

# **CONSTITUTION**

## **TEXAS TECH UNIVERSITY STUDENT GOVERNMENT ASSOCIATION**

### **PREAMBLE**

We, the members of the Student Government Association of Texas Tech University, in recognition of the responsibility shared by the Administration, the Faculty, and the Student Body, in student life and in order to be active participants in the lives and activities of the University, do hereby constitute the Texas Tech University Student Government, and do ordain and establish this Constitution.

### **ARTICLE I. THE STUDENT GOVERNMENT ASSOCIATION**

**Section 1.** Name: The name of this organization shall be The Student Government Association of Texas Tech University.

**Section 2.** Membership: The Student Government Association shall consist of all students who are duly registered in Texas Tech University. Membership shall include undergraduate, graduate, and professional students of Texas Tech University. No rights or privileges of the Student Government Association shall be denied any student because of his classification.

**Section 3.** Distribution of Powers: The powers of the Texas Tech Student Government Association are divided into three distinct departments: The Legislative, Judicial, and Executive. No person or collection of persons being in one of these departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

### **ARTICLE II. LEGISLATIVE**

**Section 1.** Student Senate: All Legislative power shall be vested in the Student Senate to promote, regulate, and coordinate student activities and to provide for the student welfare. It may take such rules and regulations as may seem necessary for the accomplishment of these purposes.

**Section 2.** Composition: The Student Senate shall be composed of:

1. Representatives elected from each college, by the students enrolled in that college, and in proportion to the number of students in each school. The proportion of representation shall be determined annually by the Student Senate, at the first meeting following the announcement of the official enrollment figures for the Fall semester. Each college shall be entitled to at least two members of the Senate.
2. Nine representatives elected from the campus At-Large in addition to the number mandated by Subsection 1 above, and the appropriate Student Government Association apportionment legislation. There shall be fourteen (14) Senators who shall be elected

from the campus at large. Candidates for these Senator-At-Large positions shall run in a single ballot position. Election for Senators-At-Large shall be considered a plurality election. In the event of candidates tying for the last place of a Senator-At-Large position there shall be a run-off election between those candidates tying for said position.

3. The Senate shall elect a President Pro Tempore to serve in the absence of the President of the Senate.

**Section 3. Qualifications:** Student Senators must have completed twelve (12) residence hours and must maintain a GPA of 2.5 throughout his entire term in office. All undergraduate Senators must be enrolled in at least twelve (12) resident hours while in office. Senators-At-Large must maintain a grade point average of 2.5, Graduate Senators must maintain a grade point average of 3.0 and both must be enrolled in at least six (6) resident hours while in office. This shall not apply to Law School students.

**Section 4. Elections:**

1. The Student Senate shall provide for the holding of elections and shall enact an Election Code thereof.
2. Senators shall be elected by a plurality vote of students voting for each of the positions in question. Senatorial elections shall have been completed by the fifth day of April each year.
3. Vacancies shall be filled through action of the Student Senate.

**Section 5. Meetings:**

1. The newly elected Senate shall have its first meeting by the first day of May each year.
2. Times, places, and procedures for meetings shall be set by the Senate.
3. All meetings of the Senate shall be open to all members of the Student Government Association. Executive Sessions of the Senate shall be held only for debate involving removal of a Senate, Executive, or Judicial official. The formal vote, following the said debate, shall be taken in open sessions.
4. Quorum: A majority of the members of the Senate shall constitute a quorum.
5. Vote: A quorum must be present in order to conduct business and make decisions. Senate decisions shall be made by a majority of Senators present and voting unless otherwise specified. A roll call, for determination of a quorum, must be taken before any business of the Senate may be discussed.

**Section 6. The Senate shall be empowered:**

1. To supervise all campus elections.
2. To have authority to make recommendations over all matters of policy affecting student welfare under this Constitution.
3. To determine the line of succession to:
  - a. The office of Student Government Association President following Vice President for External Affairs, the Vice President for Internal Affairs, and the Vice President for Graduate Affairs respectively.
  - b. The office of the Student Government Association Vice President for Internal Affairs, should the Student Government Association President be unable or unwilling to appoint

a replacement.

c. The office of the Student Government Association Vice President for External Affairs, should the Student Government Association President be unable or unwilling to appoint a replacement.

d. The office of the Student Government Association Vice President for Graduate Affairs, should the Student Government Association President be unable or unwilling to appoint a replacement.

4. To enact any legislation necessary to implement the powers or to fulfill the purpose of this Constitution as set forth in the Preamble, except where such jurisdiction shall be denied by the University Code.
5. To call the President, or an Executive Aide, before the Senate for a hearing.
6. To disapprove, upon 2/3 vote of the Senate, the actions of the Executive Department.

**Section 7.** Committees: The Senate shall establish standing, special, and select committees as from time to time deemed necessary and expedient.

**Section 8.** Removal of Senators:

1. Members of the Student Senate may be removed by a 2/3 vote of the Senate. Malfeasance, neglect of duty, or improper conduct shall constitute reason for removal. Persons whose removal is being considered shall be entitled to an open hearing before the Senate.
2. Any committee member may be removed by a 2/3 vote of the Senate. Reasons for dismissal include malfeasance, neglect of duty, or improper conduct.

**Section 9.** Installation: All executive officers, other than the President and all representatives shall take the following oath, to be administered by the incoming President: "I do hereby solemnly swear that I will faithfully execute the duties of my office and will to the best of my ability preserve, protect, and defend the Constitution of the Student Government Association of Texas Tech University and regulations which may be made in pursuance thereof."

**Section 10.** Freshman Involvement: The Student Government Association shall be vested with the advisement, appointment, and governing of Freshman Council and Freshman Leadership Association.

### **ARTICLE III. EXECUTIVE**

**Section 1.** The executive power shall be vested in a Student Body President who shall hold office for a term of one year. In the event of the inability of the President to fulfill the duties of his office, he shall be succeeded by the Vice President for External Affairs, Vice President for Internal Affairs, and the Vice President of Graduate Affairs, respectively. The President, at the time of his election, shall have at least 90 semester hours to his credit by the end of the semester in which the presidential election is held. No person who has previously held the Office of President may again become a candidate for this office.

**Section 2.** Election of Student Government Association Executive Officers:

1. The Student Government Association President, along with the Vice President for Internal Affairs and the Vice President for External Affairs, shall be elected by an all-campus election to be held in the Spring.
2. The Student Government Association Vice President for Graduate Affairs shall be elected by the enrolled graduate population in an election to be held in the Spring.

**Section 3. Qualifications of Officers of the Student Government Association:**

1. President: The President shall have at least a senior standing to his/her credit according to University Policy by the end of the semester in which the election is held. He shall be required to be enrolled in at least six (6) semester hours of residence credit courses during their term of office. He must have a grade point of at least 2.75 for the whole of his college work.
2. Vice Presidents: The Vice President for Internal Affairs and the Vice President for External Affairs shall have at least a junior standing to his/her credit according to University Policy by the end of the semester in which the election is held. In addition, the Vice President for Internal Affairs shall have served as a student senator prior to the election. They shall be required to be enrolled in at least six (6) semester hours of residence credit courses during their term of office. They must have a grade point of at least 2.75 for the whole of his college.
3. Vice President for Graduate Affairs: The Vice President for Graduate Affairs shall have a graduate standing according to university policy at the time of filing to run for election. He shall be required to be enrolled in at least three (3) semester hours of graduate coursework during his term. He must have a grade point of at least 3.00 at the time of filing to run for election and must maintain a grade point of 3.00 during his term.

**Section 4. Duties of the Student Body President shall include:**

1. Presentation of a legislative program to the Senate at the beginning of each semester.
2. The appointment, with the advice and consent of the Senate, of all officers whose appointment shall not be otherwise provided for.
3. Presentation of periodic messages upon the State of the Student Body Government to the State.
4. The execution of all legislation of the Senate for which he shall be responsible to the Senate.
5. Appointing replacements to fill vacancies in the vice presidential offices, to be confirmed by a 2/3 vote of the senate.

**Section 5. Duties of the Vice President for Internal Affairs shall include:**

1. Preside over meetings of the Senate.
2. Provide for the processing and channeling of all Senate legislation.
3. Succeed to the office of Student Government President should the President and the Vice President of External Affairs be unable to fulfill the duties of their offices.

**Section 6.** Duties of the Vice President for External Affairs shall include:

1. Implement and oversee programs of the Student Government Association.
2. Serve as Vice Chairman of the President's Cabinet.
3. Succeed to the office of Student Government President should the President be unable to fulfill the duties of his office.

**Section 7.** Duties of the Vice President for Graduate Affairs shall include:

1. Serve as a liaison between the Student Government Association and graduate counsels.
2. Implement and oversee programs and services of the Student Government Association offered to graduate students.
3. Succeed temporarily to the office of Student Government President, should the President, the Vice President of External Affairs and the Vice President of Internal Affairs be unable to fulfill the duties of their offices, until such time the Senate is able to appoint and confirm a new president. During this interim he shall have all the powers and privileges appointed to the president.
4. In the role of interim president, shall serve as an ex-officio member of the senate committee charged with the task of appointing a candidate to fill a presidential vacancy.

**Section 8.** Committees: The President shall set up those committees which he deems necessary to carry out the duties of his office and of the Student Government Association. Appointments shall be made with the advice and consent of the Senate.

**Section 9.** The President shall be empowered to:

1. Convene such special sessions of the Senate as he shall deem necessary
2. Recommend to the Senate such measures as he shall deem necessary and expedient.
3. Enter into agreements with agencies and organizations outside the University community by and with the consent of the Senate, and the proper University authorities.
4. Represent the Student Government Association personally, and through his dealings with agencies and organizations outside the University community.
5. Employ the Secretary of the Student Government Association. The Secretary shall be compensated in the manner agreed upon by the President and the Vice President for Internal Affairs in accordance with the University wage scale.
6. Assume such other executive powers as shall not be denied by the University Code or this Constitution.

**Section 10.** All bills, excepting Constitutional Amendments and Standing Rules of the Senate, passed by the Student Senate must be signed by the President of the Student Government Association within a period of two weeks of class time following his receipt of said bills before they can be enacted or considered law. Any bill not signed or vetoed within this specified period of time shall be considered approved by the President. If the President vetoes a bill, for the veto to be effective, he shall send a message in writing to the Senate for inclusion in the Senate Journal. The veto message must be submitted to the Senate during its first meeting following the specified two week period of Presidential initiative. Any veto by the President may be overridden by a 2/3 vote of those Senators present and voting.

**Section 11.** The President, Vice President for Internal Affairs, Vice President for External Affairs, and Vice President for Graduate Affairs may be removed from office. Reasons for removal are malfeasance, neglect of duty, or improper conduct. The removal shall be made by a 3/4 vote of the total membership of the Senate.

**Section 12.** The President, upon installation by the outgoing President, shall take the following oath: "I do hereby solemnly swear that I shall faithfully execute the duties of the office of President of the Texas Tech Student Government Association. I shall to best of my ability, preserve, protect, and defend the Constitution of the Student Government Association of Texas Tech University, and the regulations which may be made in pursuance thereof."

#### **ARTICLE IV. JUDICIAL**

**Section 1.** The Judicial power of the Student Government Association shall be vested in a Supreme Court, and other such courts as may be set up by the Student Senate and has jurisdiction over any inferior courts created by the Senate.

**Section 2.** The Supreme Court shall be composed of a Chief Justice and six Associate Justices. They shall be appointed by the President of the Student Government Association. Justices serve 2-year terms. Every odd year, the President shall appoint three Justices and every even year the President shall appoint four. All appointed Justices would be interviewed and recommended by the Rules and Administration Committee, before being presented to the Senate. The Chief Justice position will be a second year Justice. The Senate will confirm the appointments by a 2/3 vote of those who are present and voting.

**Section 3.** Undergraduate members of the Supreme Court must be enrolled for at least twelve (12) semester hours of resident credit courses. Graduate members of the Supreme Court must be enrolled for at least six (6) semester hours of resident credit courses. Each member of the Supreme Court must have a 2.5 overall grade point average. Each member shall be officially classified as at least a junior by the end of the semester in which he is appointed. A court member must maintain a 2.5 grade point average throughout his entire term in office.

**Section 4.** Term: Members of the Supreme Court shall be appointed two weeks prior to the first fall meeting of the Student Senate.

**Section 5.** Duties of the Supreme Court. The Supreme Court shall:

1. Upon written request signed by the President of the Student Government Association or any member of the Senate advise and consent as to the constitutionality of any existing or proposed legislation or render an advisory opinion to the Senate of interpretation of this Constitution.
2. Consider appeals from decisions of the Committee on Rules and Administration.
3. Settle any disputes as may arise under this Constitution.
4. The Supreme Court will not be allowed to create new powers through Judicial Review that are not specifically listed in the plain language of the SGA Constitution.

**Section 6. Procedure:**

1. The Supreme Court shall promulgate such rules of procedure and appoint such officers as it shall deem necessary for the conduct of its business, provided that the jurisdiction of the Supreme Court, including the various writs, shall be established by this Constitution or Student Government Association law.
2. Any member of the Student Government Association who may be party to any action before the Court shall have prior notice of charges involved in the action; shall have ample time to prepare his case; shall be entitled to the assistance of counsel; shall be confronted by and have the right to compel witnesses to appear in his behalf.
3. All decisions and opinions of the Court shall be in writing, signed by members participating and put on file by the Chief Justice in the Office of the President of the University and of the Student Government Association.
4. A member of the Court may be removed by a 2/3 vote of the Student Senate.

**ARTICLE V. AMENDMENT**

**Section 1.** Proposal: Amendments to this Constitution may be proposed either by a 2/3 vote of the Student Senate or by a petition signed by 10% of the Student Government Association. Proposed amendments shall be published in their entirety at least twice in the student newspaper before their submission to the Student Government Association for action.

**Section 2.** Adoption: An amendment may be adopted by a 2/3 vote of the voting members of the Student Government Association.

**ARTICLE VI. SUPREME STUDENT LAW**

**Section 1.** This Constitution, and the laws of the Student Government Association which shall be made in pursuance thereof, shall be the supreme law of the Student Government Association, and the judges in every court established under this Constitution shall be bound thereby, anything in the Constitution or laws of any organization or other campus group to the contrary notwithstanding.

Amended 7 March 1990

Amended 6 February 1991

Amended 4 March 1992

Amended 4 February 1993

Amended 7 October 1993

Amended 16 February 1995

Amended 7 October 1997

Amended 10 December 2003

Amended 3 February 2005

Amended 23 April 2013

## **STUDENT BILL OF RIGHTS**

### **AMENDMENT I**

No rule, regulation, or administrative policy shall be promulgated which in any way prohibits or infringes upon the freedoms of speech and expression or upon the rights of peaceful assembly or redress or grievances by petition. These basic rights shall not be abridged or denied any student by any individual, group, or organization of the University community.

### **AMENDMENT II**

Each student shall be guaranteed the right to enhance his educational experiences by engaging in those political and apolitical activities of his choosing. Such activities shall not be used to deny the admission or readmission of any student to this University.

### **AMENDMENT III**

No rule, regulation, or administrative policy shall be promulgated which in any manner establishes or contributes to the discrimination because of race, color, religion, sex, national origin, age, physical or mental disability, veteran status, sexual orientation, gender identity or expression, creed, marital/familial status, or citizenship in any area, sector, or activity of the University community.

### **AMENDMENT IV**

The rooms and possessions of all students, both resident and commuter, shall be protected, and the privacy of all students shall be strictly respected. Searches and seizures shall be made only on the proper judicial warrant and with the proper judicial protections of the student's legal rights.

### **AMENDMENT V**

Each student shall be protected from the disclosure of either his academic or disciplinary records without his written authorization.

### **AMENDMENT VI**

The student shall be protected from the arbitrary and biased practices of both the University administration and faculty.

### **AMENDMENT VII**

Each student shall be entitled to a written statement, provided by the University, clearly stating what actions shall be considered violations of University regulation and delineating maximum punishments that may be imposed for each specific violation of said regulation.

### **AMENDMENT VIII**

Each student shall be free from prosecution by University officials, either through legal or administrative proceedings, for violations of civil or criminal law.

#### **AMENDMENT IX**

Each student shall be protected from harsh and inessential punishments arising from infringements of University regulations. No student shall be subjected to repeated harassment from University officials due to his unpopular expression of those rights guaranteed by the First Amendment.

#### **AMENDMENT X**

An accused student, in legal or administrative proceedings filed by University officials, shall be informed of all charges in writing before any hearings with the student may proceed. In all proceedings, the accused shall be presumed innocent until proven guilty, and the burden of proof shall rest with those bringing the charges. At all times during the proceedings, the student shall be guaranteed substantive and procedural due process. The accused shall be entitled to confront the witnesses against him, to view all the evidence brought against him, and to call witnesses in his own behalf. The accused shall have the right of a speedy hearing before a panel of his peers and to have competent counsel. The accused shall be entitled to an open hearing if he so requests. The accused shall not be compelled to be a witness against himself. Once a decision has been reached, the accused shall not have a more severe sentence placed upon him by a higher authority. A student shall not be placed twice in jeopardy for the same offense.