



The Student Senate

Texas A&M University

S.B. 67-42

The Student Senate
67th Session
Texas A&M University

Introduced By: ~~Rules and Regulations~~ Chair, Aaron Mitchell

Action Taken:



Certified By:

Hannah Weger '15

Hannah G. Weger
Speaker of the Senate

Duly Approved:

Kyle Kelly '14

Kyle Kelly
Student Body President

Constitutional Update Bill Number Two

"A bill updating the Texas A&M Student Government Association Constitution."

Whereas(1): The Student Government Association Constitution can be updated to increase efficiency, fairness, and its legitimacy,

Therefore

Let it be

Enacted(1): The Student Government Association Constitution shall be amended as follows:



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Further Certified By:

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Hannah Weger
Speaker of the Senate

TITLE II – THE CONSTITUTION OF THE TEXAS A&M STUDENT GOVERNMENT ASSOCIATION

Revised September 19, 2012

CHAPTER 001 -- THE CONSTITUTION OF THE TEXAS A&M STUDENT GOVERNMENT ASSOCIATION

Amended by S.B. 09(S)11, S.B. 09(S)34, S.B. 09(F)04, S.B. 09(F)06, S.B. 09(F)15, S.B. 63-70, S.B. 63-71, S.B. 63-100, S.B. 64-30, S.B. 65-06, S.B. 65-28, S.B. 65-41

We, the students of Texas A&M University, in order to provide an officially recognized student organization that identifies and represents student interests, promotes student participation in the overall policy and decision-making processes of the University, enhances the quality and scope of education at the University, and promotes the general welfare of the student body, do hereby adopt and establish this Constitution.

ARTICLE I. THE STUDENT GOVERNMENT ASSOCIATION

section I. This organization shall be known as the Student Government Association of Texas A&M University.

section II. The Student Government Association shall represent the student body, which consists of all students at Texas A&M University, and shall exercise its authority through this Constitution as hereafter provided.

section III. The governing structure of the Student Government Association of Texas A&M University shall consist of the following three distinct branches: Executive, Legislative, and Judicial. In order to provide for an effective system of checks and balance no person may concurrently serve in two or more of the following positions: Student Body President, member of the executive cabinet, Student Senator, Justice of the Judicial Court.

section IV. General Definitions. For the purposes of this Constitution the terms:



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- (a) “Student(s)” shall be defined as any individual student or group of students who are duly enrolled in at least one (1) credit hour at Texas A&M University.
 - (1) “Student Body” shall be defined as all students at Texas A&M University.
- (b) “Member of the Student Government Association” shall be defined as any student occupying any office within the Student Government Association pursuant to this Constitution, any statute enacted by the Student Senate, or under any rule or procedure enacted pursuant to this Constitution or under any rule of procedure enacted pursuant to any statute.
- (c) “General Assembly Meeting” shall be defined as a meeting of the full body of the Student Senate.
- (d) “Announced Meeting” shall be defined as any general assembly meeting held with at least three (3) days notice to the membership of the entity conducting the meeting, including a tentative agenda of the items to be discussed and the location and the time of the meeting.
- (e) “Day” shall be defined as one twenty-four (24) hour intervening period of time as determined under the central standard time zone (CST) in the United States, adjusted for daylight savings time called for by the laws of the United States.
- (f) “Fall or Spring Academic Semester(s)” shall be defined as the term of classes at Texas A&M University lasting during the months of August to December for the fall semester and January to May for the spring semester, but shall not include those classes lasting from May to August (summer semester) or those classes occurring between the end of the fall semester and the beginning of the immediately following spring semester (winter semester).
- (g) A rule or procedure “enacted pursuant to this Constitution” shall be defined as the Student Senate By-Laws, the Judicial Branch By-Laws, the Executive Branch By-Laws, and the Governance Council By-Laws, and a rule or procedure “enacted pursuant to any statute” shall be defined as any rule or procedure authorized under, or in accordance with, any statute enacted by the Student Senate or authorized under, or in accordance with, any statute enacted by the Student Senate or authorized under, or in accordance with, any agreement entered into by the Student Body President and ratified by the Student Senate.



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- (g) Establishing such rules and procedures for the Executive Branch as may be authorized under, and in accordance with, the statutes through a signed executive order amending the Executive Branch By-Laws. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent statute enacted by the Student Senate or a subsequent rule or procedure adopted by the Student Body President and authorized under, and in accordance with, the statutes; or it is ruled unconstitutional or contrary to the statutes by the Judicial Court in a case.
- (l) The Student Body President may also issue non-binding proclamations of the opinion of the Student Body President by signed executive order that shall expire at the conclusion of each corresponding session of the Student Senate.
- (h) Entering into agreements with entities outside the Student Government Association subject to ratification by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting. Such agreements shall have the same effect and legal status under this Constitution as a statute passed by the Student Senate and signed by the Student Body President, but such agreements shall not contradict or alter any provision of this Constitution. All agreements shall be codified into the Student Government Association Code until they are repealed by the Student Body President or expire.
- (i) Reporting to the Student Senate at every regularly scheduled general assembly meeting the status of all enacted statutes for the session of the Student Senate, the state of the student body, the operations of the Student Government, and for the purpose of answering questions. If unable to attend a general assembly meeting, the Student Body President shall send a member of the executive cabinet to report to the Student Senate.
- (j) Calling special sessions of the Student Senate if deemed necessary by the Student Body President.
- (k) Presiding over the incoming Student Senate until the Speaker of the Senate is elected, or delegating this duty to another student. Whether or not this duty is delegated, the student who presides over the incoming Student Senate until the Speaker of the Senate is elected may not be a Student Senator during that meeting of the incoming Student Senate, nor may the student serve as a character witness or speaker for any candidate for Speaker of the Senate.



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section V. All members of the Student Government Association in office at the conclusion of a fall or spring academic semester shall continue to remain in office at the beginning of the immediately following spring or fall academic semester, notwithstanding the failure of the member to enroll in classes during the intervening winter semester or summer semester, whichever is applicable. This Section shall not apply if the member's particular term in office expires at the conclusion of a fall or spring academic semester.

ARTICLE II. EXECUTIVE BRANCH

section I. All executive powers shall be vested in the Student Body President of the Student Government Association of Texas A&M University. A primary charge of the Student Body President and the Executive Branch shall be the timely implementation of all statutes enacted by the Student Senate.

section II. The Executive Branch shall be organized in the following manner:

- (a) The chief executive officer shall be the Student Body President who shall be elected from the student body by an instant runoff vote during the spring student body elections as provided for by statute.
- (b) The term of the Student Body President shall be in accordance with the length of the term of his corresponding session of the Student Senate, but the power of appointment for the incoming session of the Student Senate shall accrue to the Student Body President for the incoming session of the Student Senate immediately upon his election.
- (c) The Student Body President shall have been enrolled at and in good standing with Texas A&M University for at least three (3) academic semesters (fall or spring) preceding his election to office. The spring academic semester during which the Student Body President is elected to office shall count towards this total.



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- (d) If the Student Body President is unable or unwilling to continue serving as Student Body President or to assume office, the office shall fall to the Speaker of the Senate, then to the Speaker Pro-Tempore of the Senate, and finally to the Senate Rules and Regulations Chair. If none of these are willing and able to serve, then a member of the executive cabinet shall be elected by a majority vote of the members of the executive cabinet present and voting at an announced meeting and confirmed by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (1) If the process above does not fill the position, then a special election shall be held to elect a new Student Body President by the student body. The Student Senate shall, in the interim through an emergency special session, elect a Student Senator by a majority vote of the Student Senate membership present and voting at an announced meeting to serve as acting Student Body President until a new Student Body President is elected. The acting Student Body President shall keep his seat in the Senate during this period, and the acting Student Body President shall have all of the duties and powers of the Student Body President.
- (2) Each officer in the line of succession shall have forty-eight (48) hours to accept or decline the position of Student Body President by written and signed notification to the Chief Justice.

section III. The duties and powers of the Student Body President shall include the following:

- (a) Signing or vetoing all statutes and constitutional amendments passed by the Student Senate within seven (7) days. Any statute or constitutional amendment not signed or vetoed within seven (7) days shall be considered signed or approved. This veto power shall not extend to Student Senate resolutions, any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute, or statutes or constitutional amendments approved in a referendum.
- (b) Faithfully executing all statutes enacted by the Student Senate for which the Student Body President shall be responsible to the Student Senate.
- (c) Acting as the ceremonial representative of the student body.



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- (d) Organizing and appointing members of an executive cabinet, which shall serve at the discretion of the Student Body President, subject to confirmation of two-thirds (2/3) of the Student Senate membership present and voting at an announced meeting.
- (1) A “member of the executive cabinet” shall be defined as any student appointed by the Student Body President and confirmed by the Student Senate who shall advise and assist the Student Body President on performing the Student Body President’s duties and powers under this Constitution or such additional duties and powers of the Student Body President as may be established by statute in accordance with this Constitution and noted as delegable or assignable by the particular statute.
- (2) No member of the executive branch, however, may be assigned or delegated the Student Body President’s signing, veto, appointment, special session, contractual agreement, executive order, or proclamations of opinion powers, except in the case of the appointment of committee chairs, commissioners, or other executive offices as may be established by statute.
- (e) Appointing all executive branch committee chairs and commissioners of committees and commissions established by the Student Senate by statute, which shall serve in accordance with the statutes. The Student Body President may also appoint other executive offices as may be established by the Student Senate by statute, which shall serve in accordance with the statutes, unless the Student Senate, by statute, vests power for their appointment in a committee chair, commissioner, or member of the executive cabinet. Alternatively, the Student Senate may, by statute, allow committee chairs, commissioners, or other executive offices to be elected by the student body, or any subset of the student body.
- (f) Appointing any student, including Student Senators and Justices of the Judicial Court, to student positions on Texas A&M University and System Committees subject to confirmation of two-thirds (2/3) of the Student Senate membership present and voting at an announced meeting. Such students appointed and confirmed shall serve in their committee positions in accordance with the statutes.



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- (l) The Student Body President shall be ultimately responsible for the lack of timely implementation of any statute enacted by the Student Senate. For this reason, the Student Body President and his Executive cabinet shall provide a written summary of legislation enactment progress to the Internal Affairs Committee of the Student Senate for the purpose of inclusion in communication to the Senate body. That this written summary must be submitted before 12 p.m. each Sunday preceding a Senate meeting and must include all legislation passed from the current session.

ARTICLE III. LEGISLATIVE BRANCH

section I. All legislative powers shall be vested in the Student Senate of the Student Government Association of Texas A&M University. The Student Senate shall be the official body which shall identify student opinion and formulate student policy.

section II. The Student Senate shall be organized in the following manner:

- (a) The Student Senate shall be composed of Academic Area, Living Area, and Freshman Senators. Academic Senators shall be elected by a plurality vote from their respective constituencies based upon college representation. Living Area Senators shall be elected by a plurality vote from their respective constituencies based upon their official residence. Academic Area Senators, and Living Area Senators shall be elected during the spring student body elections as provided for by statute. Freshman Senators shall be elected at-large by a plurality vote of the Freshman Class during the fall student body elections as provided for by statute.
- (b) The presiding officer of the Student Senate shall be the Speaker of the Senate, who shall be nominated and elected by a majority vote of the Student Senate membership present and voting at an announced meeting prior to the end of the spring academic semester. The Speaker Pro-Tempore, the Chair of Rules and Regulations, and all other officers of the Senate provided for in the Student Senate By-Laws shall also be nominated and elected by a majority vote of the Student Senate membership present and voting at an announced meeting prior to the end of the spring academic semester.



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- (1) All officers of the Senate shall remain Student Senators upon their election, but officers of the Senate may be removed from their officer position by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (c) If the Speaker of the Senate is unable to fulfill the duties of office, or upon his removal or resignation from office, the Speaker Pro-Tempore shall fulfill those duties until a new Speaker can be elected from the Student Senate membership present and voting at an announced meeting. In the absence of the Speaker Pro-Tempore, such duties shall fall to the Chair of Rules and Regulations and then to the remaining officers of the Senate provided for in the Student Senate By-Laws in an order provided for in the Student Senate By-Laws.
- (d) The term of each session of the Student Senate shall begin and end during a final general assembly meeting during the last fourteen (14) days of the spring academic semester every calendar year. The incoming Student Senate shall not begin its session until the outgoing Student Senate adjourns at the final called general assembly meeting. Should the outgoing Student Senate fail to make a quorum for longer than twenty (20) consecutive minutes during the final called general assembly meeting, it shall automatically be adjourned. Upon the adjournment of the outgoing Student Senate, the incoming Student Senate shall be transferred all duties and powers vested in the Student Senate under this Constitution, unless otherwise provided for in this Constitution. The incoming Student Senate may, however, after its election, meet in called general assembly meetings prior to the beginning of its session to conduct its officer elections, handle its internal business under the existing Student Senate By-Laws, appoint senators to and assign legislation to committees, and confirm appointments by the incoming Student Body President.
- (1) The power of confirmation of Student Body President appointments shall vest immediately to the incoming Student Senate upon its election. Nothing in this Section, however, shall be construed as vesting the power to enact statutes, resolutions, constitutional amendments, or rules and procedures in the Senate By-Laws in the incoming Student Senate until the outgoing Student Senate is adjourned at the final called general assembly meeting.



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- (e) The right to vote in a general assembly meeting, special session, or committee meeting affecting bills or resolutions, to sponsor bills and resolutions, to debate in a general assembly meeting or special session, and to make motions in a general assembly meeting or special session shall only extend to Student Senators. A Student Senator's right to vote or sponsor bills and resolutions may not be infringed, except the primary author/sponsor of a bill or resolution may deny any other Student Senator the right to co-author/sponsor the primary bill author/sponsor's bill or resolution.
- (f) The term "Student Senate membership" when used in this Constitution shall be defined as Student Senators who have been duly elected under this Constitution.
- (g) A quorum of a majority of the Student Senate membership shall be necessary to conduct any business at any general assembly meeting or special session under this Constitution.

section III. The duties and powers of the Student Senate shall include:

- (a) Enacting all statutes necessary for the general welfare of the student body in accordance with this Constitution. Enacting all statutes which shall be necessary for carrying into executing all duties and powers vested by this Constitution in the Executive Branch, the Legislative Branch, the Judicial Branch, or in any other entity of the Student Government Association by any entity outside the Student Government Association, including duties and powers vested in the "student government" of Texas A&M University under Texas state law.
 - (1) A "statute" shall be defined as a rule, regulation, procedure, policy, or statement of the official opinion of the student body enacted by the Student Senate by bill, or enacted by the student body through a referendum petition, that shall be binding on all individuals interacting with an all branches and entities of the Student Government Association in accordance with this Constitution.
 - (2) Codification. All statutes may either be codified into a common Student Government Association Code, or may be uncoded.



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Codified Statutes. Statutes may be codified, but only if the bill or the referendum petition enacting the statute expressly states which portion of the Student Government Association Code is amended, repealed, or created by the statute. Statutes may only be codified into a common Student Government Association Code. The Student Government Association code shall also include copies of this Constitution, the Executive Branch By-Laws, the Judicial Branch By-Laws, the Student Senate By-Laws, the Governance Council By-Laws, and any other rule or procedure required by statute to be included.

Codified statutes shall not expire unless a provision within the statute provides for its expiration, it is repealed or superseded by a subsequently codified statute, or it is ruled unconstitutional by the Judicial Court in a case.

Uncodified Statutes. All other statutes shall automatically expire at the conclusion of each corresponding session of the Student Senate.

Uncodified statutes, however, shall not otherwise expire during the corresponding session of the Student Senate unless the statute provides for its expiration, it is repealed or superseded by any subsequent statute, or it is ruled unconstitutional by the Judicial Court in a case.

The Student Senate may, by statute, vest authority in any part of the Legislative Branch or the Executive Branch for maintaining the Student Government Association Code.

(3) All statutes shall be enacted by bill and a majority vote of the Student Senate membership present and voting at an announced meeting.

No bill may enact a combination of a statute, constitutional amendment, or rule or procedure.

(b) Enacting non-binding statements of the opinion of the Student Senate by resolution and a majority vote of the Student Senate membership present and voting at an announced meeting. All non-binding statements of the opinion of the Student Senate shall expire at the conclusion of each corresponding session of the Student Senate.



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- (1) The Student Senate may also exercise its power of ratification, confirmation of appointments, impeachment, or any other action authorized under the Student Senate By-Laws by resolution, which shall be binding and shall not expire except when the agreement ratified expires, the term of the office confirmed expires, or the action taken by the Student Senate provides for its own expiration.
- (2) No resolution may exercise more than one power of the Student Senate, except that any resolution may exercise a single power of the Student Senate and enact a non-binding statement of the opinion of the Student Senate.
- (c) Appropriating such funds and approving such student fees as may be placed at its discretion for such purposes as it may deem of service to the student body.
- (d) Creating, organizing, and removing executive committees, commissions, and other executive offices; legislative branch commissions; and judicial branch committees, commissions, and other judicial branch offices by statute.
 - (1) A three-fourths (3/4) vote of the Student Senate membership present and voting at an announced meeting shall be necessary to override a veto of the Student Body President on any statute removing a committee, commission, or other office under this Sub-Section.
- (e) Establishing such rules and procedures in the Student Senate By-Laws as are necessary to organize the Student Senate, to organize and govern its proceedings, to discipline its members, and to provide for any other rule or procedure expressly called for by this Constitution by bill and a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent rule or procedure adopted by the Student Senate; or it is ruled unconstitutional by the Judicial Court in a case.
 - (1) All other rules and procedures relating to the Student Senate or the Legislative branch may only be enacted by statute.



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- (f) Apportioning itself annually in the Student Senate By-Laws. Such apportionment must be in accordance with the provisions of this Constitution and must be approved by two-thirds (2/3) vote of the members present and voting at an announced meeting.
- (g) Filling vacancies in the student Senate membership in accordance with the Senate By-Laws.
 - (1) The Student Senate may alternatively, by statute, vest the filling of vacancies in the Student Senate membership with the student body by special election of the vacant Student Senate seat's constituency.
- (h) Overriding the veto of the Student Body President on any statute by a two-thirds (2/3) vote of the membership present and voting at an announced meeting. In the case of a constitutional amendment, a three-fourths (3/4) vote of the Student Senate membership present and voting is needed to override a Student Body President veto. Any vetoed bill shall be automatically placed on the next Student Senate general assembly meeting's agenda and classified as old or unfinished business. The Student Body President shall be granted at least five (5) minutes to explain the reasoning for his veto of any statute or constitutional amendment immediately preceding the Student Senate's consideration of whether to override the Student Body President's veto.
- (i) Special Sessions may be called by the Student Body President, the Speaker of the Senate, or by a petition to the Speaker, signed by one-third (1/3) of the Student Senate membership. Such calls or petitions may only generate announced meetings.
- (j) Calling a general referendum of the student body by bill and a majority vote of the Student Senate membership present and voting at an announced meeting in order to render a decision regarding a proposed statute. Calling a general referendum of the student body by bill and a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting in order to render a decision regarding a proposed constitutional amendment. No bill may present both a constitutional amendment and a statute to the student body for a decision.
 - (1) Proposed statutes, if approved of by a majority vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.



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Such statutes shall not expire or be altered, if codified into the Student Government Association Code, unless they provide for their own expiration, they are repealed or amended by a later codified statute enacted by the Student Senate at least one (1) calendar year after the referendum enacting the statute, or unless the repeal or amendment occurs through any later referendum.

Any statute approved of in a referendum, but not codified into the Student Government Association Code, shall automatically expire at the conclusion of the corresponding session of the Student Senate, but may not be altered by any statute enacted by the Student Senate during the corresponding session of the Student Senate.

- (2) Proposed constitutional amendments, if approved of by a two-thirds (2/3) vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.

Such constitutional amendments may not be repealed or amended by the Student Senate until at least one (1) calendar year after the referendum enacting the constitutional amendment, unless the repeal or amendment occurs through any later referendum.

- (3) Nothing in this Sub-Section shall be construed as allowing the Student Body President to veto any bill calling for a referendum of the student body on any proposed statute or constitutional amendment.

ARTICLE IV.

JUDICIAL BRANCH

section I. All judicial powers shall be vested in the Judicial Court of the Student Government Association of Texas A&M University.

- (a) The powers of the Judicial court shall extend to any case between any student and any member of the Student Government Association in regards to: this Constitution; any statute; any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute; or any action or inaction authorized by the same.



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section II. The Judicial Court shall be organized in the following manner:

- (a) The term of each Judicial court shall last as long as its corresponding session of the Student Senate. The Judicial Court shall only be in session during the fall and spring academic semesters, and the Judicial Court may not hear cases or conduct any other official business on university holidays.
- (b) The Judicial court shall consist of nine (9) Justices.
- (c) The Justices of the Judicial Court shall be appointed to serve permanently for as many terms of the Judicial Court as they wish to remain in office, provided that the Justice continues to meet all grade and eligibility requirements for his office and is otherwise not removed from office by resignation, by violating the Judicial Court's attendance policy, by entering as a candidate for a position in SGA governed by the Election Commission or by impeachment. Justices shall be appointed by the Student Body President and confirmed by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
 - (1) If any Justice shall enter as a candidate for a position within SGA in an election that is governed by the Texas A&M Election Commission, he or she shall be removed from his or her position of Justice at the time of registering to run. If the former Justice desires to return to the Court, he or she must resign their elected position within SGA and go through the process of nomination by the Student Body President and confirmation by the Student Senate set forth in this Constitution
- (d) The Student Body President shall appoint the Chief Justice for his corresponding term of the Judicial Court from among the Justices of the Judicial Court for that session subject to confirmation by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
 - (1) The office of Chief Justice shall be subject to re-appointment for each subsequent term of the Judicial Court.
 - (2) The Chief Justice shall appoint such other officers and members of the Judicial Branch as may be established by the Student Senate by statute, which shall serve in accordance with the statutes, unless the Student Senate, by statute, vests their appointment in the Student Body President or the Justices of the Judicial Court.



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- (3) In the event that the Chief Justice vacates the office of Chief Justice, but not the office of Justice of the Judicial Court, the Student Body President shall appoint a new Chief Justice pursuant to this Sub-Section to serve the remainder of the session.
- (e) Should a seat on the Judicial Court be vacated, the Student Body President shall appoint a new Justice to fill the seat subject to confirmation by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
- (f) A quorum of a majority of the Justices of the Judicial Court shall be necessary to hear any case, but a lesser amount may discipline those Justices of the Judicial Court who are not in attendance. Such disciplining shall be in accordance with the statutes or any Judicial branch By-Law authorized under, and in accordance with, the statutes.

section III. The duties and powers of the Judicial Court shall include:

- (a) Ruling on any case by a majority vote of the Justices of the Judicial Court hearing the case. All rulings shall be accompanied by, at minimum, a majority opinion stating the ruling, the judgment imposed, and the reasoning of the majority. Rulings may also be accompanied by the reasoning of any plurality, concurring, or dissenting opinions in whole or in part. All opinions shall also, at minimum, clearly designate the names and signatures of the Justices of the Judicial Court joining the particular opinion, the name(s) of the parties, and the date and time of the decision.
- (b) Establishing such rules and procedures for the Judicial Branch as may be authorized under, and in accordance with, the statutes through a two-thirds (2/3) vote of the Justices of the Judicial Court signing a judicial order amending the Judicial Branch By-Laws. Such rules and procedures shall not expire unless a provision within the rule or procedure provides for its expiration; it is repealed or superseded by a subsequent statute enacted by the Student Senate or a subsequent rule or procedure adopted by the Judicial Court authorized under, and in accordance with, the statutes; or it is ruled unconstitutional or contrary to the statutes by the Judicial Court in a case.
- (1) Notwithstanding Sub-Section (b) above, the Judicial Court shall retain the sole power to establish rules and procedures in the Judicial Branch By-Laws governing the following specifically enumerated topics:



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The Judicial Court's closed internal deliberations after hearings are concluded;
and,

The Judicial Court's internal officer positions occupied by the Justices of the
Judicial Court (i.e. finance chair, chaplain, treasurer, etc).

- (2) The establishment of any rule or procedure listed in Sub-Division (1) above, however, must still be accomplished through a process and document in accordance with the Constitution and the statutes.
 - (3) No statute, nor any rule or procedure in the Judicial branch By-Laws, enacted or established after a case is pending before the Judicial Court may apply to that particular case, its hearings, or its re-hearings.
 - (4) Any statute regulating the rules of procedure or evidence for hearings shall be enacted by a two-thirds (2/3) majority vote of the Student Senate membership present and voting, g at an announced meeting and shall be subject to a three-fourths (3/4) veto override by the Student Senate.
- (c) Administering the oath of office, through its Chief Justice or designated Justice of the Judicial Court by the Chief Justice, at the swearing in of all members of the Student Government Association that require Student Senate confirmation, the Student Body President, Student Senators, the Justices of the Judicial Court, and any other member of the Student Government Association the Student Senate may, by statute, require the oath of office to be administered to. Should no Justice of the Judicial Court be available to administer the oath of office, the Student Body President may administer the oath of office, then the Speaker of the Senate, then any Student Senator appointed for such purposes by the Student Senate, and then the Student Government Association Advisors.
- (1) The oath of office shall be as follows: "I (state your name) do solemnly swear (or affirm) to faithfully execute to the best of my ability the duties of the office of (state your office) for the Texas A&M University Student Government Association; to uphold the honor of the same; at all times to protect the welfare of the student body; and to promote good relations between the students and those concerned with the University."



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- (2) No individual enumerated in this Sub-Section may exercise any power under this Constitution, any statute enacted by the Student Senate, or any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute, except after taking the oath of office under this Sub-Section.
- (d) Declaring by binding judicial order that: any statute any rule or procedure enacted pursuant to this Constitution or rule or procedure enacted pursuant to any statute or any action or inaction authorized by the same; is repugnant to this Constitution, should such issue arise in a case. However, such declaration shall include, in writing the express provision of this Constitution which shall be in conflict.
- (1) The preamble of this Constitution, or any other item of legislation shall not be considered in determining whether any of the preceding are repugnant to this Constitution.
- (2) The Judicial Court shall in all cases rule: any statute; any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute; or any action or inaction authorized by the same; as constitutional if any provision of this Constitution authorizes it and no provision of this Constitution prohibits it.
- (3) Nothing in this Article shall be construed, however, as vesting in the Judicial Court the power to compel the Student Body President, the Student Senate, any other entity of the Student Government Association, or the student body to exercise any un-qualified discretionary power expressly listed under this Constitution, including, but not limited to, compelling the Student Senate to enact any statute, rule or procedure, or constitutional amendment unless this Constitution expressly requires the Student Senate to do so; to impeach, remove, or otherwise discipline any individual of any branch of government except for provisions contained in this Article; to ratify any agreement entered into by the Student Body President; or to confirm any nominee.
- (e) In the event of a vacancy in the office of Student Body President, the Chief Justice shall be responsible for notifying the officer next in the line of succession.
- (f) The Judicial Court shall not have the ability to order money damages or monetary fines unless authorized by statute and only in accordance with the statutes.

ARTICLE V. GOVERNANCE COUNCIL



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section I. The Governance Council shall be composed of members from all branches of the Student Government Association.

section II. Membership

- (a) The officers of the Senate shall each hold a seat on the Governance Council.
- (b) The Student Body President and the members of the executive cabinet selected by the Student Body President shall hold seats on the Governance Council such that the number of seats held by the Executive Branch does not exceed the number held by the Legislative Branch.
- (c) The Chief Justice of the Judicial Court shall hold a seat on the Governance Council.

section III. The duties and powers of the Governance Council shall include:

- (a) Providing a forum for communication between leaders of the branches.
- (b) Working cooperatively between branches to implement statutes and constitutional amendments enacted by the Student Senate or by the student body in a referendum.

ARTICLE VI. REMOVAL PROCEDURES

section I. Impeachment

- (a) The Student Senate shall have the sole power to impeach any member of the governing branches of the Student Government Association for failure to uphold the duties or honor of his office. Impeachment shall require a two thirds ($\frac{2}{3}$) vote of the Student Senate membership present and voting at an announced meeting. Any individual impeached shall be removed from office and the office declared vacant if the individual does not appeal his impeachment within the time period enumerated in Sub-Section (b) or, if the individual appeals, the impeachment is upheld by a ruling of the Judicial Court; a vote for impeachment shall also be considered a trial for impeachment.



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- (b) The impeached individual has the right to appeal the Senate's ruling to the Judicial Court within forty-eight (48) hours of the conclusion of the impeachment trial. The Judicial Court shall issue a ruling within seven (7) days of their receipt of the appeal on the decision based only on the procedure, as enumerated in the Student Senate By-Laws, was followed substantially correctly. The Judicial Court shall not rule on the merits of the case, and shall ignore any error it finds harmless to the rights of the individual impeached by the Student Senate.
- (c) The Student Senate may further bar any individual impeached by the Student Senate from holding any office under the Student Government Association or any office whose election is conducted by the Student Government Association under the statutes for a specified or unspecified period of time by a three-quarters (3/4) vote of the Student Senate membership present and voting at an announced meeting.

section II. Attendance Policies

- (a) The Student Senate may adopt an attendance policy in the Student Senate By-Laws for the purpose of disciplining Student Senators for failure to attend proceedings and meetings of the Student Senate, its committees, or the Governance Council's meetings.
 - (1) A Student Senator may be automatically removed from office for violating the Student Senate's attendance policy under this Sub-Section.
- (b) The Judicial Court may adopt an attendance policy in the Judicial Branch By-Laws for the purpose of disciplining Justices of the Judicial Court for failure to attend hearings, other official meetings of the Judicial Court, or the Governance Council's meetings.
 - (1) A Justice of the Judicial Court may be automatically removed from office for violating the Judicial Court's attendance policy under this Sub-Section.
- (c) The Executive Branch may adopt an attendance policy within the Executive Bylaws for the purpose of disciplining members for failure to attend proceedings, meetings, or other events deemed necessary.

ARTICLE VII. GRADE POLICY

section I. All members of the Student Government Association shall:



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- (a) Have at least a 2.00 overall grade point ratio for undergraduate students and at least a 3.00 grade point ratio for graduate students at the time of the election, selection, or appointment. Post at least a 2.00 grade point ratio for undergraduate students and at least a 3.00 grade point ratio for graduate students for the semester prior to the election, selection, or appointment. Post at least a 2.00 grade point ratio for undergraduate students and at least a 3.00 grade point ratio for graduate students for the regular semester during the term of office.
- (b) Be in good standing with the University and enrolled in at least six (6) credit hours in a fall or spring academic semester during the term of office. If the student is enrolled in the Blinn TEAM program, they must meet the stipulations outlined in Student Rule 41.2.2.1 or such equivalent student rules governing the Blinn TEAM program.
- (c) Students enrolled in the Blinn TEAM program are also eligible to hold office as long as the student is meeting all applicable Blinn TEAM requirements and is in good standing with the program.
- (d) Be removed from office in accordance with the statute should the student fail to maintain the above requirements.

section II. There shall be no additional grade requirements for any member of the Student Government Association beyond those provided in this Article.

ARTICLE VIII. FINANCES

section I. All monies belonging to this organization shall be deposited and disbursed through a bank account established for this organization at the Student Organization Finance Center and/or the Fiscal Office. All funds must be deposited within 24 hours after collection. The advisor to this organization must approve and sign each expenditure before payment.

section II. All monies or property donated or allocated to the Student Government Association as a single entity shall be under the exclusive control of the Student Senate and its power of appropriation and regulation by statute.



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- (a) The Student Senate, however, shall not have power to appropriate or confiscate those monies or property donated to individual entities of the Student Government Association, but the Student Senate shall have power to regulate their use by the particular entity by statute. Additionally, should any individual entity of the Student Government Association cease to exist, its monies and properties shall be placed under the exclusive control of the Student Senate and its power of appropriation and regulation by statute.

section III. The Student Government Association Budgetary Process

- (a) The Student Body President, or a member of the executive cabinet assigned for this purpose by the Student Body President, shall be responsible for the initial formulation of the Student Government Association budget in accordance with the statutes.
- (b) The budget shall then be considered, amended, and approved by the Student Senate through its power of appropriation and regulation by statute in a bill.
- (c) Line Item Veto. The Student Body President's veto power shall extend to any line item or set of line items in any budget bill at his discretion in accordance with this Constitution. The Student Senate may vote on each individual line item when considering whether to override the Student Body President's veto. Such line items as may not be vetoed by the Student Body President shall pass into effect in accordance with this Constitution.
- (d) The Student Government Association fiscal year shall be in accordance with the fiscal year for Texas A&M University. If a budget is not approved by either by the conclusion of the fifth Student Senate general assembly meeting during the fall academic semester, the budget for the previous year shall be automatically adopted. If the amount distributed that year is less than the previously adopted budget then the amount shall be distributed proportionally based on the previous year's budget.

ARTICLE IX.

ADVISORS



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section I. The Student Government Association Advisors shall provide guidance to all areas of the organization. The advisors shall provide financial and organizational advice as well as ensure compliance with all Texas A&M University rules and procedures, but not this Constitution, the statutes, or any other rule or procedure established pursuant to this Constitution or any other rule or procedure established pursuant to any statute. The advisors shall meet regularly with the Student Body President, members of the executive cabinet, committee chairs, commissioners, the Chief Justice, and the officers of the Student Senate. The advisors shall meet with the other entities of the organization as the advisors deem necessary.

section II. The advisors shall not be vested any duty, power, or decision making authority by any entity of the Student Government Association, by any statute, or by any rule or procedure enacted pursuant to this Constitution or any rule or procedure enacted pursuant to any statute, other than expressly provided for in this Constitution.

ARTICLE X. THE POWERS AND RIGHTS OF THE STUDENT BODY

section I. The student body's power of referendum and recall petitions.

- (a) The student body shall have the power to enact statutes independent of the Student Senate in the form of a petition containing the signatures of at least five thousand (5,000) students. Such statutes, if approved of by a majority vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.
- (1) Such statutes shall not expire or be altered, if codified into the Student Government Association Code, unless they provide for their own expiration, unless they are repealed or amended by a later codified statute enacted by the Student Senate at least one (1) calendar year after the referendum enacting the statute, or unless they are repealed or amended by any later referendum.



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- (2) Any statute approved of in a referendum, but not codified into the Student Government Association Code, shall automatically expire at the conclusion of the corresponding session of the Student Senate, but may not be altered by any statute enacted by the Student Senate during the corresponding session of the Student Senate.
- (b) The student body shall have the power to amend this Constitution independent of the Student Senate in the form of a referendum petition containing the signatures of at least seven thousand and five hundred (7,500) students. Such constitutional amendments, if approved of by a two-thirds vote of the student body voting in an announced student body wide election, shall be binding as if passed by the Student Senate and signed by the Student Body President.
- (1) Such constitutional amendments may not be repealed or amended by the Student Senate until at least one (1) calendar year after the referendum enacting the constitutional amendment, unless the repeal or amendment occurs through any later referendum.
- (c) The student body shall have the power to call for a recall vote on any Student Senator in the form of a recall petition containing the signatures of at least ten percent (10%) or one hundred and fifty (150) students in the particular Student Senator's constituency, whichever is larger. Only one (1) Student Senator may be the subject of any one (1) recall petition, and a Student Senator may be the subject of a completed recall petition only once per any session of the Student Senate. The Student Senator shall be removed from office if two-thirds (2/3) of his constituency voting in an announced constituency wide student body election vote for his removal. Any Student Senator removed from office by recall may not be appointed to any Student Senator vacancy in the corresponding session of the Student Senate.
- (d) A referendum petition may only relate to either enacting a statute or a constitutional amendment, and may not relate to a combination thereof. A recall petition may only relate to a Student Senator. All referendum petitions shall include the exact items to be enacted in Senate bill format, and all recall petitions shall clearly note the individual subject to the recall. All information contained within a petition shall be made available for review by any student who is requested to sign the petition.



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- (e) All petitions must be turned in within fourteen (14) days of their issuance to the Chief Justice of the Judicial Court. The Chief Justice shall certify the signatures on the petition no later than fourteen (14) days after receipt of the petition, whereupon it shall be deemed complete by the Chief Justice if the required number of signatures are certified as accurate.
- (f) A student body wide vote on any completed referendum petition shall be held during the next general student body election as provided for by statute, so long as the referendum petition is deemed complete by the Chief Justice within seven (7) days prior to the particular election.
 - (1) The petitioner may request for the vote on any completed referendum petition to be held earlier than the next general student body election should the referendum petition fail to meet this timing requirement or the issue necessitate a quicker vote at the petitioner's discretion. This request shall be filed with the Speaker of the Senate at least one (1) day before a regularly scheduled general assembly meeting or special session of the Student Senate, and must be confirmed by a majority vote of the Student Senate membership present and voting at the Student Senate general assembly meeting or special session immediately following the request by the petitioner. Should the request be confirmed, the vote on the referendum petition shall be take no later than twenty-eight (28) days after confirmation, but no earlier than seven (7) days after confirmation.
- (g) A vote of the particular Student Senator's constituency on any completed recall petition shall be held, in all cases, no later than twenty-eight (28) days after it is deemed complete, but no earlier than seven (7) days after it is deemed complete.
- (h) This Section shall not be construed as to deprive the Student Senate from providing further regulations by statute for the initiation, distribution, format, qualification of an effective signature, and certification of signatures for any petition as well as the operations of the student body vote for any petition.

section II. The student body's right to be free of discrimination.

- (a) The Student Government Association shall not discriminate against, not give preferential treatment to, any person on the basis of race, color, national or ethnic origin, religion, sex, gender, disability, age, sexual orientation, or veteran status, prohibiting discrimination based on these factors in any and all forms.



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- (1) This Section shall not be construed to prohibit acts of prayer or invocations during meetings of Student Government Association entities, nor shall it be construed to restrict in any way the content of official or unofficial communications from members of the Student Government Association.

section III. The student body's right to vote.

- (a) The right to vote, to participate in petitions, referendums, or recalls shall extend to any student, and shall not be infringed on any other basis.

section IV. The student body's right to fair process of law.

- (a) The liberty, rights, and privileges of any student shall not be deprived except by fair process of law. Each student shall have equal protection of the statutes, but such equal protection of groupings of students shall only be deemed unconstitutional if arbitrary and capricious.

section V. The student body's right to be free of excessive punishments or fines.

- (a) Excessive punishments or fines shall not be imposed under the statutes, under the rules or procedures, or by Judicial Court; nor shall any student be put in jeopardy of adjudication of his rights in a case before the Judicial Court twice for the same offense; nor shall any student be compelled to be a witness against himself or herself in a case before the Judicial Court.

section VI. The student body's right to a speedy and public trial.

- (a) In all cases before the Judicial Court, all students shall enjoy the right to a speedy and public trial on the Texas A&M University campus in an announced proceeding with at least seventy-two (72) hours' notice; the right to cross examine witnesses brought against them; the right to be informed of the nature and cause of any accusation; the right to assistance of counsel of their choosing, whether a licensed attorney in the State of Texas or not; and the right to compulsory process for obtaining witnesses in their favor insofar as such process can reasonably be provided for by the power of the Student Government Association.



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- (1) The Judicial Court may issue a writ of injunction in accordance with the statutes for a period not to exceed thirty (30) days through a hearing with at least twenty-four (24) hours' notice to the party against whom the writ is to be issued.

section VII. The student body's right to approve all compensation for members of the Student Government Association.

- (a) No statute establishing or modifying compensation for any member of the Student Government Association for their official duties, other than through reimbursement of expenditures, shall be valid except upon majority approval by the student body voting in an announced referendum of the student body. Compensation of any member of the Student Government Association for their official duties, including reimbursement of expenditures, must be by statute or pursuant to an appropriation by statute of the student Senate.
- (b) Nothing in this Section shall be construed as prohibiting any member of the Student Government Association from receiving scholarships, grants, or other awards from any entity in consideration directly or indirectly of the individual's service in the Student Government Association. Such scholarships, grants, or other awards, however, may not be funded directly out of student fees.

section VIII. The limitation of this Article in the context of purely discretionary or disciplinary decisions.

- (a) The provisions of this Article, other than those addressing petitions, shall not be construed by the Judicial Court to limit the Student Senate's power to move into executive session, power of impeachment, power to remove officers of the Senate, power to discipline Senators or other members of the Legislative Branch; the Student Body President's power to remove members of the Executive Cabinet; or the student body's power to recall any Student Senator.

ARTICLE XI.

AMENDMENTS



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section I. Amendment of this Constitution, except as otherwise provided for in this Constitution, must originate in the Student Senate and must pass the Student Senate by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting after being read at least two (2) times at separate announced meetings, and subsequently be signed by the Student Body President. If the Student Body President vetoes the amendment, then the Student Senate can override the veto with a three-fourths (3/4) vote of the Student Senate membership present and voting at an announced meeting.

section II. All previous constitutions are null and void, and this Constitution is subject to review by the Department of Student Activities annually and/or when it is amended.