate students, and their MSU ID number, shall be submitted to the voting system operator no later than the Wednesday before Thanksgiving.
  - b. Three candidates for each position shall also be submitted no later than the Wednesday before Thanksgiving.
  - c. Voting in the mock election shall commence during the first week of December, and last for a period determined by the Legislature, but for no longer than ten consecutive days.
2. If the Attorney General opts not to run a mock election, or if the administrators of the voting system are unable to accommodate one, he must meet with the administrators during the first week of December and again during the last week of February to verify the system.
3. If any problems arise during the mock election or during the inspection with the administrators, the Attorney General, in conjunction with the Election Committee, shall take the steps necessary with the voting system administrators to remedy the problems.
4. At the conclusion of inspection or mock election the Attorney General must submit to the Legislature, in writing, the results of the operations check of the system, and any actions that were taken to correct/fix any problems.
  - a. The administrator of the voting system, the Attorney General, and anyone who can attest to the fact that the voting system is functional and capable shall sign these results; these results shall be entered into the SGA agenda for the concurrent week.
  - b. At the SGA meeting following the system inspection, the Attorney General shall review any issues or problems that arose during the system inspection.

## B. VOTING

1. Two weeks prior to the commencement of the voting period, the Attorney General shall submit to the administrators of the voting system the following:
  - a. The "registry" of all eligible voters, consisting of the names of all undergraduate students, which can be obtained from the Office of the Registrar.
  - b. The list of candidates who have submitted petitions for office and meet the requirements set forth to run for those positions.
  - c. Any referendum question that is to be voted on by the student body, as determined by the Legislature.
2. The online voting system shall be made accessible during the dates determined by the Legislature at the beginning of the Spring Semester.
3. The Attorney General, in conjunction with the Election Committee and Public Relations and External Affairs Committee, shall make available to the student body instructions and information pertaining to the online voting system, so that they may be better informed of the technicalities and procedures of the voting system. This information consists of, but not be limited to, the website, hours of voting, and requirements for access. All Legislators must work at least two hours publicizing the election in ways to be determined by the Public Relations and External Affairs Committee, Executive Secretary and/or Elections Committee.
4. No one will be permitted access to the voting system, i.e., permitted to vote, if they are not verified in the registry as an undergraduate student of the University.
5. Graduate Voting
  - a. In order to accommodate Graduates' voting for the Board of Trustees candidates, paper ballots shall be provided consisting of all people running for the position, as well as a place for the students' ID number.
  - b. During the designated voting period, the Attorney shall be made available at specific times each day to collect Graduate votes.
  - c. Immediately after, or on the first business day following the closing of the online voting period, the Attorney General in conjunction with the Election Committee and the Dean of Students (or designated representative) shall verify, using a master list obtained from the Office of the Registrar, and count all paper ballots; these votes shall be added to the total obtained from the results of the online voting.

6. On the last day of voting, the polls shall close no later than 5:00 pm in order that the results can be verified in a timely manner.
7. Immediately after the closing of the polls the Attorney General in conjunction with the Election Committee and the Dean of Students (or designated representative) shall verify the votes obtained during the voting period.
8. No later than three business days following the close of the online voting period, the Attorney General shall release the official votes of the elections to the student body. These results shall be signed and dated, and shall be entered into the SGA agenda for the concurrent week.

**SECTION SIX: ONLINE VOTING/ELECTION MACHINE COMBINATION**

- A. If the Attorney General deems it necessary, the voting period may be divided equally between online voting and voting using the election machines.
- B. The first period of voting shall be carried out using an online voting system.
  1. Refer to Section Five for procedures.
  2. The Attorney General will obtain the online voting results and the paper ballots of Graduate voting on the last day of those days designated for online voting, sign them with the Dean of Students (or designated representative), and lock them in the SGA safe.
  3. Following the close of online voting, and before the commencement of voting on the election machines, the Attorney General shall check off on the master list of Undergraduate and Graduate students those students who have already voted online.
- C. The second period of voting shall be carried out using the election machines.
  1. Refer to Section Four for procedures
  2. Those students who have not been verified to have already voted online will be allowed to vote in the election machines.
- D. Following the close of the voting period, the Attorney General in conjunction with the Election Committee and the Dean of Students (or designated representative) shall verify the votes obtained from the election machines.
- E. The results from the election machines shall be tallied, signed, and added to those obtained during the online voting period.
- F. No later than three business days following the close of the second voting period, the Attorney General shall release the official tallied votes to the student body. These results shall be signed and dated, and shall be entered into the SGA agenda for the concurrent week.

**SECTION SEVEN: TRAINING**

- A. The incumbent Attorney General shall train his/her successor fully in regards to this section of the SGA Statutes prior to leaving office.
- B. Should training not occur, the previous Attorney General may be called back to complete the training session.

**SECTION EIGHT: ELECTION COMMISSIONERS**

- A. Individuals participating in the Elections Committee shall be individually named Election Commissioners.
- B. Each Election Commissioner shall be deemed in charge of advertising the elections in separate sectors of the campus.
- C. These duties shall be assigned no later than two weeks prior to the start of the campaign portion of the elections.
- D. The Elections Committee chair shall, based on the number of committee participants, divide the campus into an appropriate amount of sections and the distribution of such sections shall be opened up to committee members in an order based on a random lottery.
- E. The title of each individual shall be read, "Election Commissioner of (Residence Hall), (Academic building), campus kiosks, and on-line advertisement.

## ARTICLE FIVE

### CHARTERING OF ORGANIZATION & PROGRAMMING

#### **SECTION ONE: CLASSIFICATION OF ORGANIZATIONS**

Chartered organizations shall remain in good standing by: providing programming to all the University undergraduates; offering membership free of dues and discretion, unless otherwise stated in this section; performing frequent and efficient programming; adhering to all rules and regulations of the SGA and the University; attending meeting(s) for which proper notification is given; submitting all required minutes and paperwork as specified by the relevant Executive, Legislature, and Judicial officers of the SGA; faithfully upholding the ideals expressed in SGA rules and regulation. In addition to the benefits outlined in this section, chartered organization in good standing are entitled to free campus meeting space, advertising rights, office credits as outlined in Article Six, appearance in the yearbook, and all other such recognition and protection associated with organization charters.

#### **A. CLASS ONE ORGANIZATIONS**

- 1. Criteria:** A Class One organization shall 1) have an appeal that reaches the general interest of the entire campus community *or* have an appeal that fosters pride for and mobilizes awareness of the interests of a large, distinct, and prolific subculture of the campus community, as deemed by the discretion of the chartering process, 2) prove to have a demand for membership significantly larger than its most recent Class II chartering, 3) prove to have financial and programming needs unable to met by the benefits of a Class II charter, and 4) have spent a minimum of four consecutive years as a Class II organization, 5) are willing to have one member of their organization represent as a legislator in the SGA. Infractions are just for the semester and not for the year. The punishment for Class One is a frozen budget for the semester. Class One charters shall be authored by the SGA President, follow the Legislature's standard operation procedures, and be valid for one academic year.
- 2. Benefits:** Class One Organizations shall be entitled to 1) a yearly budget as allocated by the Legislature, 2) priority for student office space, 3) representation in the Legislature as outlined in Article One, and 4) keep a portion of that which they fundraise through advertising, as outlined in the Executive's financial policies.

#### **B. CLASS II ORGANIZATIONS**

- 1. Criteria:** A Class II organization shall 1) have an appeal that reaches a large and significant interest of the campus community, as deemed by the discretion of the chartering process, 2) prove to have a demand for membership significantly larger than its most recent Class III chartering, 3) prove to have financial and programming needs unable to met by the benefits of a Class III charter, and 4) have spent a minimum of two years as a Class III organization. Class II charters shall be valid for one academic year.

2. **Benefits:** Class II Organizations shall have the right to 1) approach the Legislature for programming monies as outlined in Article Six and 2) request student office space after the needs of Class One organizations' office space are met, and 3) fundraise.

### C. CLASS III ORGANIZATIONS

1. **Criteria:** Class III organizations shall be 1) entry level organizations *or* organizations that meets the needs of a very specific and unique interest of the campus community and 2) attract students from the campus community that yet to be specifically represented by a chartered organization. Class III charters shall be valid for two academic years.
2. **Benefits:** Class III Organizations shall have the right to 1) approach the Legislature for programming monies as outlined in Article Six and 2) fundraise.

### D. CLASS V ORGANIZATIONS

1. **Definition:** Class V organizations shall 1) be those organizations identified as a Greek organization, social fellowship, fraternity, sorority or Honor society; 2) have waived their rights to upgrade charter status. Class V Charters shall be valid for two academic years.
2. **Benefits:** Class V shall have the right to 1) charge dues, 2) exercise discretionary membership practices, 3) representation in the Greek Council Legislature, and 4) collaboratively approach Greek Council for programming monies, who may then approach the legislature as outlined in Article Six, Section One, Part R.

### E. MEDIA ORGANIZATIONS

1. **Criteria:** A Media organization shall 1) have an appeal that reaches the general interest of the entire campus community 2) provide a Media service to the campus community relevant to the SGA and Campus Community, 3) prove to have financial and programming needs unable to be met by the benefits of a Class III Charter, 4) follow general policies and procedures of Class One organizations. Charters for Media charters shall be authored by the SGA President, follow the Legislature's standard operation procedures, and shall be valid for one academic year.
2. **Benefits:** Media Organizations shall be entitled to 1) a yearly budget as allocated by the Legislature, 2) priority for student office space at the same level of a Class One organization, 3) keep a portion of that which they fundraise through advertising as outlined in the Executive's financial policies.

## F. CLASS IV ORGANIZATIONS

1. **Criteria:** Class IV organizations shall 1) be an entry level organization or an organization that meets the needs of a very specific and unique interest of the campus community and 2) attract students from the campus community that are yet to be specifically represented by a chartered organization. Class IV charters shall be valid for two academic years.
2. **Benefits:** Class IV organizations shall have the right to 1) Have a mailbox in the SGA office, 2) fundraise, and 3) have a personal account with the SGA.

## SECTION TWO: THE CHARTERING PROCESS

### A. Membership

1. Shall consist of no less than fifteen active undergraduate students, unless otherwise stated in this Section.
2. Membership shall be open to all undergraduate students, unless otherwise stated in Section One.
3. Shall not charge membership dues, unless otherwise stated in Section One.

### B. Required Material

1. Charter packet that includes a membership list, officer information sheet, organization information sheet, five copies of organization's constitution, a disk containing organization's constitution.
2. List of planned activities and goals.
3. Purpose statement.

### C. Initial Charter Process & Procedures

1. The organization shall find a sponsor as outlined in Article Two,
2. Make an appointment with the Constitutional Review Committee as directed by the President Pro Tempore of the Legislature.
3. Hand in all required material before signing up.
4. Attend the meeting of the Legislature following release from the Constitutional Review Committee.

### D. Initial Charter Evaluation

1. The organization's purpose should be unique and attract students from segments of the community that have not previously been represented by an SGA chartered organization.
2. Must demonstrate sufficient structure to effectively program and serve the needs of the undergraduate community of the University.

### E. Charter Renewal/Upgrade Process & Procedures

1. Class II, III & IV organizations must find a sponsor as outlined in Article Two.



2. Organizations shall make an appointment with the Constitutional Review Committee as directed by the President Pro Tempore of the Legislature.
3. Class One organizations must submit all required paperwork and approach the SGA President to sponsor a charter by the fourth week in the spring semester.
4. Class II, III & IV organizations will have a deadline set by the President Pro Tempore of the Legislature during the given semester's fourth week.
5. All organizations are required to attend the Legislature's meeting after its release from the Constitutional Review Committee.
6. Class One, II & Media organizations are required to prove to the Constitutional Review Committee a good and consecutive history of legislative representation in the SGA by a member of their organization.

#### F. Charter Upgrade Evaluation

1. An organization wishing to upgrade its charter shall prove extraordinary membership growth, financial demand, and campus appeal.
2. The discretion of the chartering process shall be based on the criteria found in this Article, but not limited within.

#### G. Organization's Portfolio

1. To be considered for renewal or charter upgrade, the organization must present a portfolio.
2. The portfolio may include but is not limited to:
  - a. A list of awards
  - b. A list of past events
  - c. Flyers
  - d. Pictures
3. The portfolio materials should be kept in a folder with paper fasteners.
4. The Legislature, being well informed, may employ this portfolio as a tool in determining a decision regarding the organization recharterment or upgrade.

#### H. Specific Requirements for Class V Charters

1. Class V organizations must initially receive approval through the Greek Council chartering process, as outlined in Greek Council rules and regulations with the exception of Honor Societies.
2. Must submit all material expected of organizations of other charters and, if applicable, a copy of organization's national constitution and by-laws.
3. Shall have no less than five members unless otherwise specified by the local, state or national constitution.

I. Specific Requirements for Class IV Charters

1. Class IV Organizations shall not have the privilege of appropriating money from Un-appropriated surplus.

J. Grace Periods

1. Any Class II, III, or IV organization that misses its assigned semester to recharter will have a one semester Grace Period during which they can still recharter, excluding winter and summer breaks. During this semester, the organization will hold an SGA Charter with all its benefits except for the privilege of appropriating money from Unappropriated Surplus and may only appropriate matching fund appropriations.
2. If the organization succeeds in being rechartered in its Grace Period, they will be entitled to all the benefits of an SGA charter the following semester, excluding winter and summer breaks.

**SECTION THREE: CLASS ONE, MEDIA ORGANIZATIONS & CLASS II & III MEETINGS AND MINUTES**

A. Meetings

1. All organizations chartered under the SGA must go to the appropriate meeting(s) in order to stay in good standing with the SGA.
  - a. Class One and Media organization meeting(s) will be set by the Director of Programming.
  - b. Class II & III meeting(s) will be set by the Director of Class II & III Organizations.
2. Failure to attend meeting or not supply an excuse in writing will result in:
  - 1<sup>st</sup> offense...warning letter
  - 2<sup>nd</sup> offense: 10% of budget/funds taken away
  - 3<sup>rd</sup> offense: all budget/funds frozen
  - 4<sup>th</sup> offense: the organization will be brought up by the Legislature for decharterment as outlined in Article Five, Section Five, subsection B, #4
3. The Director of Programming & the Director of Class II & III Organizations will be responsible for informing the President Pro Tempore on an organization's status.

B. Minutes

1. Class One and Media organizations must keep up to date minutes and submit them to the Executive Secretary after every meeting.
2. Class II & Class III Organizations must keep up to date minutes and submit them to the SGA Executive Secretary twice a month.

3. The President Pro Tempore shall be responsible for checking an organization's status with the Executive Secretary.
4. Failure to comply with said policies indicated by the absence of minutes shall result in:
  - 1<sup>st</sup> offense: warning letter
  - 2<sup>nd</sup> offense: 10% of budget/funds taken away
  - 3<sup>rd</sup> offense: all budget/funds frozen.
5. If any organization submits the meeting minutes to the Executive Secretary after the set time and date, their minutes shall be considered late. The Executive Secretary may excuse late minutes with just cause. For every two unexcused late minutes an organization submits, one offense of missing minutes will be added to that organization along with all disciplinary actions it entails.

#### **SECTION FOUR: DISCIPLINARY ACTION**

- A. Executive Officers of all chartered organizations may be removed from their positions by the means set in their individual constitutions. Just cause for removal:
  1. Failure to maintain undergraduate status at the University.
  2. Failure to uphold and fulfill the purpose and policies of the SGA Articles of Incorporation, constitution and Statutes.
  3. Failure to uphold the ideal, duties and responsibilities stated in their organizations constitution.
  4. Malfeasance, misfeasance or nonfeasance in the functioning of the organization.
- B. The SGA Attorney General or Chief Justice must be at all Impeachment procedures.
  1. If the Attorney General or Chief Justice cannot attend, they may appoint another Justice or Associate Justice to take their place.
- C. Organization officers and members may not receive financial or material remuneration from the SGA, Inc. fund for performed duties that are related to the activities of said organization.

#### **SECTION FIVE: MINOR CHARTER VIOLATIONS-CLASS One, II, III, IV, V AND Media**

- A. Complaints or violations of advertising policies, charters, or constitutions must be submitted in writing to the SGA Attorney General. If the Attorney General finds a violation, s/he shall enforce these disciplinary actions, officially contact

the organization and keep a record of each organization's standing. The Constitutional Review Committee shall first determine whether the infraction constitutes the dechartering process, or follows the minor charter violation procedures.

B. Disciplinary Actions

1. 1<sup>ST</sup> offense: written warning. Fliers shall include charter class. Organizations will receive a written warning for any violations deemed to be "minor" by the Constitutional Review Committee, against advertising policy, charters or constitutions. Class One Organizations will also receive this if they do not have a member of their organization be considered as a Legislative representative for two consecutive SGA meetings. If for any reason a representative gets removed from the legislature, the organization still only has two consecutive meetings to find a replacement.
2. 2<sup>nd</sup> offense: the removal of 5% of the monies allotted to the organization in the current semester (i.e., 5% of a Class One's entire budget, or 5% of the \$1,500 allotted to Class II in a semester) unless that amount has dropped below that amount they have, in which the monies will then be removed from the following semester excluding the summer.
3. 3<sup>rd</sup> offense: suspension of appropriation privileges for the rest of the current semester unless there is less than thirty school days remaining. If not, the privileges shall be suspended at the start of the following semester, excluding summer, till the end of that semester.
4. 4<sup>th</sup> offense: the organization will be brought up to the Legislature for dechartering for one complete semester. A  $\frac{3}{4}$  vote is needed in order for the dechartering to go into effect. The dechartered organization will be unable to come up for a charter until one complete academic year following the date of the dechartering.

C. All punishment shall take effect the day that the Attorney General provided written notification to the organization, SGA Legislature, Executive Board, and Judicial Branch.

D. The Vice President may appeal any of the abovementioned offenses to the Legislature in writing within ten school days upon receipt.

E. The Office of Student Activities shall be informed.

**SECTION SIX: CHARTER REVISIONS**

Nothing in this Article shall be construed as to prevent the Legislature from adopting interim changes during the tenure of any charter.

## **SECTION SEVEN: PROGRAMMING**

- A. All Media organizations and Class One, II or III or IV organizations receiving appropriations, shall abide by any forms, rules, procedures or other matters determined to be necessary to establish efficient programming and evaluations.
- B. The SGA Treasurer shall have the authority to establish those matters provided for in Part A of this section.

## **SECTION EIGHT: CLASS ONE, II, III, IV, V and MEDIA ORGANIZATIONS ADVERTISING CLAUSE**

- A. Complaints or violations of advertising policies must be submitted in writing to the SGA Attorney General. If the Attorney General finds a violation, s/he shall enforce these disciplinary actions, officially contact the organization and keep a record of each organization's standing.
- B. The following procedures should apply for advertising:
  - 1. Flyers shall include charter class.
  - 2. Flyers must be posted only in accordance with campus policies.
  - 3. Each organization chartered by the SGA must include in their constitution this advertising clause.
  - 4. Each organization chartered by the SGA shall receive a copy of the posting policies within one week of the commencement of each semester.
- C. The following procedures shall follow any advertising clause violation:
  - 1. 1<sup>ST</sup> violation: warning letter.
  - 2. 2<sup>nd</sup> violation: loss of advertising privileges for one academic month and a fine of \$50.
  - 3. 3<sup>rd</sup> violation: loss of advertising privileges for three academic months, excluding the summer and a fine of \$100.
  - 4. 4<sup>th</sup> violation: organization to be brought up for dechartering as defined in Article Five, Section Six, letter A4 and B4.
- D. Any abovementioned fines must be paid within thirty days from the date of notification. If not paid within thirty days, the organization shall be brought up for decharterment.
- E. The Vice President may appeal any of the abovementioned offenses to the Legislature in writing within ten school days upon receipt.

## **SECTION NINE: MONTHLY MEETINGS**

- A. All Class II & III Organizations seeking appropriations in a given semester or who will be seeking recharterment/reclassification that semester, must send a voting representative to the monthly meeting with the Director of Class II & III Organizations, or provide a written excuse to the Director of Class II & III Organizations no later than three days before such a meeting is to take place.
- B. The Director of Class II & III Organizations will determine the validity of excuses.

- C. For any other organization, these meetings shall be considered optional, but failing to attend shall be considered a forfeiture their right to an appropriation for that semester.
- D. If an organization seeking recharterment/reclassification does not attend these meetings, it shall be that organization's responsibility to know what documentation needs to be submitted.

**SECTION TEN: ORGANIZATION SEMESTER REPORTS**

All SGA chartered organizations must submit a semester report at the end of every semester on programming done, goals accomplished, and list of active members to their respective Directors.

## ARTICLE SIX

### FINANCIAL POLICIES

#### SECTION ONE: CORPORATE AND BUDGETARY POLICY

**A. Constitution:** Any organization that receives an annual budget must have an SGA approved Class One or Media charter on file with the Vice President.

#### **B. Reports**

1. The organization's treasurer must submit detailed financial reports by the tenth of each month to the SGA Bookkeeper and SGA Treasurer. The SGA Treasurer has the right to refuse any other financial transactions until such reports are submitted.
2. The SGA Treasurer shall report once a month to the Legislature. Said report shall include a breakdown of monthly expenditures and information on current balances for each class one and media organization. At the end of each semester the Treasurer's report shall be written and disbursed to the Legislature, showing the ending balances for all class one and media organizations for that semester.
3. The SGA President & SGA Treasurer must open up the financial books to the Attorney General, the President Pro Tempore and the Judicial Branch by the fourth meeting of the fall semester.
4. The SGA Treasurer must correspond in meeting with the Justices every month, starting with October, to assess all financial figures, ensuring all transactions are recorded and represented.

#### **C. Contracts**

1. All contracts to be negotiated for any SGA Organizations must be submitted to the SGA President for approval prior to formal execution by the performer or agency involved. Contracts must state the name of the organization, and where appropriate for SGA approval, "for the Student Government Association of MSU Inc. by (SGA President's name), President." The SGA will return contract no later than two weeks after receiving said contracts. Completed copies of all contracts must be returned to the SGA President at least one week prior to execution.
2. All sanctions for any infractions of contract policy can be found in the Executive Financial Policies.

**D. Deposits:** All SGA Organizations will deposit any and all monies within the SGA's Accounts.

1. Monies collected during a school day must be deposited at the SGA office that day with the SGA Treasurer or SGA Bookkeeper. A receipt will be issued for said funds.
2. Prior arrangements must be made with the SGA President and Treasurer for monies collected at an event in the evening. These funds should be deposited with the SGA Treasurer and Bookkeeper by the next regular business day at the latest.
3. No organization may deposit money or have an account in any outside bank. Exceptions to this shall only be made for Greek organizations which are incorporated, in addition to being an SGA organization, whom are only depositing non-SGA funds and using their own tax ID number without the SGA name.
4. Any Organization wishing to sponsor or co-sponsor an event for charity must receive prior written approval from the SGA President and SGA Treasurer.

**E. Expenditures**

1. There will be no reimbursements or appropriations for personal expenditures related to an organization unless authorized by the SGA Treasurer in advance. The SGA is not liable for disbursing funds to organizations for an event or purchase if said activity has already occurred or financial commitments have been made without proper authorization or previous notice.
2. Authorized transportation expenses for trips at a rate of no more than the university's current limit and no less than \$.05 under the current rate at the first day of the semester for reimbursement for their activities. The rate of appropriation for gasoline will become effective on the first day of each subsequent semester. Tolls will be reimbursed upon presentation of toll receipts.
  - a. Personal and Professional Services:
    - i. Personal services, which are reimbursable, must be submitted on standard Purchase Requisitions.
    - ii. A proposal letter approved by the SGA President and SGA Treasurer must cover Professional services such as legal and auditing services.
3. All monies requested in advance of the SGA Purchase Requisition system must be accompanied by the proposal from the appropriate vendor. All costs must be specified in a letter along with an authorized Purchase Requisition. Checks will be made out directly to the vendor. The SGA Treasurer has final approval of all personal advances when the President and Treasurer of the organization request an advance and sign the appropriate forms. Receipts must be submitted on the date specified. For all cash advances, a budget detailing the contemplated expenditure must also be submitted to the SGA Treasurer. Failure to complete the advance forms properly and on time will result in the holding of checks for that organization.



## **F. Procedures**

1. As per the SGA Constitution all additional financial policies and procedures as adopted by the current SGA President and SGA Treasurer shall be adhered to by all SGA chartered organizations. Information shall be available in the Financial Policy and Procedure manual provided by the SGA Treasurer.
  - a. Changes in these executive financial policies and procedures must be announced to the Legislature for final approval as per Article II, Section Four, Letter D of the SGA Constitution.
  - b. Fourteen days before statute changes go in effect. All affected organizations must be notified in writing.
2. Any penalties for violations of financial policies will be outlined in the executive financial policies.

## **G. Capital Investment**

1. The General Corporate Board shall create and reserve, through an annual allocation of revenues, a separate capital investments account. These funds are available to the SGA and all Class One Organizations. Monies can only be appropriated with the approval of 2/3 of the Legislature (when the Legislature is in session) through standard SGA procedures, as outlined in Article II. Capital Investment Account is for the purchase of all SGA Capital Equipment.
2. Capital investments will be defined as any articles purchased with a value of \$100 or more, which will benefit the organization for more than one academic year.
3. All standard financial policies will be adopted for such purchases.
4. Any equipment that an organization wishes to purchase that is not specifically defined under the guideline of capital investments must first receive the permission of the General Corporate Board.
5. By the tenth of February, all SGA budgeted organizations will submit a listing of capital equipment in its possession. Included should be the brand name of the article, the model number, the serial number, and the date of purchase. The SGA's Treasurer or his/her designee(s) will make a physical inventory during the month of February.
6. All purchases of equipment must be reported to the SGA Treasurer setting forth the article, the model number, the serial number, etc., so that the SGA can insure it properly.
7. The total amount of funds in the Capital Investment Account shall not exceed \$100,000. If this account shall fall below this amount, the General Corporate Board shall replenish this line at a rate of no less than \$10,000 per year.

## **H. Phone Expenditure**

1. Phone use is to be limited to organization business.
2. If in the opinion of the SGA President and SGA Treasurer phone service is being abused, phone service may be terminated, or student charged for calls. Phone bills need not be accompanied by purchase order.

## **I. Conventions and Conferences**

1. Car rentals are an individual expense and are not to be charged to the organization.
2. Hotel and travel and registration fee will be handled in the same way as an advance request for money.
3. Executive Branches of the SGA shall receive up to \$2,000 per fiscal year for the purpose of sending their Executive Boards on conferences with the approval of the Appropriations Committee and the SGA Legislature.
4. A written report of the activities of the convention must be kept on open file. Any individual, who attend a conference or convention for a Class One Organization, SGA Executive Branch, or the SGA, shall provide a written report to the respective organizations and to the Legislature regarding activities attended and recommendation(s) derived from the event.

## **J. Events**

1. An honorarium is not to exceed \$150 per speaker. No honorarium can be issued to faculty member of MSU.
2. If a function is to be open to the student body at no charge, only students with validated undergraduate student identification cards are to be admitted free, if seating is limited. All others are to be charged. Undergraduate student ID cards are to be checked for a current validation sticker by the organization.
3. If an organization wishes to provide food from a source other than Sodexo, the proper paperwork must be obtained from Food Services. Said paperwork must be completed and submitted to the Appropriations Committee and the Office of Auxiliary Enterprises. The checklist included in the procedures indicated in said paperwork must be in progress prior to the appropriation for the event will be considered.

## **K. Payroll**

1. The SGA President and SGA Treasurer must approve all hiring of employees.
2. Persons employed by the SGA for any period of time must fill out appropriate employment applications, which are to be approved by the SGA President and SGA Treasurer. Withholding forms are to be submitted to the Bookkeeper.
3. Payroll ledgers are to be maintained by the organization and Bookkeeper.
4. Paychecks are to be issued weekly.
5. All monies earned from interest on SGA investments will accrue to General Corporate Operations to offset salaries of full-time employees.

## **L. Budgets**

The fiscal year for the SGA, Inc. and all organizations chartered by them will be from June 1<sup>st</sup> to May 31<sup>st</sup>.

1. Budget requests are to be submitted to the SGA Treasurer on or before the last Friday in January.
2. Budget requests will consist of:
  - a. A proposal for the coming academic year with a fall/spring breakdown, and
  - b. An explanation of each budget line.
3. The SGA President and SGA Treasurer will review the initial Budget Request and will return recommendations and criticisms to the organizations no later than the second Friday in February.
4. If needed, a budget review meeting with each organization and the SGA President and Treasurer will be held no later than the third Friday in February.
5. The SGA President will submit the budgets to the Legislature by the fourth Wednesday in February. Each budget may be discussed independently after the respective organizations constitution has been approved by the Legislature.
6. Adjustments in the proposed budgets may be made by the Legislature.
7. Budgets are to be strictly adhered to unless difficulties arise which necessitate changes. Any request for alteration in the budget, via line transfer, must be submitted in writing to and approved by the SGA Treasurer. The Appropriations Committee must approve all line transfers while the general legislature is in session.

8. If an organization has a deficit in their balance by the end of the school year, the organization will go on probation for the next semester at the discretion of the General Corporate Board.
9. Services, which operate out of General Corporate Operations, must also submit budget breakdowns. They will be included in the General Corporate Operations budget.
10. If in the opinion of the SGA President and SGA Treasurer, an organization is illegally spending funds or disregarding policies, all funds of that organization will be frozen until action is taken by the Legislature at the next meeting. Only approved contractual agreements will be honored.
11. The books and records of all organizations are to be open to the inspection of the SGA at all times. Class One Treasurers are responsible for attending meetings for financial information.
12. The authorized signatures of the organization's President, Vice President, Secretary and Treasurer, or equivalents must be submitted to the SGA Treasurer on a 3x5 file card. Each time this information changes a new card must be submitted.
13. The unused funds that are budgeted to the Class One Organizations and the SGA will revert back to Unappropriated Surplus following the closing of all lines which a negative balance as of May 31<sup>st</sup> of each year.

#### **M. Loans**

Neither the SGA, Inc. nor its budgeted organizations shall provide loans for any reason to any group or individual.

#### **N. Key Policy**

1. Students are responsible for the keys issued to them. Failure to return keys will result in the withholding of transcripts and/or diplomas until a \$10 levy is paid or the key returned.
2. Should an individual require replacement key during the year, said individual shall pay the \$10 levy before receiving the new key.

#### **O. Charge Accounts**

Only those charge accounts necessary to ensure the daily operation of the SGA shall be maintained. No off-campus charge accounts for travel or entertainment shall be maintained.

## **P. Special Appropriation**

1. If any Class One or SGA Operations finds that during the course of a fiscal year, it's insufficient to carry out its planned activities and/or its constitutional obligation or if it should discover that it has a need to acquire, repair, or replace equipment or materials, then that organization may approach the Legislature for a "supplemental appropriation". A supplemental appropriation is even money put into the proper line(s) of a Class One or SGA Operations Budget only for the reasons listed above.
2. A supplemental appropriation shall be limited to no more than \$5,000 or 20% of the organizations budget for the current fiscal year, which ever is lower.
3. If a Class One or SGA Operations is faced with a situation which the programming of the organization, that organization may approach the Legislature an "emergency appropriation". An emergency appropriation is an allocation of funds to an organization to allow it to resume proper operation. All emergency appropriations shall pass through the Appropriations Committee. The committee shall first decide whether or not the bill constitutes an "emergency appropriation: or a supplemental appropriation. The decision of the committee may be overturned by a 2/3 vote of the Legislature on an appeal of the organization.
4. Procedure for Supplemental or Emergency Appropriation:
  - a. Organization of SGA would prepare a proposal and submit it to the Appropriations Committee and the SGA Treasurer and President.
  - b. Appropriations Committee would then decide whether the bill constitutes an Emergency or Supplemental Appropriation.
  - c. Appropriations would prepare proposal in bill form and vote on it in committee.
  - d. Bill would go to the Legislature as "Emergency Bill."
  - e. Bill must be passed by a 2/3 vote of the Legislature.
  - f. All other SGA corporate and financial policies shall be adhered to.

## **Q. Class Two and Three Reserves**

The Corporation shall set aside \$50,000 from the total corporate revenues as Class II and Class III Reserves for use by Class II & III Organizations only. This account shall be replenished annually. These funds shall cover all requests of class II and III organizations until the reserve is depleted, at which time any remaining funds in general unappropriated surplus shall be used for class II and III organization appropriations.

## **R. Greek Council Funding**

Greek Council shall be allowed to ask the SGA legislature for up to a maximum amount of \$10,000 per fiscal year from Unappropriated Surplus for on campus programming. These Appropriations may not fund philanthropic or recruitment events. This money can only be distributed after following proper Financial Policies that a Class II and III organization must follow. The Greek Council may receive an office credit from the SGA of \$150 per semester.

## **S. Student Government Appropriations**

The SGA Legislature must follow the procedures set forth for Class II & III organizations regarding appropriations.

1. The Legislative bill and all other required paperwork for general appropriations must be submitted at least four weeks prior to the event.
2. The total amount broken down shall be included in the Legislative bill.
3. Proof that University Policy regarding bringing in food from an outside source (outlined in Article VI, Section One, Letter J, #3) is being followed if the breakdown includes money to pay for food not provided by Sodexo.

## **SECTION TWO: CLASS TWO AND THREE APPROPRIATIONS**

A. Legislative appropriations to Class II and III Organizations must be spent through special accounts established by the SGA Treasurer. The organization must meet the following criteria.

1. Hold a valid SGA charter.
2. Maintain current minutes with the Executive Secretary
3. Legislative appropriations to Class II & III organizations must be spent through special accounts established by the SGA Treasurer.

B. Monetary requests will consist of:

1. The total amount broken down by organization input and SGA input, to be included in the Legislative Bill.
2. A standard SGA information form with current information.
3. The current financial status of the organization with information on fundraisers and other sources of revenue, and events.
4. Proof that University Policy regarding bringing in food from an outside source (outlined in Article VI, Section One, Letter J, #3) is being followed if the breakdown includes money to pay for food not provided by Sodexo.

- C. The sponsoring Legislator and/or the organization must provide the required and requested information to ensure consideration and proper processing of the request. All standard corporate financial policies must be followed.
- D. Any organization that is appropriated monies from Unappropriated Surplus shall only receive a profit or revenue exceeding the amount given.
- E. The following limits are to be adhered to for all Class Two appropriations:
  - 1. The Legislature shall not appropriate more than dollar for dollar total cash contributions provided by organization up to a total of \$2,000 per academic year; \$1,000 per semester for any event, provided that 40% of the funds raised by the organization is the result of direct fund-raising.
  - 2. No Class II Organization may be appropriated more than \$5,000 for events during an academic year except under the circumstance explained in Article VI, Section Two, Subsection I.
  - 3. Direct fund-raising shall be defined as anything except funds received from the members of that organization and only profit from ticket sales from that event shall be included.
- F. In order to foster greater on campus programming, Class II organizations that meet the following requirements may be appropriated up to a total of \$1,500 per semester, inclusive of the \$3,000, free of the matching funds requirement outlined in Section II E, provided that the funds are used for on campus programming, unless the circumstance explained in Article VI, Section Two, subsection 1 arises.
  - 1. The Legislative bill and all other required paperwork for general appropriations must be submitted at least **four weeks** prior to the event. The Legislative Bill and all other required paperwork for Matching Fund appropriations must be submitted at least **two weeks** prior to the event.
  - 2. The organization must wait until the semester after chartering or re-chartering, excluding summer and winter semesters.
  - 3. Membership minutes from three consecutive membership meetings must be filed with the Executive Secretary.
  - 4. The organization will comply with all Class One financial policies and requirements as set down by the SGA Treasurer.
- G. The following limits are to be adhered to for all Class Three appropriations:
  - 1. The Legislature shall not appropriate more than dollar for dollar total cash contributions provided by organization up to a total of \$1,000 for any event per academic year or \$500 per semester, provided that 40% of the funds raised by the organization is the result of direct fund-raising.

2. No Class III Organization may be appropriated more than \$2,500 for events during an academic year except under the circumstance explained in Article VI, Section Two, subsection 1.
  3. Direct fund-raising shall be defined as anything except funds received from the members of that organization and only profit from ticket sales from that event shall be included.
- H. In order to foster greater on campus programming, Class III organizations that meet the following requirements may be appropriated up to a total of \$750 per semester, inclusive of the \$1,500, free of the matching funds requirements outlined in Section II G, provided that the funds are used for on campus programming unless the circumstance explained in Article VI, Section Two, subsection 1 arises.
1. The Legislative bill and all other required paperwork must be submitted at least four weeks prior to the event.
  2. The organization must wait until the semester after chartering or re-chartering, excluding summer and winter breaks.
  3. Membership minutes from three consecutive membership meetings must be filed with the Executive Secretary.
  4. The organization will comply with all Class One financial policies and requirements as set down the SGA Treasurer.
- I. In order to promote a level of collaboration with all organization, every time a Class II or III co-sponsors an event with a Class IV, the Class II or III's will be allowed to appropriate an extra \$50 for that semester, with a limit of three co-sponsorships with an incentive a semester; only allowing a max of an extra \$150 a semester.
- J. At the time the SGA Treasurer approves the report, the organization shall be required to pay any reimbursement of profit as outlined in Article VI, Section 2D
- K. No monies will be appropriated for an event or purchase if said activity has already occurred or financial commitments have been made.
- L. Class II and III Office Supply Credit.
1. A \$50 dollar credit will be established in the office of the Executive Secretary for the purpose of providing office supplies and promotional fliers to Class II and III organizations.
  2. To be eligible for the credit, the said Class II and III organization must be chartered for at least one month excluding winter and summer breaks. In order to ensure this, the secretary must submit copies of the minutes from three consecutive meetings to the Executive Secretary.



**SECTION THREE: CLASS V APPROPRIATIONS**

-A \$150 credit will be established in the office of the Executive Secretary for the purpose of providing office supplies and promotional fliers to Class V organizations

-These funds may only be used for rush/intake events, philanthropic/community service and workshops.

-To be eligible for credit, the said Class V organization must be chartered for at least one month excluding breaks. In addition, the organization must be in good standing with the SGA and its subsidiary-Greek Council.

**SECTION FOUR: CLASS IV APPROPRIATIONS**

A \$50 dollar credit will be established in the office of the Executive Secretary for the purpose of providing office supplies and promotional fliers to Class IV organizations

To be eligible for credit, the said Class IV organization must be chartered for at least one month excluding breaks, and must be in good standing.

**SECTION FIVE: STUDENT FEES**

\*All students who are members of the SGA will be required to pay all SGA fees as established in the Constitution at the time designated for payment of tuition.

\*Students engaged in student teaching shall not be entitled to a fee rebate.

\*All member students withdrawing from college and entitled to a refund of SGA fees shall receive said refund according to the percentage refund schedule established by the college for refunds of tuition in similar situations.

**SECTION SIX: CHECK SIGNING**

Any combination of two signatures (being those of the SGA President, and/or SGA Treasurer, and/or SGA Financial Advisor) may appear on SGA checks.

## ARTICLE SEVEN

### STUDENT MEMBERS ON THE BOARD OF TRUSTEES OF MSU

#### SECTION ONE: ELIGIBILITY, ELECTION AND TERM OF OFFICE

- A. The SGA, in conjunction with the Office of Student Affairs, shall provide for the election of two student members to the college's Board of Trustees. The time schedule and process for such elections shall be identical to that of the SGA officers.
- B. During each election, a student will be elected at-large for a term of office of two years. During the first year of office, the student shall serve in the position of Alternate Student. During the second year, s/he shall serve in the position of Voting Student if qualified.
- C. Each position during the term of office shall coincide with the annual organization of the board, the second week in September.
- D. To be eligible for Alternate Student, an individual must:
  - 1. Be a United States citizen
  - 2. Be 18 years of age or older
  - 3. Be a regularly matriculated student
  - 4. Be enrolled full time with at least 12 credits
  - 5. Have completed no more than 80 credits at the end of the academic year of election.
  - 6. Pass at least freshman status with a 2.5 or higher cumulative average as certified by the registrar.
- E. During the second year of the term of office, the Alternate Student, before becoming the Voting Student, shall be recertified as to the cumulative average, full time status, and citizenship as outlined in Article VII, Section One C1.
- F. The student members must maintain the original eligibility requirements throughout the term of office.
- G. Should a vacancy occur in either position, the SGA President shall appoint, with the advice and consent of the Legislature, a student who meets the outlined qualifications. This appointment and confirmation shall occur no later than the second regular meeting following the vacancy.

## **SECTION TWO: DUTIES AND RESPONSIBILITIES**

4. The student members shall be entitled to full participation in all activities of the board except that they shall not participate in:
  1. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective officer or employee or current officer or employee employed or appointed by the board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.
  2. Any matter involving the purchase, lease acquisition or sale of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of these matters were disclosed.
  3. Any pending or anticipated litigation in which the board is, or may become a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
5. The student members shall adhere to such standards of responsibility and confidentiality as are established by the State Board of Higher Education.
6. The student members shall establish effective means of communication with the student body as a whole and shall voice such information to the board and other concerned parties, including the SGA and the Graduate Student Council.
7. The voting student shall deliver a written copy of this report to the SGA President.

## **SECTION THREE: MEMBERS' RELATIONSHIP TO THE SGA**

- A. The Voting Student may serve as an ex-officio member of the SGA President's Cabinet upon consultation with the SGA President. S/he may not be a representative nor serve in any position on the Executive Branch.
- B. The Alternate Student may serve as a representative should s/he so choose **or** choose to sit on the SGA President's Cabinet upon consultation with the SGA President, but s/he shall not serve as President Pro Tempore of the Legislature.
- C. The Voting and Alternate Representative(s) shall be subject to the same impeachment procedures as the SGA Executive Officers.

## **SECTION FOUR: OVERSIGHT AND RESTRICTION**

The provisions of this article are subject to oversight and restriction pursuant to the Laws of the State of New Jersey, the State Board of Higher Education, and the Board of Trustees of the University to the extent that each has authority under the enabling legislation, P.L. 1986, c. 136.

## ARTICLE EIGHT

### JUDICIAL BRANCH BY-LAWS

#### SECTION ONE: GENERAL

- A. The Judicial power of the SGA, Inc. shall be vested in one Supreme Court and in such inferior committees as the Legislature may from time to time ordain and establish.
- B. With rule and neutrality, the judicial power will extend to all situations arising under the Constitution, these Statutes, and to all cases affecting SGA members, including all ordeals to which the SGA shall be a party, to controversies between two or more persons or organizations.

#### SECTION TWO: JUDICIAL BRANCH ELECTION PROCEDURES

Article IV of the SGA, Inc. Statutes shall dictate the procedures in administering the election of the Justices, along with the requirements set forth in the Constitution.

#### SECTION THREE: DUTIES OF THE JUSTICES

- A. Communicate regularly with the undergraduate body and other branches of the SGA, Inc.
- B. Promote a fair system of checks and balances in accordance with the Legislative and Executive Branches.
- C. During the first full week of the semester the Justices shall establish a weekly meeting time, where they will conduct their weekly business.
- D. Protect individual rights granted in the University Student Handbook's section on Student's Rights and Responsibilities and the SGA endorsed Students' Bill of Rights.
- E. The Justices shall elect a Chief Justice by a plurality of the Justices at their first meeting of the Fall semester. The Attorney General shall be present when the Justices elect a Chief Justice in order to monitor the vote. The Chief Justice shall be approved in bill form by the Legislature in a written bill by the SGA President.
- F. Enforce the financial mandate found in Article Six, Section One, Part B, subsection 3 of the Statutes.
- G. Every month, starting in October, correspond in meeting with the Treasurer, to review all financial business of the previous month, assuring that all transactions are recorded and accounted for.
- H. To ensure constitutionality of SGA, Inc. following the order set forth in Article Two, Section Nine.

- I. Review constitutions of Organizations, in the event of an Organizational constitutional discrepancy, upon written request.
- J. Review the operations of SGA, Inc. along with the Government and Administration Committee and order mandates when violations are found.
- K. Administer the Office of the Student Advocate as set forth in Article Eleven.
- L. Have the power to issue subpoenas for parties to appear before the court.
- M. At a minimum of once per month, attend the SGA General meeting from call to order through open forum.
- N. Attend leadership and job training through the Office of Student Activities.
- P. A Clerk shall be selected by plurality of the Justices from among the Associate Justices at the first weekly Justice meeting of the semester. The Clerk Justice shall record all the minutes and correspondence of the Branch.

**SECTION FOUR: CHIEF JUSTICE**

- A. Shall organize the business before each weekly meeting and preside over these meetings.
- B. The Chief Justice shall not have a time conflict between the Judicial Branch meeting (set forth in Section Three, Part C) and any other extracurricular activity.
- C. Shall represent the Judicial Branch to the Legislative and Executive Branches, and shall also be responsible for reporting to the Legislature once per month and corresponding with the SGA President or an approved Presidential designee at a minimum of once per month.
- D. In the case of a Disciplinary Committee formed, the Chief Justice shall act as neutral ex-officio to ensure evenhandedness in the procedures.
- E. Shall chair the Judicial Court when formed due to situations as outlined Article Eight, Section One, unbiased to any party.
- F. Be responsible for filing all written correspondence to and from the Judicial Branch, plus minutes and notes from all meetings, as gathered by the Clerk. This bill can be made available to the public.
- G. May delegate his/her duties on to an Associate Justice for a limited amount of time.

## **SECTION FIVE: ABSENCES**

- A. Each Associate Justice is granted two unexcused absence per semester from Judicial Branch Meetings, while the Chief Justice must be present at all Judicial Branch Meetings (See Article 8, Section 4, Letter B).
- B. Associate Justices shall be granted one unexcused absence per semester from attending their required monthly SGA general meeting, while the Chief Justice is granted one unexcused absence from attending the required monthly SGA Legislative meetings each academic year.
- C. Verification of illness, constituting an excused absence, shall be honored until excess excused absences provoke the Chief Justice, the Legislature or the SGA President to call for disciplinary action.
- D. With approval of the SGA President, Attorney General, and Chief Justice, additional absences may be excused when necessary or deem appropriate.

## **SECTION SIX: DISCIPLINARY PROCEDURES FOR JUSTICES**

- A. A justice may be brought forth for disciplinary proceedings by the SGA President or by petition and approval in bill form by 2/3 of the Legislature.
  - 1. These charges must be submitted in writing to the SGA President, the Attorney General, and the accused.
  - 2. The incident, or discovery, for which the charge is being filed, must be no more than two weeks past.
  - 3. The accused shall have two weeks to prepare a proper defense.
- B. Upon the submission of charges, a Disciplinary Committee shall be formed consisting of:
  - 1. The Attorney General, who shall chair the proceedings.
  - 2. Nine Legislative Representatives, who shall be the voting body.
  - 3. One Justice, to ensure civil fairness in the procedures, as an ex-officio.
- C. Selection of Legislative Representative(s) to serve on the Disciplinary Committee shall be done in a manner according to the following:
  - 1. In closed session, the President Pro Tempore of the Legislature and the Attorney General shall randomly select the names of nine Legislative Representatives.
  - 2. The accused and the accuser may each exercise three refusals if they believe that a Legislator is biased in a significant way.
  - 3. If any Legislator, who is selected, demonstrates sufficient cause, s/he may be excused, if approved by the Attorney General.
  - 4. Procedures for disciplinary hearings shall follow the same instruction as specified in Article One, Section Three, Part E.

## **SECTION SEVEN: IMPLEMENTATION OF THE JUDICIAL COURT**

- A. Upon a possible violation of endowed rights or the need for an absolute ruling on an issue like described in Article Eight, Section One; a party must deliver a simple written request to the Chief Justice. The Justices may also issue subpoenas to all parties involved in an affair of their jurisdiction.
  - 1. The Justices then have until the end of their next weekly meeting to deny or accept the request, by majority vote.
  - 2. The Chief Justice may call an emergency meeting if s/he feels the request needs urgent handling.
  
- B. If the Court accepts the case they must notify, in writing, all parties involved, including the SGA Executive Board, Attorney General, and President Pro Tempore.
  - 1. The parties must then prepare written report to support their respective cases, along with any evidence, by-laws, correspondence, and witness lists.
  - 2. The Court shall then pick a hearing date that is conducive to all parties.
  
- C. The Guidelines for the hearing shall follow those found in Article Two, Section Three, Part E, with the Court acting as the Disciplinary Committee.
  
- D. Within two weeks of the hearing (but not past the close of the semester), the Court decision will be plurality rule, and be expressed in writing to all involved parties and shall be ultimately binding.
  
- E. The Judicial Court must accept all appellate cases based on procedural error from the Disciplinary Committee.
  - 1. The appellant must follow the steps herein Article Eight.

## ARTICLE NINE

### SGA ADVISORS DUTIES & RESPONSIBILITIES

#### **SECTION ONE: FINANCIAL ADVISOR**

- A. An administrator/Faculty member who is mutually acceptable to the SGA and MSU (normally the Director of Student Activities).
- B. Co-sign checks, with adequate documentation and lead-time, except in an emergency or at the discretion of the SGA President (receives information on checks not co-signed).
- C. Is involved in budget preparation and receives final budget.
- D. Meets monthly with the Treasurer.
- E. Receives copies of all audits.
- F. Reviews contracts with outside groups in advance except in an emergency.
- G. Has access to SGA financial information as approved by the SGA Treasurer. Any dispute will be acted upon by the Attorney General, with appeal to the Legislature.
- H. The Financial Advisor will receive an annual evaluation from the SGA Executive Board. Any proposed change, by either the SGA or MSU in the selection of the Advisor, will be discussed and mutually agreed upon.

#### **SECTION TWO: ADMINISTRATIVE/FACULTY ADVISOR**

- A. An administrator/faculty who is mutually acceptable to the SGA and MSU (normally the Dean of Students)
- B. Meets weekly with the SGA and monthly with the entire Executive Board.
- C. Attends weekly meeting(s) of the Legislature (or sends a representative).
- D. Meets once a year with the SGA Attorney General.
- E. If the administrative advisor is the Dean of Students, another school official will handle any disciplinary case involving an SGA Executive Officer or Attorney General.
- F. The Administrative Advisor will receive an annual evaluation from the SGA Executive Board. Any proposed change, by either the SGA or MSU in the selection of the advisor, will be discussed and mutually agreed upon.



## ARTICLE TEN

### CODE OF ETHICS

#### **SECTION ONE: PURPOSE**

The Student Government Association of Montclair State University Incorporated hereby adopts this Code of conduct as the appropriate standard of conduct for all members of the SGA, including its chartered organizations, employees, advisors, and services. The Code supercedes all previous codes of ethics promulgated for the SGA and shall apply to all members, as hereinafter defined. The Code is adopted to help maintain public trust and confidence and to inform members of the standard or conduct expected of them.

#### **SECTION TWO: STATE OF POLICY**

The SGA exists to serve the interests of the campus community. Therefore, it is necessary that all officials, whether elected, petitioned, or appointed; employees or advisors conduct themselves in a manner that fosters an atmosphere of respect, trust and confidence of the students they serve. Members must avoid any activity or association that is, or appears to be a violation of the public trust.

This Code of Conduct prohibits conflicts that are substantial and material or that may bring the SGA into disrepute. This Code is not intended to be applied in a vacuum. To that end, it attempts to balance public reception with the practical realities of government service. Under our democratic form of government, members should be drawn from the campus community and those who serve the SGA in an active role should enjoy a presumption of honest behavior and faithful performance in the discharge of their duties. The standards set forth in this Code should be read so as to prohibit conflicts that are substantial and material or that brings the SGA into disrepute.

In any instance in which a member is not certain what the standard of conduct should be, the member should consult the SGA Attorney General or his/her designee, who for purposes of this Code shall serve as the SGA President's Ethics Liaison Officer.

#### **SECTION THREE: DEFINITIONS**

Unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

**“Code”** shall mean this Code of Conduct.

**“Employee”** shall mean a person who provides a service and receives compensation as expressed in a contract.

**“Ethics Liaison Officer”** shall mean the SGA Attorney General or his/his designee.

**“Lobbyist”** shall mean any corporation, partnership, firm, organization, association, individual, labor union, committee or person that employs, retains, designates, engages, or otherwise uses the services of any legislative agent to influence legislation or regulation. “Lobbyist” shall include any person or entity acting on behalf of same.

**“Member”** shall mean any petitioned, elected, or appointed office of the SGA and all its chartered organizations, services, and employees.

**“Office or SGA President’s Office”** shall mean the office of the SGA President including, by way of example and not limitation, the Judicial Branch, and all appointed Offices of the Presidential Cabinet.

**“Personal Funds”** shall mean funds of a natural person. “Personal Funds” shall not include funds that are loaned, advanced, or reimbursed to that person for the purpose of providing anything of value to a member by a vendor, trustee, faculty/staff member, or lobbyist.

**“State”** shall mean the State of New Jersey.

**“Student Government Association”** shall mean the Student Government Association of Montclair State University Incorporated fee-paying students, and all of its chartered organizations.

**“University”** shall mean Montclair State University.

**“Vendor”** shall mean any corporation, partnership, firm, organization, association, individual or person who has contracted or bid to provide property, goods, or services directly to the SGA. “Vendor” shall include any person or entity acting on behalf of the same.

#### **SECTION FOUR: CODE OF CONDUCT**

##### **A. SOLICIATION AND RECEIPT OF GIFTS AND OTHER ITEMS**

1. Except as otherwise provided herein or unless offered to the general public, a member shall not solicit, receive, whether directly or indirectly, any compensation, reward, gift, favor, service, outside employment, officer of outside employment, preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value from any vendor, trustee, lobbyist, or faculty/staff member.
2. A member may accept gifts, favors, services, gratuities, meals, lodging or travel expenses from relatives or personal friends that are paid for with personal funds.
3. A member may accept gifts, favors, services, gratuities, lodging or travel expenses that are paid for by the University.
4. A member may accept, with approval of the Ethics Liaison Officer, reimbursement of actual expenses for travel, lodging and meals in connection with conferences, conventions, meetings, or retreats on matters within the scope of the member’s official duties, for which reimbursement is not sought or received from the University.

5. A member shall report and turn over to the Ethics Liaison Officer any offer or receipt of any compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loan, services at preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value from any vendor, trustee, lobbyist, or faculty/staff member, within five (5) business days of such offer or receipt.

The report shall be made on forms or in the manner prescribed by the Ethics Liaison Officer and shall describe:

- a) The compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loan, service at preferential rates, discount, gratuity, meals, lodging, travel expenses or things of monetary value;
  - b) the identity of the vendor, trustee, lobbyist, or faculty/staff member;
  - c) the circumstances under which the gift, reward, favor, compensation, service, outside employment, offer of outside employment, preferential loan, service at preferential rates, discount, gratuity, meals, lodging, travel expenses or things of monetary value was offered;
  - d) the nature of the member's interaction or relationship with the donor;
  - e) why the employee believes that acceptance of the compensation, reward, gift, favor, service, outside employment, preferential loan, service at preferential rates, discount, gratuity, meals, lodging, travel expenses or things of monetary value will not create an appearance of impropriety or otherwise violate this code.
6. A member is not required to notify the Ethics Liaison Officer of the receipt of unsolicited ordinary advertising material of nominal monetary value including, by way of example, pens, pencils, calendars and similar items.
  7. For purposes of this Section IV of this Code, something will be considered to be indirectly solicited or received if it is delivered to someone other than the member in the name of the member and at the direction of the member. Compensation, rewards, gifts, favors, services, outside employment, offers of outside employment, preferential loans, services at preferential rates, discounts, gratuities, meals, lodging, travel expenses or things of monetary value will not be considered to be received or indirectly solicited by the member if the member donates said things to the SGA, University, the State or a charity, provided that the donation is made in the name of the donor by the member. A copy of the correspondence documenting such a donation by an employee shall, at the time of transmission to the organization, be provided to the Ethics Liaison Officer.

## **B. CONFLICTS AND APPEARANCES OF CONFLICTS**

1. A member shall not have any direct or indirect interest, financial or otherwise, or engage in any business or transaction or professional activity that is in substantial conflict with the proper discharge of the member's duties in the public interest.
2. A member shall not use or attempt to use the member's official position or information in the member's possession as a result of the member's official position to secure unwarranted privileges or advantages for the member or others.
3. A member shall not act in the member's official capacity in any matter wherein the member has a direct or indirect personal financial interest that might reasonably be expected to impair the member's objectivity or independence of judgment.
4. A member shall not either personally or through any person or entity undertake or execute any contract, agreement, sale, or purchase valued at \$25.00 or more with any State, University, or SGA representative.
5. A member shall not undertake any outside employment or service, whether compensated or not, which might reasonably be expected to impair the member's objectivity and independence of judgment in the exercise of the member's official duties.
6. A member shall not accept any personal gift, favor, service, or other things of value under circumstances from which the member knows or has reason to believe that such personal gift, favor, service or other thing of value is offered with the intent to influence the member in the performance of the member's public duties or under circumstances from which it might reasonably be inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the member in the discharge of the member's official duties.
7. A member shall not directly or indirectly solicit, receive or agree to receive any compensation, reward, favor, service, outside employment, preferential loan, service at preferential rates, discount, gratuity, meals, lodging, payment of travel expenses or anything of value from any source other than the SGA or the University for any service, advice, assistance or other matter related to the member's official duties.
8. A member shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her act that the member may be engaged in conduct inconsistent with this Code.

**C. USE OF INFORMATION, PROPERTY AND FUNDS, INCLUDING OFFICAL STATIONARY**

1. A member shall use the information, property and funds under his or her official control in accordance with prescribed procedures and not for personal gain or benefit.
2. A member shall not use or disclose information not generally available to members of the public, which information is obtained during the course of the member's work within the Office, other than such use or disclosure connected with the member's official duties.
3. In addition to all other official uses, the following uses of SGA stationary are generally permissible:
  - a. to recommend a current or former member or colleague for another position, admission to a school, or program, etc; or
  - b. to respond to inquiries from a private entity about a current or former member or colleague.
4. The following uses of SGA stationary are impermissible
  - a. to promote a candidate for elective office;
  - b. to endorse a vendor
  - c. to express a personal opinion on a matter that is not related to one's official duties; or
  - d. to secure a personal financial gain or pursue a vested interested.

**D. INVOLVEMENT AFTER LEAVING THE UNIVERSITY**

After leaving the University, a member shall not represent, appear for, negotiate on behalf of or provide information or services not generally available to the public to anyone regarding any cause, proceeding, application or other matter with respect to which the member shall have made any investigation, rendered any ruling given any opinion, or been otherwise substantially and directly involved at any time during the course of his or her enrollment. This prohibition also applies to professional corporations, and to all partners, officers or employees of such partnerships, firms, or corporations.

**E. CAMPAIGN WORK**

1. A member shall not engage in campaign work on SGA time. “Campaign work” is work that both: (a) does not reasonably and primarily fulfill the member’s official duties; and (b) materially contributes to a person’s change of election or reelection to office or the prospects of a candidate.
2. A member may engage in campaign work voluntarily whenever s/he is not obligated to perform official duties.
3. A member shall not use the property of the SGA President’s Office for campaign work.

**SECTION FIVE: OTHER STATUTES AND RULES**

In addition to the Code of Conduct, a member is subject to all other applicable statutes, rules and executive orders.

**SECTION SIX: VIOLATION AND SANCTIONS**

A member who violates this Code is subject to disciplinary action by the SGA President’s Office, SGA, or the University. Violations of this Code may also constitute violations of other standards or statutes, including the New Jersey Code of Criminal Justice, the sanctions for which include fines or imprisonment.

All members are advised to adhere to this Code strictly and to seek advice from the Ethics Liaison Officer if they have any questions concerning their obligations.

## ARTICLE ELEVEN

### THE STUDENTS' BILL OF RIGHTS

#### SECTION ONE: ENDORSEMENT OF THE STUDENTS' BILL OF RIGHTS

- A. The SGA shall work towards the advancement of students' rights at all times.
- B. The enacted Students' Bill of Rights shall be a documentation of all rights and privileges, which are authorized by the SGA.
- C. As an endorsed right, the SGA pledges to execute its power in order to protect the provision.

#### SECTION TWO: AMENDMENTS TO THE BILL OF STUDENTS' RIGHTS

- A. Amendments shall be written in bill form by a Legislator or SGA President and sponsored by the Student Advocate.
- B. An amendment may be added by a 2/3 vote of the Legislature.

#### SECTION THREE: THE OFFICE OF THE STUDENT ADVOCATE

##### **A. Requirements for the Office of the Student Advocate**

- 1. The Student Advocate shall be an undergraduate, and may also hold any position in the SGA with the exception of SGA President, Vice President, Treasurer, Secretary, Attorney General or Justice.
  - a. If the application for Advocate doesn't hold a prior position a petition of 150 signatures of undergraduates must be completed.
- 2. The Student Advocate must have a Grade Point Average of at least 2.75.
- 3. The Student Advocate must be of sophomore standing or higher when the oath of office is given.

##### **B. The Creation of the Office of the Student Advocate**

- 1. The Office of the Student Advocate shall fall under the edict of the Judicial Branch, but shall not have the constitutional rights and privileges of the Judicial Branch.
- 2. At a time no later than the second meeting of the Judicial Branch, an appointment for the Office of the Student Advocate shall be named by a concurrence of the Justices.

3. The appointment shall be approved in bill form by the Legislature with a majority vote in favor.
4. Upon approval, the Chief Justice shall swear in the appointment in front of the Legislature.

#### **C. The Term of the Student Advocate**

1. The Student Advocate shall then be in office until the Justices removes him or her with a majority vote.
2. The term of the Advocate shall be indefinite, until resignation or removal.
3. The Advocate can be removed by the Chief Justice but can be requested by order of a majority of the Legislature or an executive member of the SGA.
  - a. The request does not have to be granted but shall be heard by the Justices in an open forum, in which the party asking for removal must make case to the panel of justices.
  - b. If removal is not granted the Legislature may elect to remove with a  $\frac{3}{4}$  vote.

#### **D. The Role of the Student Advocate**

1. The Student Advocate shall be the liaison of the student body in seeking new rights and privileges granted by the University.
  - a. It shall be expected of the Advocate to meet bi-monthly with the Dean of Students.
  - b. At these meetings, the Advocate shall discuss any complaints of rights infringements s/he has been made aware of.
  - c. The Advocate shall request a broadening and expansion of students' rights.
  - d. The Advocate must attend the SGA general meeting from Roll Call up to Open Forum once per month.
2. The Student Advocate shall be required to hold office hours of at least one hour per week. The office hours shall be posted in the SGA's office.



3. The Office of the Advocate shall be charged with the duty of promoting awareness of the Office and the “Student’s Bill of Rights”.
  - a. The Student Advocate may request that a portion of the Public Relations Budget be used for the financing of promoting the Office.
  - b. These requests should be submitted in bill form for the Legislatures approval.
4. At any time the Student Advocate is expected to listen to the students and take needed action to see their grievances are addressed.
5. If a conflict involves the SGA as defendant, the Judicial Branch shall give it due process.
  - a. In such a hearing the Attorney General shall represent the SGA and the Student Advocate shall represent the plaintiff student.
  - b. If a conflict of interest arises in the mediation process, the Student Advocate shall step down for the duration of the mediation process and the justices shall select a temporary advocate.
6. When a conflict involves the University, the Advocate shall work to the best of his or her power to aid the student in seeking reparations.