

THE CONSTITUTION OF
THE STUDENT GOVERNMENT ASSOCIATION
SETON HALL UNIVERSITY

PREAMBLE

We, the students of Seton Hall University, in order to promote the interests and opinions of the student body in matters that affect the University community; to improve the general welfare of the entire student body; to provide an official voice of the student body on issues which affect the general welfare of the students; to increase understanding and communication between students and the University; to develop and execute programs that foster community and unity throughout the University; to ensure and strengthen the rights of students; to cultivate student organizations and activities and provide a means for their execution within the University community; and in the interest of establishing a self-governing student body hereby do ordain and establish this constitution for the Student Government Association of Seton Hall University

ARTICLE I – GENERAL RIGHTS AND PROVISIONS

Section I. Student Body. – Every student currently enrolled at the South Orange Campus of Seton Hall University shall be a member of the Student Body and have an equal voice and vote to that of his or her fellow students.

Section II. Student Government. – The name of this organization will be the Student Government Association of Seton Hall University (SGA). Student government is the representative organization of the Student Body; its actions, not otherwise limited by the constitution, supersede those of all other student organizations under its jurisdiction.

Section III. Political power. – All political power granted by authorities authorized under the administration of the university is inherent in the Student Body.

Section IV. Basic rights. – Every student is guaranteed certain rights by the student handbook of Seton Hall University. Student government recognizes these rights. Additionally, the Student Body is guaranteed:

- (a) the right to elect its student government officers;
- (b) the right to recall and remove student government officers;
- (c) the right to representation from an elected student government official in matters dealing with university administration;
- (d) the right to petition the student government for action or legislation; and
- (e) the right to address its student body officials.

Section V. Branches of government. –

- (a) The structure of student government shall be divided into legislative and executive branches. No person belonging to one branch shall exercise any powers appertaining to the other branch.
- (b) All members of the Student Government Association, whether elected or appointed, shall be bound by the following Oath of Office:

“I, >individual states their name<, do solemnly swear that

I will uphold and defend The Constitution of the Student Government Association
and abide by all bylaws passed in pursuance thereof.

I will further comport myself at all times in a manner becoming of an officer of

The Student Government Association of Seton Hall University, so help me God.”

Section VI. Anti-Discrimination Policy. – The Student Government Association shall not discriminate against persons on the basis of race, creed, national origin, sex, age, disability, sexual orientation, or marital status

ARTICLE II – THE LEGISLATIVE BRANCH

Section I. Legislative powers. – All legislative powers of the Student Body shall be vested in the Student Senate.

Section II. Membership and appointment. –

- (a) The student senate shall have the power to reapportion itself through factual investigation by the senate according to published enrollment statistics provided by the university. The senate reserves the right to alter the allocation of seats among colleges and constituencies.
- (b) The passage of the reapportionment recommendations will not take effect until after the following election cycle.
- (c) The total membership of the senate will not exceed 30 senators, each with one vote, and each constituency enumerated in the bylaws guaranteed at least one seat.

Section III. Ad Hoc Members. –

- (a) The Senate may appoint ad hoc members to represent a specific delegation, to serve an advisory and informational position to the senate for a specific issue.
- (b) The Senate may appoint ad hoc members to staff standing and special committees.

Section IV. Officers of the student senate. – All are elected by the senate body at the first meeting of the new term.

- (a) The student senate speaker shall be the chief administrative officers of the legislative branch and preside over the student senate, and shall vote to break all ties.
- (b) The parliamentarian shall serve as the chief procedural officer of the legislative branch and shall serve as the senate speaker pro tempore.
- (c) The senate secretary shall serve as the chief clerical officer of the legislative branch, and coordinate correspondence between branches.
- (d) The Senate shall elect new chairpersons for their standing committees, per procedure enumerated in the bylaws.

Section V. Powers of the student senate. – The student senate shall have the power to:

- (a) legislate its own rules of procedure;
- (b) compel the attendance of its sworn members, in accordance with the bylaws;
- (c) approve the annual budget, by two-thirds vote;
- (d) approve resolutions representing the sentiment of the senate to the executive branch and the university community;
- (e) approve contracts proposed by the executive branch, by two-thirds vote;
- (f) approve appointments of the executive branch to student government agencies and university committees;
- (g) enact and amend all bylaws and constitutional provisions necessary and proper for the general well-being of the student government;
- (h) have the right to meet in a closed session; and
- (i) exercise any other power or duty relegated to the legislative branch in the constitution or bylaws of the student government.

Section VI. Prohibitions. – The student senate shall not:

- (a) enact any legislation in violation of the constitution;
- (b) appropriate funds for a period of more than one year;
- (c) deny speaking privileges in the student senate to any member of the executive branch, or any university administrative officer or college dean;
- (d) conduct any non-electoral vote by secret ballot.

Section VII. Required procedure. –

- (a) All senators shall receive one vote on all legislation.
- (b) No legislation will be valid unless a student senator introduces the legislation, the legislation is read, and passes by a majority vote of the student senate.
- (c) No legislation, except resolutions, shall become enacted without the signature of the student body president.
- (d) Amendments to the constitution and bylaws shall not expire; resolutions must contain a clause pertaining to their duration, or will expire automatically upon the end of the term.
- (e) Vetoed legislation may be enacted if passed by a three-fourths vote of the members of the student senate present and voting on it for a second time.

- (f) Quorum necessary to conduct business shall be a half of the total membership of the student senate plus one.
- (g) Legislation of the student senate shall only be classified as a(n):
 - i. amendment to the constitution, subject to veto;
 - ii. bill to the bylaws, requiring a majority vote for passage, subject to veto;
 - iii. resolution, an expression of sentiment of the student senate requiring majority vote for passage, not subject to veto;
 - iv. annual budget, considered legislation, requiring a two-thirds vote for passage, subject to line item veto.

Section VIII. Committees. –

- (a) The Senate shall empower the following standing committees and joint committees to complete all necessary preparation and execution of the business of the student government association:
 - i. Student Life
 - ii. Academic Affairs
 - iii. Finance (joint)
 - iv. Village Relations
 - v. Public Relations
 - vi. Elections (joint)
- (b) The senate speaker shall have the power to create special committees to carry out a prescribed function for a predetermined duration.
- (c) The senate speaker shall have the power to reapportion committees, appoint senators to committees, and compel committee reports.

ARTICLE III – EXECUTIVE BRANCH

Section I. Definition – The executive branch of the SGA shall consist of the President, the Vice-President, the Secretary, and the Treasurer in addition to individuals appointed to positions in the Presidential Cabinet as defined by this constitution.

Section II. Powers and duties. –

- (a) The President shall:
 - i. represent the SGA to the Seton Hall University community, university committees, and in any affairs requiring the presence of a single individual to speak on the behalf of the SGA;
 - ii. convey sentiments between the Senate and the Executive Cabinet pertaining to any student issue;
 - iii. have the power of executive veto over all bills, but must present written substantiation of opinion;
 - iv. have the power of line-item veto when considering budget legislation as stipulated by the provisions of the bylaws;

- v. have the power to appoint students to temporary positions in the Presidential Cabinet to assist the President with the fulfillment of his or her presidential duties upon the Senate's approval by majority vote;
 - vi. have the authority to negotiate all written contracts, which shall be submitted to the Senate for approval;
 - vii. have the power to call an emergency meeting of the Senate in accordance with the bylaws; and
 - viii. have such other powers and responsibilities granted to the President by any other part of this constitution and bylaws.
- (b) The Vice-President shall:
- i. upon the resignation or removal of the President, ascend to the presidency, and shall appoint a new Vice-President pending approval of the Senate;
 - ii. serve as acting President during the President's absence, executing all duties of the office of Presidency for a period no longer than 3 weeks; and
 - iii. have any other duties deemed necessary by the Student Government Association President or responsibilities granted to the Vice-President by any other part of this constitution and bylaws.
- (c) The Treasurer shall:
- i. assist the Finance Committee in the formulation of a budget, under normal operating circumstances as stipulated by the bylaws, to be submitted to the Senate for approval before the end of the month of September;
 - ii. have the power to audit and review the records of any organization that receives funds from the Student Government Association;
 - iii. call and preside over all meetings of the Executive Cabinet, which shall meet at least twice a semester; and
 - iv. approve all club expenditures involving SGA allocated funds.
- (d) The Secretary shall:
- i. maintain the correspondence and assist the Executive Board in all clerical matters;
 - ii. perform all additional duties assigned to him or her as directed by the President of the SGA;
 - iii. act as chairperson of the Student Organization Advisory Council;
 - iv. call and preside over all meeting of the Executive Cabinet, which shall meet at least twice a semester; and
 - v. have such other powers and responsibilities granted to the Secretary by any other part of this constitution and bylaws.
- (e) The Executive Cabinet shall be comprised of the Presidents or his or her appointee of all SGA recognized organizations, and shall be accountable to the Executive Board.
- (f) The Presidential Cabinet shall be comprised of all of the appointed and confirmed officers of the executive branch.

ARTICLE IV – ELECTIONS

Section I. Electorate. – The Student Body shall comprise the electorate. Each member of the electorate shall be entitled to vote in Student Body elections.

Section II. Eligibility. – Any student of Seton Hall University shall be entitled to run for office within the Student Government Association provided that they comply with any stipulations established within the bylaws of the Student Government Association.

Section III. Elections committee. – The Elections Committee shall be established to regulate elections, select replacements for vacant seats, and establish elections procedures, as per the bylaws.

Section IV. General election. – The spring general election shall be held within the spring semester.

Section V. Assumption of office. – Newly elected officials shall assume office in a prescribed installation ceremony to take place upon the discretion of The Department of Student Life and the Elections Committee.

Section VI. Resignation. – A member of the Senate or Executive Branch who decided to resign from office shall submit a letter stating his or her intent to resign to the highest ranking elected member of their own branch of government. The letter will then be communicated to the rest of SGA.

Section VII. Replacement. – Members of the Student Government Association who choose to resign or who are removed from office shall be replaced using the following method most appropriate:

- (a) In the case of a Senator resigning or being removed from office, he or she shall be replaced as per the established protocols of the bylaws and Elections Committee.
- (b) In the case of a resignation or removal of the President, the Vice-President shall ascend to the Presidency
- (c) In the case of the resignation or removal of the Vice-President, Treasurer, or Secretary, the President shall appoint a replacement subject to a two-thirds approval by the Senate.
- (d) In the case of the resignation or removal from office of both the President and Vice-President, the senate speaker shall appoint the interim Executive Board Officers, subject to a two-thirds approval of the senate, - him or herself excluded from appointment - to govern until the Elections Committee is able to hold a new elections.
- (e) All resignations are effective immediately and cannot be rescinded once announced on the floor of the senate.

ARTICLE V – IMPEACHMENT & RECALL

Section I. Impeachment. –

- (a) *Persons who may be impeached:* All members of the Student Government Association may be subject to the penalty of impeachment.
- (b) *Impeachable Offenses:* Any direct violation or disregard of any part of this constitution or bylaws, and/or gross misconduct unbecoming of a Student Leader at Seton Hall University, shall be considered just cause for impeachment.
- (c) *Procedure:* The impeachment process shall proceed according to the following guidelines:
 - i. Any member of the Student Body or SGA officer may request an investigation of a member of the Student Government Association for impeachment.
 - ii. With any such request, a petition with signatures of at least one-fifth of the Senate must be presented to the senate speaker.
 - iii. Upon the presentation of a petition for impeachment to the senate speaker, all evidence supporting the impeachment charges must be submitted, along with a list of any and all witnesses that will, or might, be called upon to testify in the impeachment hearing.
 - iv. The Senate Leadership Committee shall then be responsible for investigation of all impeachment charges for proper just cause, and certifying the charges' constitutionality before the senate speaker takes action on the said charges.
 - v. When, and if, the Senate Leadership Committee provides its approval to the charges, the senate shall be ready to hold impeachment hearings.
 - vi. A conviction shall consist of a two—thirds affirmative vote of all Senators present and voting.
 - vii. If an impeached member receives a conviction, the individual shall be removed from office and relieved of all SGA-related duties immediately.

Section II. Recall. –

- (a) *Persons who may be recalled:* All members of the Student Government Association may be recalled.
- (b) *Procedure:* The recall process shall proceed according to the following guidelines:
 - i. Any constituency shall have the power to recall any Student Government Association officer representing that constituency by means of petition.
 - ii. A petition to recall an officer must contain the signatures of twenty percent of the student of that officer's constituency. A completed petition must be delivered to the senate speaker.
 - iii. The Student Government Association advisor shall then be responsible for authenticating the recall petition.

- iv. Upon verification of the petition, the Elections Committee shall hold a recall election within one month.
- v. The recalled officer shall automatically be considered a candidate in the election unless that officer chooses not to run. The recalled officer shall remain in office until the election results are officially announced.
- vi. If defeated in the recall election, the officer will be replaced by the victor immediately.

ARTICLE VI – ESTABLISHMENT OF THE BYLAWS

Section I. Scope. –

- (a) The Student Government Association Constitution shall be accompanied by a set of bylaws which shall codify, through permanently amendable numerical structure, all operating provisions of the Student Government Association and its agencies not enumerated in the constitution.
- (b) The bylaws shall never contradict the constitution, and are in all ways secondary to it.
- (c) All bills to amend or add to the bylaws will be subject to majority vote of the senate and procedural veto applicability.
- (d) The bylaws will be comprised of the following Titles:
 - i. 100s Administrative General
 - ii. 200s Legislature
 - iii. 300s Executive Branch
 - iv. 400s Standing & Joint Committees
 - v. 500s Executive Committees and Subsidiary Organizations
 - vi. 600s Elections
 - vii. 700s Finance

Section II. Maintenance. – The Parliamentarian shall be responsible for the maintenance of the bylaws.

ARTICLE VII – AMENDMENTS

Section I. Reading of amendments. – All proposed amendments to the constitution must be introduced and read on the floor of the senate.

Section II. Introduction procedure. – All proposed amendments to the constitution shall be introduced by a Senator or by the SGA President acting on the authority of a Student Body petition.

- (a) Any such petition must explicitly state the exact wording of the proposed amendment, a brief explanation as to why the amendment is necessary, and contain signatures from ten percent of the Student Body.
- (b) The petition must be verified to have met these criteria by the President and the Faculty Advisor of the Student Government Association prior to introduction.

Section III. Parliamentarian's role. – All proposed amendments to the constitution of the Student Government Association must be given to the Parliamentarian prior to introduction.

- (a) The Parliamentarian will examine the amendment and note all changes the amendment will make to the constitution and bring these changes to the amendment's sponsor, along with all typographical and contextual errors found in the proposed amendment.
- (b) If returned with error and/or suggested changes, the proposed amendment will need to be corrected and resubmitted to the Parliamentarian. Once approved, the proposed amendment may be read on the floor of the senate and voted upon at the next meeting.
- (c) The Parliamentarian may not return a proposed amendment to its sponsor solely on the basis of a proposed amendment's content.

Section IV. Ratification of amendments. – Any proposed amendment to this constitution that has been read and voted upon once on the floor at a senate meeting may be voted upon at any succeeding senate meeting following a second reading. To stand ratified as an amendment to this constitution, a proposed amendment must be approved by a two-thirds majority vote of the current and present membership of the senate.

ARTICLE VIII – RATIFICATION

Section I. – This constitution for the Student Government Association of Seton Hall University shall stand ratified once approved by a three-fourths majority vote of the present senate, that senate being defined by the Student Government Association Constitution of 16 March 2015.

Section II. – Once adopted, this document shall void all previous constitutions as well as all bylaws, resolutions, and agreements entered into under previous constitutions that are found to be in conflict with this constitution. Those unchallenged or ruled not in conflict shall be upheld in good faith. The officers of the senate shall be responsible for enforcing this section, including but not limited to, destroying or voiding existing copies of the defunct constitutions, bylaws, resolutions, and/or agreements; said officer shall also be responsible for disseminating copies of this constitution and educating inquiring members of the general public.