

Florida A&M University Student Government Association



Student Body Constitution and System of Student Body Statutes

2015 Document Ratification Packet



Senator Katia Moyer, Judicial and Rules Committee Chair
Darian Burrell-Clay, Senate President
44th Student Senate

Contents

Introduction	1
Proposed Ratification of the Student Body Constitution	2
Revisions to “Article X Amendments to the Constitution”	3
Clarification of ‘Quorum’ in “Article III Legislative Branch”	3
Addition to “Article IV Executive Branch”	3
Proposed Ratification of the System of Student Body Statutes	4
Revision of the duties of the Associate Chief Justice	4
Addition of the Judicial Code of Ethics	4
Additions to the President’s Cabinet (SB10SP-001).....	6
Amendments to Legislative Branch (SB10SP-002).....	7
Specification Attorney General’s authority over prosecutors (SB10SP-003).....	9
Amendment to Department of Communications.....	9
Amendments to the Finance Code (SB10SP-009, SB10SP-007, SB10SP-005,).....	9
Amendments to the Election Code (SB10SP-014, SB10FA-001, SB10SP-006, SB11FA-002).....	10
Changes to the Title of Comptroller and to Controller Duties (SB10SP-010).....	12
Addition to the Duties of the Department of Graduate Affairs (SB10SP-011).....	13
Addition of Definitions of Malfeasance, Nonfeasance and Misfeasance of Duty (SBSP10-013).....	13
Mandating Cabinet Deputies (SB10FA-001).....	14
Addition of Executive Branch Vacancy Bill (SB14FA-001).....	14

Introduction:

This document is the culmination of legislation passed by the 39th, 40th, 41st, 42nd, 43rd, and 44th Student Senates of the Florida A&M University Student Government Association. The legislation compiled in this document has been formatted and reviewed for grammatical errors, but has not been changed from the original bills in which they were passed. Since our Documents have not been ratified since 2008, The Judicial and Rules Committee of the 44th Student has worked to incorporate these pieces of legislation into the existing Student Body Documents.

*Note: The sequence of numbers and letters that appear in parentheses in some subheading is the Legislation Number, indication the type of bill, academic year, academic semester, and numerical order of each piece of legislation. For Example (SB10SP-001) would denote the 3rd Senate Bill passed in the Spring Semester of 2010.

Proposed Ratification of the Student Body Constitution

Section 4 Limitation of Amendments

- A. No more than three (3) sections of any one (1) article of this Constitution may be amended during the course of an academic *semester*. Any further revisions after such limitation shall require passage by a Constitutional Convention, comprised of members from the Legislative, Judicial, and Executive Branches.

Section 8 Quorum

Quorum of the Student Senate shall constitute as one half of the current senate membership, plus one member.

Section 2 Executive Powers

A. All executive powers of SGA shall be vested in the SGA President, assisted by the Vice President, Cabinet Officers, and other executive appointees. All executive powers stated and/or delegated by the Study Body Constitution and/or Statutes shall be vested in the SGA President by executive order. Executive order is a written declaration issued by the president that has the effect of law; and is based on existing statutory authority that requires no action by the legislature to become effective.

B. Executive orders are subject to judicial review, and may be struck down if deemed by the courts to be unsupported by Statute or the Constitution.

Proposed Ratification of the System of Student Body Statues

TITLE V The Student Judicial System

Chapter 400 The Judicial Branch

Chapter 403 Officers of the Court

403.3 The duties of the Associate Chief Justice shall include, but are not limited to:

- a. Preside over all meetings in the absence of the Chief Justice.
- b. Preside over at least one meeting per semester.
- c. Have second speaking rights on all issues.
- d. Oversee the activities of all committees under his/her authority.
- e. Prepare and present a report of his/her activities.
- f. Review all complaints and appeals with the Chief Justice.
- g. Review all Justice absence excuse forms.
- h. Any duties deemed necessary by a majority of the Supreme Court.

403.4 The six Associate Justices shall at least be of sophomore status. They shall perform all duties consistent with the duties of a judge and shall sit at all sessions (unless the justice disqualifies himself/herself from the proceedings because of a conflict of interest).

1. The duties of the Senior Associate Justice shall include, but are not limited to:
 - a. Preside over all meetings, in the absence of both the Chief and Senior Justices.
 - b. Preside over at least one meeting per semester.
 - c. Have third speaking rights on all issues.
 - d. Any duties deemed necessary by a majority of the Supreme Court.

TITILE XIV Ethics Code

Chapter 1305 Judicial Code of Ethics will read as follows:

- A. Student Court Code of Ethics
 1. A Justice has neither the right to veto, nor prohibit discussion of any topic.
 2. No Justice may discuss matters concerning deliberations and cases to the public until released by the Court.
 3. A Justice may neither support a Student Government candidate publicly, nor participate in any aspect of another student's campaign. A campaign shall be defined as an expression by any medium attracting public attention whether radio, television, newspaper, magazine, periodical, direct mail, display, leaflet, speech or any other means which shall transmit any idea furthering the candidacy of any person.
 4. Legislative Intent: The Judicial system is based on the Principle that an independent, fair, and competent judiciary shall interpret and apply the laws that govern, and the role of the judiciary is central to the American concepts of Justice and Rule of Law. Intrinsic to this concept are the precepts that justices,

individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in the legal system. The Justice is an arbiter of facts and law for the resolution of disputes and a highly visible member of Student Government under the Rule of Law.

5. The Judicial Ethics Act, hereafter “the Act,” established standards for the ethical conduct of the Supreme Court Justices on and off the bench. The statutes below should be read together as a whole and each provision should be construed in context and consistent with every other provision. Nothing in the Act shall either impair the essential independence of Justices in making decision or provide a separate basis for civil liability.
 6. The Act governs the conduct of Justices and is binding upon them, whether disciplinary action is appropriate and the degree of discipline to be imposed requires a reasoned application of the text and consideration of such factors as the seriousness of the transgression, whether there is a plan of improper activity, and the effect of the improper activity on others or on the judicial system.
 7. A Justice shall uphold the integrity and independence of the judiciary. A justice shall participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the Judiciary shall be preserved. The provisions of the act are to be applied to further this objective. A Judicial decision or administrative act later determined to be incorrect legally is not itself a violation of the Act.
- B. A Justice shall avoid impropriety and the appearance of impropriety in all of his or her activities through following the measures prescribed below:
1. A Justice shall respect and comply with the law and shall act at all times in a manner the promoted public confidence in the integrity and impartiality of the Judiciary.
 2. A Justice shall not allow family, social, political, or other relationships to influence their conduct or judgment, nor shall a Justice convey, or permit others to convey, the impression that any individual is in a position to influence a Justice.
 3. A Justice shall not lend the prestige of Judicial Office to advance the pecuniary or personal interests of the Justices or others, nor shall a Justice testify voluntarily as a material witness before the Student Government Supreme Court.
- C. A Justice shall perform the duties of the Judicial Office impartially and diligently, following the measures prescribed below:
1. A Justice shall hear and decide all matters assigned to the Supreme Court except those in which he or she recues themselves.
 2. A Justice shall be faithful to the law regardless of partisan interests, public clamor, or fear of criticism.
 3. A Justice shall be patient, dignified, and courteous to all with whom the Justice deals with in an official capacity; a Justice shall also require similar conduct of all counselors, Supreme Court staff, and personnel under the Justice’s direction and control.
 4. A Justice shall perform judicial duties without bias or prejudice. A Justice shall not, in the performance of Judicial duties, by words or conduct, manifest bias or prejudice, including but not limited to bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socio-economic status.
 5. A Justice shall require student counselors in proceedings before the Justice to refrain from manifesting, by words or by conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age sexual orientation, or socio-economic status against parties, witnesses, counselors, or others. This rule does not preclude legitimate advocacy when such issues are involved with the proceeding.
 6. A Justice shall dispose of all matters fairly, promptly, and efficiently.

7. A Justice shall not make any public comment about a pending or impending proceeding in the Supreme Court, and a Justice shall not make any non-public comment that might interfere with a fair trial or hearing. The Justice shall require a similar abstention on the part of Supreme Court personnel subject to the Justice's direction and control.
 8. A Justice shall not disclose or use, for any purpose unrelated to his or her judiciary capacity, non-public information acquired in a judicial capacity.
 9. A Justice with supervisory authority for the judicial performance of other Justices shall take reasonable measures to ensure the prompt disposition of matters before them and the proper performance of other judicial responsibilities.
 10. A Justice with reliable information that another Justice has violated any provision of the Act shall initiate appropriate corrective action procedures.
 11. A Justice shall recuse himself or herself in any proceedings in which recusal is required by Florida law. In all trial proceedings, a Justice shall disclose information that parties might consider relevant to the question of recusal, even if the Justice believes there is no actual basis for recusal.
- D. A Justice shall so conduct extrajudicial activities as to minimize the risk of conflict with judicial obligations, following the measures prescribed below:
1. A Justice shall conduct extrajudicial activities so they do not:
 - Cast reasonable doubt on his or her capacity to act impartially.
 - Demean the judicial office.
 - Interfere with the proper performance of judicial duties.
- E. A Justice shall not engage in financial and business dealings which:
1. May reasonably be perceived to exploit the Justice's position.
 2. Involve the Justice in frequent transactions or continuing business relationships with counselors or other people likely to appear before the Supreme Court.
 3. A Justice shall under no circumstances accept a gift, bequest, favor, or loan if the donor or lender is a party whose interests have come or are reasonably likely to come before the Supreme Court.
 4. A Justice shall not practice in the function of Student Counselor.
 5. A Justice shall not publicly endorse or oppose a candidate for Student Government Office. A Justice shall not personally solicit funds or make contributions for any candidate for Student Government Elections.
 6. Justices shall not engage in any political activity within Student Government, other than in relation to measures concerning the improvement of the law, the judicial system, or the administration of justice.

TITLE III

THE EXECUTIVE BRANCH

Chapter 200

The President's Cabinet

200.1

The President's Cabinet shall be composed of the Departments listed below:

1. Office of the Chief of Staff
2. Office of the Comptroller
3. Office of the Attorney General
4. Department of Student Welfare
5. Department of State
6. Department of Academic Affairs
7. Department of Communications
8. Department of Student Lobbying
9. Department of Community Affairs

- 10. Department of Economic Development
- 11. Office of Surgeon General
- 12. Department of Athletic Affairs
- 13. Department of Graduate Affairs

TITLE IV

The Legislative Branch

Chapter 300

Organization of the Senate

300.1

The Senate shall meet at least three times each month of the academic year.

300.8

Senate Executive Committee

The Senate Executive Committee shall consist of the chairperson of each standing committee, the Senate President and the Senate President Pro-Tempore, with the Pro-Tempore serving as Chairperson. The powers and duties of the Senate Executive Committee shall be:

- A. to approve the proposed Activity and Service budget for the Senate presented by the Senate President.
- B. to approve any expenditures outside of the budget above two percent of the entire budget
- C. to resolve issues of conflict between various senators, committees, and/or senate staff members within the senate.
- D. to prepare the platform of the Student Senate
- E. to spearhead Senate Enrichment functions (i.e. banquets retreats, information sessions, etc.).

300.9

Senate Officers

- A. The powers and duties of the Senate President shall be:
 - 1.to propose the Activity and Service budget of the Student Senate to the Executive Committee

- D. Senate A&S Liaison

The powers and duties of the Senate A&S Liaison shall be:

- 1. to sit as a voting member of the Senate OFC.
- 2. to call for an audit of an A&S agency with the approval of a majority of the Student Senate.
- 3. to review along with the Senate President fiscal reports submitted by A&S Agencies each month.
- 4. to attend the Senate A&S Agency and Activity and Service Budget workshops.
- 5. to assign all Student Senators to an A&S Agency in order to aid with the A&S budgeting process.

Chapter 301

Numbering of Bills and Resolutions

301.2

Filing of Legislation

The Senate Secretary shall keep a file, in numerical order, of all Senate legislation. Each piece of legislation shall have, attached to it, a statement signed by the Secretary attesting

to the accuracy of the legislation as contained in the file and the following information: numerical designation, Senate Sponsor, date of passage, and vote.

TITLE III The Executive Branch

Chapter 203 Attorney General

203.7 The Attorney General has the authority to appoint and maintain non-confirmed Student Prosecutors.

TITLE III The Executive Branch

Chapter 207 Department of Communications

207.3 The duties of the Secretary of Communications shall be:
 3. to submit a summary of all newly enacted legislation amending the Student Government Statutes, all proposed amendments to the constitution, and minutes from every senate meeting to the student published university newspaper as deemed necessary by the Student Senate.

TITILE VIII FINANCE CODE

Chapter 703 Definitions

703.4 A line-item budget is defined as having a description(s) of items allocated for, unit cost of item(s), quantity of item(s), and total cost of item(s).

703.5 Senate Unallocated Account refers to all additional revenues beyond the Annual Budget established by the SGA Senate and all unused and unencumbered funds from every A&S account, which shall be deposited into the A&S Unallocated Account at the end of each fiscal year.

703.6 Special Allocation Request refers to funds requested throughout the fiscal year for expenses not previously budgeted for. The funding source for special allocation requests is the A&S Unallocated Account. Special Allocation Requests shall be allocated through a Senate Appropriation Bill.

703.7 Budget Transfer refers to a transaction that moves allocated A&S funds from an original line item to another line item.

703.8 Just cause is defined as violations of the SGA Finance Code, University Regulations, and laws of the State of Florida.

Chapter 706 Allocation Procedure of A&S Fees

706.1 The SGA Senate has the authority to disburse A&S funds through:
A. The Annual Budget, which allocates the A&S budget for the subsequent fiscal year from projected A&S income.
B. Senate Appropriation Bill for a special allocation request, which allocates monies out of the A&S Unallocated Account throughout the fiscal year for:
 1. Expenses not previously budgeted for by A&S Funded Recipients
 2. Registered and certified student organizations/university departments who may not have submitted a request through the Annual Budget

process or who may have been denied A&S funds through the Annual Budget process, as long as funds are available

a. Student Organizations/ university departments cannot request items that were previously denied or allocated for throughout the annual budget process

706.3

Funding Eligibility

In addition, the applicant must have:

1. Functioned as a university department or organization registered with the Office of Student Activities for the academic year prior to the current academic year.
2. Identified two financial custodians, with at least one being a student
3. Not have had any judicial decision rendered against it or been suspended by any campus official in the past two years
4. Exhibited a continuity of programming

TITLE VII

ELECTION CODE

Chapter 601

The Electoral Board

601.2

The Elections and Appointments Committee (E & A)

A. The Student Senate Elections and Appointments Committee Chairperson or his/her designee shall act as the ex-officio voting member of the Electoral Commission. These duties shall be as follows:

1. to enforce, Amend, and revise the Election Codes
2. to serve as the official liaison between the Electoral Commission and Student Government Association.

B. All Elections and Appointments Committee members are required to remain on the Elections and Appointments Committee throughout the duration of all election periods.

A. If a member is a candidate/ticket he/she must submit a letter of temporary resignation from the committee to the Senate President and the committee chairperson two weeks prior to declaration of candidacy of that particular ticket.

602

Election Procedures

602.2

Voting

G. The Voting Precincts

1. The following locations shall be precincts:

Precinct 1. Grand Ballroom; Lobby

Precinct 2. Tucker Hall; Charles Winterwood Theater Lobby

Precinct 3. Dyson Pharmacy; Patio

Precinct 4. Engineering Building; Lobby

Precinct 5. School of Business and Industry; Bull and Bear Lounge

Precinct 6. New Pharmacy Building; Student Lounge

Precinct 7. College of Law; Lobby

2. In cases of emergency and/or unforeseen circumstances, the Student Senate can change the location of a permanent precinct with a 2/3 vote of all those present and voting.

3. The facility request for an alternate voting location must be filed with the Office of Student Activities by the Electoral Commission the following business day after the vote is passed. In the event the facility request for the alternate voting location is denied, the Electoral Commission will have the discretion in choosing the alternate voting precinct.

602.7

Ballot Accountability

- A. If a machine is inoperable, the students shall be allowed to immediately insert their ballot into the side panel of the machine. Under no circumstance should ballots be handed to an Electoral Commission member or volunteer.
- B. At The closing of elections, the Electoral Commission Advisor or his/her designee shall be the only person in control of transporting ballots from the precincts to the Office of Student Activities.
- C. A time log shall be created by the Electoral Commission for each precinct. This log will have the hours of operation of each precinct. A signature is required for each allotted time by the designated precinct supervisor.

Chapter 607

Definitions

- A. Active Campaigning - Any verbal or visual advertising or distribution of information for a Candidate/Ticket for an Elective Office of the Student body.
- B. Authorized by Candidate-Candidate's written or verbal approval.
- C. Authorized Campaign Materials- Any publicity approved by the Electoral Commission which contributes to a Candidate's campaign
- D. Bribery- a gift, not necessarily of pecuniary value, bestowed to influence the conduct of the receiver
- E. Contribution-Any service, goods, or sum of money donated to the Candidate with the intent of promoting or aiding the Candidate in his/her Campaign.
- F. Dead Days- the period following Declaration of Candidacy for the purpose of Verifying candidates' eligibility and preparing election materials. Campaigning is prohibited during this period.
- G. Declaration of Candidacy – the official act of expressing an intent to pursue an elective office
- H. Election Bulletin Board
- I. Bulletin Board containing Election information.
- J. Major Violation- any violation that affects the outcome of an Election; \repeated or multitude of Minor Violations, or repeated blatant disregard of the Election Codes. Minor Violation-Any violation that does not affect the outcome of an Election.
- K. Semesters- The academic semesters (Fall and Spring) excluding the Summer sessions.
- L. Majority Vote - Fifty percent of total votes, plus one (1).
- M. Single Seat Race – a position that can be won and held only by one ticket.
- N. Multiple seat Race – positions that can be won and held by more than one ticket.
- O. Pecuniary- monetary; relating to money; financial consisting of money or that which can be valued in money
- P. Pre-campaigning – Any verbal or written solicitation for votes for a candidate/ticket for an Elected Office of the Student body prior to the end of the advertised dead days.
- Q. Week – Any calendar week containing at least (3) school days.
- R. Multitude of Minor Violations - at least three (3) offenses not arising from the same action or event and each of which must occur after at least one (1) proper formal sanction or warning by the Electoral Commissioner of the same kind of offense.

Chapter 600

General Primary Election Schedule

600.3

Dead Days

- A. Spring and Fall Timeframe:
Dead Days will take place from the first day after the Declaration Period ends until Tuesday of the following week. There shall be a mandatory candidates meeting on the Sunday during the Dead Days period.
- B. Period of Dead Days: The Electoral Commission shall

1. Verify all campaign materials.
2. Approve all campaign materials
3. Obtain and approve sample ballots for each voting academic class to be approved by all Candidates/Tickets. Candidates/Tickets shall meet with the Electoral Commissioner the first Monday of the Dead Day period between 9:00am and 6:00pm to verify that he/ she is accurately represented on the ballot for his/her academic class. All candidates/Tickets who fail to meet this deadline forfeit this opportunity
4. Host events and promote initiatives that emphasize the importance of the democratic process.

600.4 Campaign Period

Campaign Period shall commence on the first school day following the Dead Days and end on the Tuesday of the following week. In the instance of a run-off election, the campaign period will end on the Thursday following said Tuesday.

600.8 Exceptions

Any proposed deviation from the election schedule must be sent to the E&A committee in the form of a memorandum at least one week prior to the start of the declaration period. A revised schedule must be presented by the Electoral Commissioner to the senate and approved by a two-thirds vote.

TITLE III THE EXECUTIVE BRANCH

Chapter 202 Comptroller

- 202.1 The Comptroller shall serve as a financial custodian of the Student Government Association.
- 202.2 The Comptroller is responsible for compiling and submitting the annual Executive Branch Student Activities Budget to the President of the Student Government Association to be presented to the Student Senate.
- 202.3 He/she may, with the approval of the Student Government President, stop any organization from spending its budget if he/she can verify funds are being misused. This action shall be subjected to the approval of the Student Senate by majority vote. Within (5) five business days following such action, the Student Senate shall reverse or uphold this action and shall be in agreement with Chapter 714 of the Finance Codes.
- 202.4 The Comptroller will make periodic audits of all Activities and Service Agency budgets. Refer to Chapter 713 of the Finance Codes.
- 202.5 The Comptroller must work in conjunction with the Coordinator of Budgets, or its equivalent position, to monitor all Activity and Service Accounts to ensure compliancy with Chapter 700 Finance Codes.
- 202.6 The comptroller also reserves the right to reject/rescind any requisition, which will exceed the budgeted amount of the academic year for the submitting Activity and Service Agency

TITLE III THE EXECUTIVE BRANCH

Chapter 213 Department of Graduate Affairs

- I. To provide a report concerning the welfare of graduate students that is to include any monetary allocations needed for the upcoming year, academic progress of each graduate program and any upcoming major events being held by the graduate schools. This report is to be submitted to the student senate by the last senate meeting of the fall semester.

TITLE X Official SGA Policies, Procedures, and Actions

Chapter 900 Student Government Vacancies

- I. “Malfeasance” is intentionally doing something either legally or morally wrong which one had no right to do. It always involves dishonesty, illegality or knowingly exceeding authority for improper reasons. It is always wrong or error by mistake, negligence or inadvertence, but not by intentional wrongdoing.
- J. “Misfeasance” is management of a business, public office or other responsibility in which there are errors and an unfortunate result through mistake or carelessness, but without evil intent and/or violation of law.
- K. “Nonfeasance” is a failure to act when under an obligation to do so; a refusal (without sufficient excuse) to do that which it is your legal duty to do.

TITLE III THE EXECUTIVE BRANCH

Chapter 214 Cabinet Deputies

- 214.1 These positions shall not be required. If appointed, they shall be treated as cabinet officials for confirmation purposes.
- 214.2 They shall assume acting powers of the department if the Department/Office Head leaves temporarily.
- 214.3 They shall assume the position of Department/Office Head upon the permanent removal or indefinite incapacity of the Department/Office Head
- 214.4 They shall assist the department/ office head in general policy and administration of the individual departments or offices.

Title III THE EXECUTIVE BRANCH

Chapter 215 Cabinet Appointments and Vacancies

- 215.1 The Student Body President shall submit a full roster of all cabinet position appointments to the Senate President, Senate Pro-Tempore and the Elections and Appointments Committee Chair by the first meeting of the E&A Committee in the fall semester.
- 215.2 In the event that a Cabinet Appointment should fail to be confirmed by a 2/3 vote of the Student Senate for a second time, the Student Body President shall have 10 business days after the second failed confirmation of the appointment to recommend a new appointment to the Elections and Appointments Committee Chair. The Student Body

President may not reappoint an individual to the same Cabinet position if the individual fails confirmation twice.

- 215.3 The Student Body President shall have a 10 business day advertisement period immediately following the official resignation/termination of a Cabinet Department Head to advertise the position vacancy. The Student Body President will then have 5 business days after the completion of the advertisement period to recommend a new appointment to the Elections and Appointments Committee Chair.
- 215.4 Any and all Appointments and/or vacancies not made by the Student body President within the allotted appointment time should be forwarded to the Elections and Appointments Committee Chairperson on the next business day after the allotted appointment time.
- 215.5 The Student Body President may submit an appeal in writing to the Elections and Appointments Committee Chair for a 5 day extension to recommend an appointment at the Elections and Appointments Committee meeting prior to the end of the appointment deadline, which is subject to approval by a majority vote of the Elections and Appointments Committee.

Title II MEMBERSHIP, POWERS, AND PURPOSES OF THE STUDENT GOVERNMENT ASSOCIATION

Chapter 102 Presidential Appointments

All Cabinet or Judicial branch appointments shall not be effective until Student Senate approval by a two-thirds vote (2/3) has been obtained. The SGA President shall assume all duties and responsibilities of the vacant appointments.

TITLE X Official SGA Policies, Procedures, and Actions

Chapter 900 Student Government Vacancies

The following outlines the manner in which all vacancies in student government are to be filled.

- A. The Legislative, Executive, and Judicial Branches of the Florida A&M University Student Government Association shall be required to administer campus-wide advertising with respect to their branches of any and all vacancies that exist in SGA within 10 business days following the occurrence of the vacancy.
- B. The advertisement period must last at least 10 business days.
- C. All appointment for any and all SGA vacancies not made by the newly elected SGA President should be forwarded to the Elections & Appointments Committee Chairperson 10 business days after the last day of the advertisement period.