

3359-43-01 Constitution.

(A) Preamble.

As members of the undergraduate student government (USG), we serve as an advocate for undergraduate students to the faculty and administration. We are dedicated to understanding and addressing the needs and interests of the undergraduate community, we strive to contribute to the overall success of collegians within curricular and co-curricular activities at the university of Akron.

We, the members of USG, aim to promote leadership, unity in purpose, and diversity among its members through a unique environment within the university and the community. We work towards effective and tangible results; holding ourselves to the highest level of accountability, excellence, professionalism, and integrity as humble, selfless, and caring leaders at the university of Akron.

(B) Introduction.

(1) Name.

The official name of this organization is the undergraduate student government.

(2) Membership requirements.

- (a) All members shall be undergraduate students enrolled continuously at the university of Akron. Members must maintain membership requirements both at the time of election or appointment and throughout their term of office.
 - (i) Elected and appointed members must carry at least twelve credit hours, maintain a 2.3 cumulative grade point average, and be in good standing as defined by the university of Akron student conduct and community standards. Unless otherwise exempted by the university.
- (b) All elected and appointed members of USG, unless otherwise excused, are required to attend one USG retreat per semester.
- (c) Attendance and duties for elected; and appointed positions shall be outlined in the USG general bylaws.
- (d) All elected and appointed officials, with the exception of those appointed by executive order, must take the oath of office prior to the start of their term. All appointments made by executive order must take an oath of office by the next regularly scheduled senate meeting.
- (e) No individual may hold more than one compensated position within USG

simultaneously.

(3) Directional leadership team (DLT) officers.

- (a) The DLT officers include the president, vice president, senate chair, vice senate chair, chief justice, and executive justice.
- (b) Non-voting members of the DLT include the advisors and chief of staff.
- (c) The DLT responsibilities are outlined in the USG general bylaws.

(4) Advisors.

USG shall have one full-time employee as its advisor. Further requirements and duties are outlined in the USG general bylaws.

(5) Accountability.

- (a) In the event that individuals fail to maintain USG membership requirements set forth in any one of the documents listed below, a summons can be written which would require the individual to meet with one representative from each branch's leadership and the full-time advisor:
 - (i) USG constitution.
 - (ii) General bylaws.
- (b) Action taken against the member is limited to, but in no particular order:
 - (i) Oral warning.
 - (ii) Written warning.
 - (iii) Move for impeachment.
- (c) Warnings given to a member must state exactly the failure made by the member, the reason why the action was wrong, and what the member can do to correct the failure.
- (d) Accountability meetings shall be held at least once a semester for all members of the USG. All other accountability meeting stipulations shall be outlined in the USG general bylaws.

(6) University council.

Student representatives to the university council are chosen through the process outlined in the USG general bylaws, consistent with the university council bylaws.

(7) Faculty senate.

Faculty senate seat elections and stipulations of the faculty senate student representatives are outlined in the USG general bylaws in accordance with faculty senate bylaws.

(8) Student organizations.

- (a) USG has the authority, by a simple majority vote of all members, to convene a special meeting with registered student organizations to address campus wide issue(s). Organizations will be given a minimum of two weeks' notice for a scheduled meeting.
- (b) Each organization shall be required to send at least one representative to special meetings and shall receive one vote per organization.

(9) Finances.

There shall be no dues required for membership in USG. USG shall manage its own finances in accordance with the rules and regulations prescribed by the university of Akron. The main source of funding for this organization shall be the extracurricular activities fund ("EAF").

(10) Nondiscrimination clause.

USG shall not discriminate on the basis of race, creed, national origin, ancestry, gender, age, handicap, veteran status or sexual orientation in the selection of its members or in its programs unless federal or state law allows for such exceptions.

(11) Student development clause.

USG shall maintain a current registration form including a list of officers, their addresses, the name of the USG advisor, and the most recently amended constitution within the department of student life.

(12) Rules for organizational procedure.

Ultimate authority is vested within the USG constitution. Subsequent authority shall be vested in the USG general bylaws and the USG election rules which will be binding

with full authority unless an explicit contradiction is found within the constitution. If a contradiction is found, the judicial branch has the power to review the matter and issue an opinion.

(13) Authority/jurisdiction.

All functions, powers, and responsibilities designated in this constitution are subject to policies enacted by the legal authority of the university of Akron board of trustees, city and county ordinances, Ohio state law, and federal law. USG shall represent all undergraduate students enrolled at the university of Akron. The specific powers and authorities are delegated to the officers and branches by the provisions found in this constitution.

(C) Legislative branch.

(1) Powers.

The legislative powers herein granted by the constitution and the general bylaws shall be vested in the senate of USG.

(2) Senate meetings shall be held weekly, unless circumstances warrant otherwise.

(3) Senate membership.

The legislative branch shall be composed of the senate chair, senate vice chair, and senators. The composition and number of seats in the senate shall be defined in the general bylaws. At least two senate seats shall be reserved for first year students.

(4) Election of the senate chair and vice senate chair.

The senate chair and vice senate chair shall be elected by a majority vote of senate at the last regular senate meeting of the academic year by the newly elected incoming senate. The senate chair and vice senate chair must be members of the incoming senate.

(5) Legislative duties.

The duties of the senate chair shall include, but are not limited to:

(a) Attending DLT meetings.

(b) Appointing standing committee chairs and members. Appointments to these positions do not require the approval of the senate.

- (c) Presiding over weekly senate meetings, unless circumstances warrant otherwise.
- (d) Managing the general operations of the senate.
- (e) Maintaining all records of weekly senate office hours and accountability forms.

(6) Budget and goals.

The president shall present USG's annual operating budget before the senate no later than the fourth week of the fall semester. The senate shall review and approve the budget by no later than the fifth week of the fall semester. The operating budget may be approved without a second reading. The senate shall review and vote on the annual operating budget for USG and annual goals that shall be presented by the president no later than four weeks from the date of receiving the financial information from the university. The senate shall vote on the budget and all revisions no later than the next senate meeting after the president presents the information.

(7) University recognition of student organizations.

After a new student organization (NSO) has been approved by the department of student life, a representative of the senate will contact a representative of the NSO to inform them of the role of undergraduate student government.

(8) Legislation.

- (a) All legislative action shall be in the form of a bill or resolution and require two senate sponsors. No resolution or bill shall be passed until it has been read at two different regular senate meetings or this requirement has been dispensed with by at least a three-quarters vote of senate voting. All legislation must be prefaced by a rationale from the sponsor, justifying the reasons for the piece of legislation.
- (b) No action of the senate shall be valid or binding unless adopted by the majority vote of senate voting. After the senate passes a bill or resolution, it must be signed by the sponsors and senate chair and given to the president within twenty-four hours of its approval by the senate, unless circumstances warrant otherwise.
- (c) If the president approves such a measure, it must then be signed and returned to the senate chair within five business days following the date of passage by the senate. If the bill or resolution is vetoed, the president shall return it to the senate, along with written objections, within five business days following the date of passage by the senate. If a bill or resolution is not returned to the senate within the five business days, it shall take effect in the same manner as if the president had signed it. If the USG president has vetoed a bill or resolution, the senate must reconsider it at the next regular meeting. If upon reconsideration, the bill or resolution is

approved by a three-fourths majority vote of the senate voting, it shall then take effect as if it had received the approval of the USG president.

- (d) After approval of the measure, it must be presented to the vice president for student affairs for review within a timely manner. Following the approval of the vice president for student affairs, the legislation must be presented to the university president, or the president's designee, for final disposition within a mutually agreed upon time frame.
 - (i) All impeachments must be finalized within seven days of approval. Approval may be construed as either the USG president's signature or a senate override of a veto.
 - (ii) All appointments do not have to go through final disposition but take effect immediately after approval. Approval may be construed as either the USG president's signature or a senate override of a veto.
- (e) Only the university president or president's designee shall have the authority to send final approved legislation to the board of trustees. Examples of legislation that may be forwarded include, but are not limited to legislation having campus wide implications and all-encompassing facility usage. If any legislation is not approved by the board of trustees, the USG DLT members shall meet with the vice president for student affairs or his or her designee to discuss the proposed legislation.

(D) Executive branch.

(1) Powers.

The executive powers herein granted by this constitution and the general bylaws shall be vested in the executive branch of USG.

(2) Executive branch membership.

The executive branch shall be composed of the president, vice president, chief of staff and the executive cabinet. Additional executive branch positions shall be outlined in the general bylaws.

(3) Executive officer duties.

- (a) The president shall be the chief executive officer and the official spokesperson for the USG. These powers and duties include, but are not limited to the following:
 - (i) Presiding over the DLT meetings.

- (ii) Attending all senate meetings and submitting an activity report at all senate meetings.
- (iii) Approving or vetoing bills or resolutions passed by the senate as previously outlined in paragraph (C)(8) of this rule.
- (iv) Serving in person or by his or her designee, as the representative of the undergraduate student body to all university boards, committees, or commissions to which he or she may be appointed.
- (v) Maintaining all records of executive cabinet member office hours and executive cabinet member accountability forms.

(b) Further descriptions of executive officer duties shall be outlined in the general bylaws.

(4) Undergraduate student organization funding.

USG shall determine the undergraduate student organization funding policy in accordance with processes outlined in the USG general bylaws.

(5) Executive orders.

- (a) The president shall have the authority to write executive orders, which are directives issued by the president in order to respond to issues requiring a prompt or immediate action. Such orders are effective immediately upon their issuance. At the time of issuance, the president shall provide a rationale and justification for the executive order. All presidential appointments shall be written as executive orders.
- (b) For an executive order to continue in effect, it must be approved by a simple majority of the senate at the next senate meeting immediately following the order's issuance. Such orders only need to be read at one senate meeting before being brought to a vote at the same meeting.

(E) Judicial branch.

(1) Powers.

The judicial powers herein granted by this constitution and the general bylaws shall be vested in the judicial branch of USG.

(2) Judicial membership.

The judicial branch shall be composed of the chief justice, executive justice and associate justices. The number of associate justice seats shall be defined in the general bylaws.

(3) Judicial duties.

(a) The chief justice shall be the chief administrator of the judicial branch. The powers and duties of the chief justice include, but are not limited to:

- (i) Attending all senate meetings to address any questions concerning the USG constitution, general bylaws, or parliamentary procedure.
- (ii) Submitting weekly activity reports concerning the conduct of the judicial branch at all senate meetings.
- (iii) Calling a special session, at his or her discretion, of the judicial branch. The chief justice must notify involved branch members of the nature of and reason for the special session at least forty-eight hours in advance of the meeting.

(b) Further descriptions of judicial office duties shall be outlined in the general bylaws.

(4) Cases and hearings.

(a) The chief justice, or the executive justice when designated by the chief justice, shall preside over and conduct all judicial branch cases.

(b) The judicial branch shall hear any case initiated by undergraduate students. Such cases include, but are not limited to the following:

- (i) The removal of elected and appointed members of USG.
- (ii) Constitutional questions that include petitions submitted under paragraphs (H)(4) and (J)(2)(a) of this rule.
- (iii) Constitutional or bylaw questions, including, but not limited to, all legislation and executive orders.
- (iv) Constitutional dispute resolutions involving non-academic university complaints, unless the case has jurisdiction within another university process. Constitutional dispute resolution cases shall be outlined in the general bylaws.
- (v) University parking appeal, per rule 3359-46-01 of the Administrative Code.

- (5) Members of the judicial branch may not participate in any case or hearing in which they are involved or have an interest.

(F) Term limits.

- (1) Associate justices shall serve a term until resignation, graduation, failure to meet USG membership requirements, or removal from office.
- (2) The term of the office of the president shall be from the time of oath of office at the last senate meeting of the spring semester until the last senate meeting of the following spring semester.
- (3) All appointments made to the executive branch and the office of vice president, chief justice, and executive justice shall serve a term concurrent with that of the office of the president.
- (4) Senators shall serve a term concurrent with that of the office of the president.

(G) Appointments.

- (1) All appointments must follow the hiring procedures as outlined in the general bylaws.
- (2) Appointments to the legislative branch.
 - (a) The senate shall vote on appointment legislation written by the senate chair to the legislative branch. All such legislation shall require a simple majority vote of senate for approval.
 - (b) In the absence of the senate chair, the temporary line of succession for presiding over the senate meetings shall be the vice senate chair, followed by the senior-most member on the senate, based on the start of service in office.
 - (c) Any person temporarily filling the duties of senate chair shall have suspended appointment powers. If a permanent vacancy occurs in the position of senate chair, a new senate chair shall be elected at the next senate meeting to finish the term.
- (3) Appointment to the executive branch.
 - (a) In the case of a permanent vacancy in the office of the president, the vice president shall be the successor to the president. In the case of a permanent vacancy in both the positions of president and vice president, the temporary line of succession

shall be the senate chair followed by the vice senate chair followed by the most senior senate member until a special election can occur.

- (b) The president has the power to appoint individuals to vacancies in the executive branch.
- (c) The senate shall vote on appointments to the executive branch through executive orders by a simple majority vote of senate voting.
- (d) The president shall have the power to establish, suspend or remove executive committees through executive orders by a simple majority vote of senate voting.

(4) Appointments to judicial branch.

- (a) The chief justice shall be appointed from among the current serving associate justices and executive justice by a simple majority vote of the judicial branch.
- (b) In the case of a permanent vacancy in the office of the chief justice, the executive justice shall serve the remainder of the chief justice's term.
- (c) The chief justice shall appoint a currently serving associate justice to the position of executive justice with a simple majority vote of the judicial branch.
- (d) The president, in collaboration with the chief justice and executive justice, shall appoint individuals for all unfilled associate justice seats with an executive order and a simple majority vote of senate voting.

(H) Meeting procedures.

(1) Executive sessions.

- (a) In order to move into an executive session:
 - (i) A specific motion must be made by a member with the reason for which the executive session is being called, which will be reflected in the minutes for that meeting.
 - (ii) The motion must then be seconded by a separate member.
 - (iii) A roll call vote must be called, with a two-thirds majority of the members voting in favor of the motion in order for the motion to carry.

(b) Reasons for executive session:

- (i) Discussions regarding confidential personal information of a party.
- (ii) Matters of membership.

(c) Actions permitted in executive session:

- (i) Discussion of permitted topics.
- (ii) No collective agreement may be made in executive session.
- (iii) No official votes may be carried out in executive session and any votes conducted in executive session are considered invalid.

(d) In order to exit executive session:

- (i) A motion may be made by any member to exit executive session.
- (ii) The motion must then be seconded by a separate member.
- (iii) A roll call vote must be called with a two-thirds majority of the members voting in favor of the motion in order for the motion to carry.

(2) Minutes.

(a) Records of all business conducted in all meetings.

- (i) Minutes will include all motions and reasons made and who made the motion.
- (ii) Records of all votes.
- (iii) Records of all agenda items, debate and executive sessions.

(b) Detailed records will be maintained in USG records for three years for non-financial documents and for seven years for financial documents.

(c) Minutes from all meetings will be posted on the USG website, including all votes taken on any formal action.

(3) Voting.

(a) Records of voting should include:

- (i) A record of how each member voted on a specific motion or action determined by roll-call vote; or,
- (ii) The record of the outcome of a voice vote taken on a motion or action.

(I) Elections.

- (1) USG shall hold both general and first-year elections.
- (2) All election stipulations and rules shall be outlined in the USG election rules.
- (3) Referendum.

Any legislation considered by USG may, by a simple majority vote of senate voting, be referred to the undergraduate student body for a vote.

- (a) All information regarding this legislation must be distributed to the voting population at least one week prior to this election.
- (b) Passage of the referendum shall require a majority vote of those students voting in that special election. This election shall take place as expeditiously as possible.
- (4) Recall.
 - (a) Any elected member of USG may be subject to a recall vote with a petition containing signatures of at least twenty-five percent of the number of students voting in the most recent general election. The USG advisor shall keep all voting records from the previous elections.
 - (b) All information regarding this recall must be distributed to the voting population at least one week prior to this election.
 - (c) The member shall be considered removed from office with a majority of the number of students voting in the recall vote.
 - (d) The elections chair shall administrate the recall vote.
 - (e) Upon this removal, the office shall be deemed vacant and shall be filled by the procedures outlined in paragraph (G) of this rule.

(J) Impeachment.

(1) Members governed.

Any USG member elected or appointed may be impeached and removed from office.

(2) Duty.

The members of USG have the duty to recommend to the senate the removal of any of the above listed positions of USG who is consistently negligent in the performance of his or her duties and responsibilities.

(3) Procedures.

- (a) A bill calling for the impeachment and citing specific reasons for such must be presented at a regular meeting of the senate. A two-thirds vote of senate voting shall instruct the chief justice whether or not to proceed with an impeachment hearing.
- (b) The impeachment hearing of a USG member shall occur at the next regular senate meeting after the passage of the bill. The chief justice shall preside over all impeachment hearings. In the event of the impeachment of the chief justice, the executive justice shall preside over the impeachment hearing.
- (c) Impeachment of a USG member requires a three-quarters vote of all USG members voting.
- (d) Double jeopardy.

Except in the case of newly discovered evidence, no official shall be tried more than once for the same offense, nor shall more than one vote for removal be taken in the course of the hearing.

(K) Governing document review, ratification, and amendment procedures.

(1) Review and ratification of the constitution.

- (a) At least every five years, starting at the year 2010, the constitution will undergo a constitutional review, or earlier at the direction of the DLT. The DLT will initiate the review process.
- (b) If any amendments are proposed, USG members shall vote on the changes within fourteen days after their introduction.

- (c) If the proposed amendments are approved by a majority of all USG members voting, then the amendments shall be presented to the students at a re-ratification election. This election shall be held within thirty days after the senate votes on the proposed amendments. The proposed amendment must be available to the undergraduate student body, in print, at least one week prior to the election.
- (d) If the constitution is ratified by a majority of the undergraduate student body members voting in the election, it shall be forwarded, presented, and reviewed in a reasonable time mutually agreed upon by the ad team and the following individuals or bodies in the order listed:
 - (i) Vice president for student affairs, or his or her designee;
 - (ii) President of the university, or the president's designee; and the
 - (iii) Board of trustees.

(2) Amendments to the constitution.

- (a) Amendments to this constitution may be proposed, prior to the time line established in paragraph (J)(1)(a) of this rule, in the form of a bill or by a petition signed by at least ten percent of the undergraduate student body.
 - (i) If proposed in the form of a bill, the amendment(s) shall be placed for vote before the undergraduate student body after a two-thirds vote of all USG members voting. The elections chair will administrate the vote.
 - (ii) If proposed in the form of a petition, the amendment(s) shall be placed for vote before the undergraduate student body after the USG advisor has validated the signatures. The board of elections will administrate the vote.
- (b) The elections chair shall submit amendments proposed by passage of a bill or petition in a timely manner prior to the election in which it shall be voted upon. The proposed amendment(s) must be available to the undergraduate student body, in print, at least one week prior to the election.
- (c) If the amendments are approved by a majority of the undergraduate students voting in the election, they shall be forwarded, presented, and reviewed in a reasonable time to be mutually agreed upon by the DLT and the following individuals in the order listed:
 - (i) Vice president for student affairs, or his or her designee;
 - (ii) President of the university, or the president's designee; and the

(iii) Board of trustees.

(3) Amendments to the bylaws.

- (a) General bylaws shall be reviewed and approved by the fourth week of the academic year by a simple majority vote within at least two of the three branches.
- (b) All USG bylaw amendments must pass with a simple majority vote within at least two of the three branches.
- (c) All USG voting will occur within each branch's respective meeting time.
- (d) Any amendments to the general bylaws not passed unanimously may be appealed through a grievance process outlined in the general bylaws.

(4) Amendments to the election rules.

- (a) Election rules shall be reviewed and voted on at the regular scheduled senate meetings prior to the start of the general elections.
- (b) All election rules must pass with a simple majority vote of all USG members voting.
- (c) Amendments and additions to the election rules cannot occur during the election cycle until all appeals have been heard and been ruled on.

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Certification:

M. Celeste Cook
Secretary
Board of Trustees

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