

FEBRUARY, 2012

CONSTITUTION OF THE STUDENT BODY

ARTICLE I THE STUDENT BODY

Section 1 NAME

The name of this organization shall be the Student Body of the Florida State University, hereinafter referred to as the Student Body. The governing entity of the Student Body shall be the Student Government Association of the Florida State University, hereinafter referred to as the Student Government Association.

Section 2 JURISDICTION

History: Revised by Constitutional Amendment 10, 57th Senate.

All students by virtue of their registration in the Florida State University, hereinafter referred to as the University, shall be members of the Student Body and shall be subject to this Constitution, the Student Body Statutes, and to all University Rules and Regulations.

Section 3 MISSION STATEMENT

HISTORY: Revised by Constitutional Amendment 6, 56th Student Senate, Spring Elections 2004

The mission of the Student Government Association (SGA), is to provide FSU students with representation, services and advocacy within the university structure. The Student Government Association provides quality leadership for, and accountability to its constituency by recognizing that strength arises from diversity, engagement, and dialogue.

Section 4 FRANCHISE

All students shall be entitled to vote in the Student Body elections.

Section 5 PURPOSE

History: Revised by Amendment 10, 57th Senate. Amended by the 58th Senate Amendment 1.

The purpose of this organization shall be:

- A. To ensure the greatest participation by students in the immediate governance of and policy development for the Florida State University at all levels.
- B. To manage all Activity and Service Fees in a fiscally accountable manner.
- C. To organize events for students.
- D. To receive complaints from students, investigate the problems of students and participate in academic policy making decisions concerning students.
- E. To take action on behalf of the student body in general, and to specifically work for:
 - 1. The expansion of student power in all aspects of student and university governance.
 - 2. The recognitions of access to education as a basic human right.
 - 3. The enforcement of civil rights guarantees in all aspects of university life and policy.
 - 4. The ability of students, staff, and faculty to function without undue financial stress.
 - 5. The protection of public education.
 - 6. The defense of the right of faculty, students and campus workers to organize in their interest.
 - 7. The protection of full student autonomy over student life, services, and interests.
- F. To provide an official voice through which the opinions of the student body may be expressed.
- G. To develop SGA policies in a fair and open manner.
- H. To inform all students of SGA activities and encourage participation in them.

Section 6 STUDENTS RIGHTS

Each student shall be subject to the rules of the courts and the University but these rules shall at no time and in no way abridge the student's rights as citizen under the United States Constitution or the Constitution of the State of Florida.

ARTICLE II THE LEGISLATURE

Section 1 LEGISLATIVE POWERS

The Legislature Powers of the Student Body shall be vested in the Student Senate, hereinafter referred to as the Senate.

Section 2 COMPOSITION

History: Amendment 1, added Section D, Spring 2004 Elections, 56th Student Senate. Revised by Amendment 10, 56th Student Senate.

- A. There shall be an elected group of student representatives known as Senators.
- B. From this body the Senate shall select a Senate President and President Pro Tempore in the Fall Semester, and they shall be elected for a one (1) year term during which their seats shall not come up for election, even if they were initially elected in the Spring.
- C. Selection of other officers shall be by statute.
- D. The exact number of Senate seats shall be determined by statute, but at no time shall this number exceed eighty (80).

Section 3 ELECTIONS

Senators shall be elected in the Fall and Spring semesters, as provided for in the Statutes.

Section 4 SENATE SESSION

- A. The Fall Session of the Senate shall begin on the first day of Fall classes and terminate at the end of the Fall semester.

- B. The Spring Session of Senate shall begin on the first day of Spring classes and terminate at the end of the Spring semester.
- C. The Summer Session of Senate shall begin on the first day of summer classes and shall terminate at the end of the Summer semester.

Section 5

POWERS AND DUTIES

History: Revised by Constitutional Amendment 8, the 56th Student Senate.

- A. Senate shall:
 - 1. Enact its own Rules of Procedure, which shall require a two-thirds (2/3) vote.
 - 2. Propose, by a two-thirds (2/3) vote, Constitutional amendments.
 - 3. Provide for the compilation and publication of legislation.
 - 4. Confirm appointments of the Student Body President by a two-thirds (2/3) vote for appointments to fill vacated offices, and by a majority vote for other appointments. Confirmation of a Supreme Court Justice shall require a two-thirds (2/3) vote under any circumstances.
 - 5. Impeach Student Body officers, both elected and appointed.
 - 6. Take final action of the proposed Activity Fee Budget.
 - 7. Appropriate funds to print notices as it may deem necessary, but shall have no power to restrict freedom of expression in any student publication.
 - 8. Establish its own meeting times and rules of procedure.

9. Issue subpoenas upon majority vote of a standing committee.
10. Require the registration of student organizations with the Senate as provided by Statute.
11. Any veto by the Student Body President may be overridden by a two-thirds (2/3) vote of not less than a quorum of the Senate.
12. Present to the Student Body President all bills passed by Senate, within three schools days.
13. Have the power to write legislation.
14. Have the power to submit referenda to the Student Body upon a two-thirds (2/3) vote.

Section 6 LIMITATION OF POWERS

History: Revised by Amendment 10, 56th Senate.

- A. Legislation of the Senate shall be subject to review:
 1. Only by such officials authorized to do so by the Rules and Regulations of the University, the Board of Trustees, or by the President of the University.
 2. By the Student Supreme Court in cases where it has jurisdiction.

ARTICLE III THE EXECUTIVE

Section 1 EXECUTIVE POWERS

History: Revised by Constitutional Amendment 10, 56th Senate.

All executive powers of the Student Body shall be vested in a President of the Student Body, assisted by the Student Body Vice President, Student Body Treasurer, and such administrative officers as the President shall appoint in accordance with this Article, and by Statute. The Student Body President shall hereinafter be referred to as the

President, and the Student Body Vice President as the Vice President.

Section 2

ELECTION OF EXECUTIVE POWERS

HISTORY: Revised by the Amendment 5, Spring 2004 Elections, 56th Student Senate. Revised by Amendment 10, 57th Student Senate.

- A. The President shall be elected by a plurality of those voting in the Student Body elections.
- B. The Vice President shall be the President's running mate.
- C. There shall be a Student Body Treasurer who shall be elected by plurality of those voting in the student body elections. The Student Body Treasurer shall have all the powers and duties granted to him or her by statute.
- D. As specified in Section 2 of this Article, the Student Body Treasurer shall have all the powers and duties granted to him or her by statute.

Section 3

DUTIES AND POWERS OF THE PRESIDENT

The President shall:

- A. Administer and enforce all laws of the Student Body.
- B. Appoint Cabinet members as specified in the Statutes. Such appointments shall require a majority vote of Senate to be approved.
- C. Have the power to veto or sign acts of the Senate, provided that he/she exercise such power within five (5) school days of presentation to the Student Body President. A veto may be overridden by a two-thirds (2/3) vote of not less than a quorum of the Senate.
- D. As specified in Section 2 of this Article, the Student Body Treasurer shall have all the powers and duties granted to him or her by statute.
- E. Call and preside over meetings of the Student Body.
- F. Make recommendations for legislation to the Student Senate.

- G. Address the Senate at the beginning of each semester and at other times upon invitation by the Senate.
- H. Instruct and require reports from Cabinet members and approve all policies made from them.
- I. Remove, at his discretion, any officer whom he has appointed to a position in the Executive Branch.
- J. Have the power to call for a referendum subject to two-thirds majority Senate concurrence.

Section 4

DUTIES OF THE OTHER EXECUTIVE OFFICERS

History: Revised by Constitutional Amendment 10, 57th Senate.

- A. The Vice President shall assume the duties of the President in his or her absence or upon his or her request.
- B. The Vice President shall coordinate the efforts of the Cabinet and shall serve as coordinator for the formulation and completion of Cabinet projects.
- C. The Office of the Vice President shall direct grievances and ideas to the proper functionary and see that they are acted upon.
- D. As specified in Section 2 of this Article, the Student Body Treasurer shall have all the powers and duties granted to him or her by statute.

Section 5

PRESIDENT'S CABINET

There shall be a Cabinet to assist and advise the President, the membership of which shall be determined by Statutes.

Section 6

LIMITATIONS OF POWERS

Policies adopted by officers and committees of the Executive Branch shall be subject to review in the same manner as legislation.

ARTICLE IV JUDICIARY

Section 1 JUDICIAL POWER

The Judicial power of the Student Body shall be vested in a Supreme Court and such other courts as the Senate may form from time to time ordain and establish.

Section 2 ADMINISTRATION: PRACTICE AND PROCEDURE

HISTORY: Revised by Constitutional Amendment 3, 56th Student Senate, Spring 2004 Elections

- A. The Chief Justice of the Supreme Court as chief administrative officer of the Judicial System, shall be vested with, and shall exercise in accordance with rules adopted by the court the authority to:
 - 1. Assign cases and duties among the Justices of the Court.
 - 2. Supervise the administration of all courts.
 - 3. Inform the Legislature during the Spring Academic term of the condition of the Judicial System and recommend measures for the improvement of the administration of justice.
- B. The Supreme Court shall adopt rules governing the practice and procedures in all courts.
- C. All courts shall conduct open hearings.

Section 3 SUPREME COURT

History: Revised by Constitutional Amendment 1, Spring 2002 SGA Runoff Elections.

- A. Composition: The Supreme Court shall consist of:
 - 1. A Chief Justice who shall be a law student of at least second year standing.
 - 2. Four (4) Associate Justices who shall be law students of at least second year standing.
 - 3. A Clerk of at least second semester freshman standing; and such deputy clerks as the Chief Justice deems necessary. A deputy clerk shall

serve as acting clerk in the absence of the Clerk.

4. If there is a vacancy on the Supreme Court, the Chief Justice shall appoint a temporary Justice to sit by designation. The temporary Justice shall be a law student of at least a second year standing.

B. Procedures

1. Concurrence of a majority of Justices shall be necessary to render effective a decision of the Supreme Court.
2. The Chief Justice shall preside over sessions of the Supreme Court. If the Chief Justice, in his absences, fails to designate an Acting Chief Justice, then the Student Body President shall designate an Associate Justice to be acting Chief Justice.
3. The Clerk shall keep records of the Court, shall cause all decision except privileged matter to be made available to members of the Student Body, and shall deliver into the hands of his successor all permanent records of the Court.

C. The Supreme Court shall have jurisdiction:

1. Over cases and controversies involving questions of the constitutionality of actions by student governing groups, organizations and their representatives.
2. Over violations of the Student Body Constitution and Statutes.
3. Over conflicts between student groups.
4. To issue writs of mandamus, prohibition, and quo warranto when a Student Body officer is named as a respondent, or such other writs necessary and proper to the complete exercise of its jurisdiction.
5. To issue advisory opinions concerning student rights under the Student Body Constitution

upon request of the Student Body President or any Senator.

6. Over cases and controversies involving student conduct as provided in Article IV, Section 4.

Section 4 STUDENT CONDUCT

History: Revised by the Constitutional Amendment 10, 56th Senate.

- A. The University President is the ultimate authority in matters of student conduct; discipline and the promulgation of rules, regulations and polices for student governance. The responsibility for implementing the said authority is exercised primarily through the Chief Student Affairs Officer, Student Government, and the University Judicial System, in accordance with procedures established or approved by the University President.
- B. Any student charged with a violation of a Student Government rule or regulation may opt for an administrative disposition or a hearing before the Student Supreme Court as provided by statute.

Section 5 SELECTION AND VACANCIES

History: Revised by Amendment 2, 56th Student Senate Spring 2004.

- A. Justices shall be appointed by the Student Body President confirmed by Student Senate as follows:
 1. Once confirmed by the Senate, Justices shall serve until they graduate, resign, or are impeached, unless the Supreme Court fail to remove them from office. Within six weeks after a vacancy on the Court occurs, the Student Body President shall select a nominee for each vacant position and present these names to the Senate. The Chief Justice of the Student Supreme Court shall be responsible for notifying the Student Body President of any vacancy on the Court.

2. Before choosing a nominee, the Student Body President shall submit the candidate's application forms to the Student Bar Association at the College of Law. The Student Bar Association shall then interview each candidate and submit a written opinion on the fitness and qualifications of each candidate to serve on the Court to the Student Body President. The Student Body President shall then forward one of the candidates to the Student Senate for confirmation.
3. Confirmation shall require a two-thirds (2/3) vote of the Senate.
4. No person shall sit on the Supreme Court who is not a student at the Florida State University College of Law of second or third year standing.
5. All Justices of the Student Supreme Court must have completed both the Professional Responsibility and Evidence courses at the College of Law before taking office. A Justice may also sit on the Student Supreme Court if he/she is currently taking these courses during the semester in which he/she is confirmed by the Student Senate.

Section 6 SUBPOENA

The Supreme Court shall have the power of subpoena over all students having interest of effect in matters before the Court.

Failure to obey a subpoena shall be contempt, punishable as provided in Article IV, Section 7.

Section 7 CONTEMPT

History: Revised by Constitutional Amendment 10, 56th Student Senate.

The Supreme Court shall have the power to cite the defendant's counsel, the opposing counsel, all parties at

interest, a witness or spectator for contempt of court and shall have the power to try him/her for this offense and issue punishment thereof. This punishment shall be defined as a reasonable penalty that the Supreme Court deems appropriate for the particular case.

ARTICLE V ELECTIONS AND QUALIFICATIONS

History: Revised by Constitutional Amendment 2: Spring 1999 SGA Elections. Revised by Constitutional Amendment 10, 56th Senate.

Section 1 TIME OF ELECTION

HISTORY: Revised by Constitutional Amendment 5, 56th Student Senate, Spring 2004 Elections

- A. Senate and Campus Recreation Board elections will be held in the Fall academic term as provided by Statute.
- B. Student Body President, Student Body Vice President, Student Body Treasurer, Union Board, Senior Class Council officers, all elected Agency, Bureau and Affiliated Projects Officers, and Senate elections will be held in the Spring academic term as provided by Statute.
- C. Referendum and Constitutional amendment elections will be held as provided by Statute.
- D. Recall elections will be held as provided in Article VII of the Student Body Constitution and by Statute.
- E. Elections for the Representatives in the Congress of Graduate Students shall be held as provided for in the Student Body Statutes and the COGS Code.

Section 2 ELECTION CONFLICTS

In the case of a holiday or school function conflict with any of the above dates in the regular session the Senate shall designate another date.

Section 3 ACADEMIC QUALIFICATIONS

HISTORY: Revised by Constitutional Amendment 4, 56th Student Senate, Spring 2004 Elections

- A. All students holding a major Student Government office as defined in the Student Body Statutes shall be in good academic standing. This means maintaining an undergraduate cumulative FSU grade point average (GPA) of at least a 2.0, a graduate cumulative GPA of at least 3.0, or for law students a cumulative average of 67 or higher.

Section 4 RESTRICTIONS ON CANDIDACY

History: Revised by Constitutional Amendment 9, 56th Student Senate. Revised by Constitutional Amendment 1, 57th Student Senate.

- A. No student shall hold two major offices of the Student Government concurrently. Dormitory offices are not Student Government offices.
- B. No candidate for offices shall exceed campaign expenses limits.
- C. Any student found guilty by the Student Government Association Supreme Court of two or more violations of the Florida State University Constitution and/or Statutes, or found guilty of any violation of the University Student Code of Conduct or Academic Honor Code, will not hold any office in the Florida State University Student Government Association until the required sanctions are completed.

Section 5 PROCEDURE FOR ESTABLISHING CANDIDACY

Any qualified student may be placed on the Official Ballot by submitting a statement of candidacy.

Section 6 TERM OF OFFICE

History: Revised by Constitutional Amendment 10, 56th Senate.

All officers of the Student Body shall take office at the time of installation, to be specified by Statute. Their term shall cease upon the installation of their successors.

Section 7 VACANCIES

History: Revised by Constitutional Amendment 10, 56th Student Senate.

- A. In the event of a vacancy in the Office of the President, the Vice President shall assume that office for the remainder of the Presidential term. If the office of Vice President should happen to be vacant at the same time as that of the President, the Senate President shall assume the Office of the President for the remainder of the Presidential term, followed by the Student Senate President Pro Tempore, and the Student Body Treasurer, in that order. The individual, who has become acting President for the remainder of the Presidential term, shall then appoint a new Vice President from within the ranks of the student body. This appointment shall be subject to confirmation by a two-thirds (2/3) vote of the Student Senate. If there is a vacancy in the Office of the Student Body Treasurer, and no Deputy Treasurer is available to fill the vacancy, then the President shall have the power to appoint a new Student Body Treasurer for the remainder of the Presidential term, subject to confirmation by a two-thirds (2/3) vote of the Student Senate.

- B. All other vacancies created in elected Student Body offices, except for those in the Union and Recreation Boards, the Congress of Graduate Students, in Agencies, Bureaus, and Affiliated Projects with campus-wide elected officers, as well as in the Senior Class Council, shall be filled by appointment by the Student Body President, with confirmation by a two-thirds (2/3) vote of the Senate, provided all succeeding officers have the same constitutional qualifications as the originally elected officers. Vacancies in the above listed offices shall be filled as provided for in the Student Body Statutes, except that if no pertinent statute exists then the Student Body President shall have the power of appointment by default.

- C. Offices vacated pursuant to a leave of absence as defined by the Student Body Statutes shall be filled for the duration of the absence in accordance with the provisions of this Article.

ARTICLE VI AMENDMENT PROCESS AND REFERENDUM ELECTIONS

Section 1 CONSTITUTIONAL AMENDMENTS

Amendments to this Constitution may be proposed by two-thirds (2/3) vote of the Student Senate, or by petition of 1,500 members of the Student Body, and shall become part of this Constitution upon ratification by two-thirds (2/3) of the votes cast in an election of the Student Body, provided that the proposed amendments have been published in a campus newspaper at least one week prior to the vote of the Student Body.

Section 2 REFERENDUM

History: Revised by Constitutional Amendment 10, 56th Senate.

The Student Body may demand a referendum election upon the properly signed petition of at least five hundred (500) students. The Student Body President can also demand a referendum election with a two-thirds (2/3) vote of the Senate. The result of the election shall serve as a mandate for the Student Body Government provided that ten percent (10%) of the Student Body shall have participated in the election. At no time shall a referendum election demand any result that would violate the provisions of the Student Body Constitution or any result contrary to federal, state, local or university law.

Section 3

In cases where Senate votes on a budget that would result in an A&S Fee increase greater than five percent (5%) over that of the previous year (subject to later approval by the Activity and Service Fee Committee) it shall require a two-thirds (2/3) vote to pass such a budget. This must be done by a roll call vote, and is a special type of referendum election that is uniquely carried out by the Senate.

Section 4

- A. It shall be possible to place questions on the ballot to determine student opinion on issues.
- B. Such questions shall be placed on the ballot in the same manner as referenda, although they shall only require a properly signed petition of at least two hundred (200) students, or a majority vote of the Senate at the request of the Student Body President. However, they may only be used to access student

opinion on issues and shall not be binding on Student Government, nor subject to Court Review before being placed on the ballot.

ARTICLE VII RECALL OF STUDENT BODY OFFICIALS

Section 1 METHOD OF RECALL

Every elected official of the Florida State University Student Body is subject, as herein provided, to recall by the legal voters of the Florida State University Student Body. The person or persons demanding recall shall set forth in a petition the reasons for the demand of recall. If the elected official in question offers his or her resignation it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as provided by law. If he or she does not resign within thirty days an election will be held to determine whether the people will recall the officer. On the sample ballot at the election shall be printed in not more than two hundred (200) words the reasons for demanding recall and in not more than two hundred (200) words the officers justification of his course in office. He or she shall continue to perform the duties of his or her office until the results of his or her official election shall be officially declared. The recall petition shall be filed with the officer with whom the petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until he or she has actually held office for three months. After one such petition and special election, no further recall shall be filed against the same officer during the term for which he or she was elected.

Section 2 NUMBER OF SIGNATURES REQUIRED FOR A PETITION OF RECALL

History: Revised by Constitutional Amendment 10, 56th Student Senate.

- A. Pertaining to the recall of campus-wide elected officers (Student Body President, Student Body Vice President, Student Body Treasurer, Campus Recreation Board Members, Elected Agency, Bureau, and Affiliated Project personnel, and Union Board Members) 1,500 signatures.
- B. Pertaining to the recall of Senators, COGS Representatives and Senior Class Council officers:

twenty percent (20%) of those enrolled in the division in which the seat in question is located or fifty (50) signatures from that division, whichever is greater. For the Undergraduate Studies Senate seats, the number of signatures required shall be ten percent (10%) of the electorate for those seats. For Senior Class Council officers, the number of signatures required shall be twenty percent (20%) of all Seniors on campus. In the event that a particular division has less than fifty (50) students enrolled, then the number of signatures required shall be two-thirds (2/3) of all the students in that division.

Section 3 **IMPEACHMENT**

Any elected official of the Student Body or any officer appointed to fill the vacancy of any elected officer or any Supreme Court Justice may be impeached by the Senate, as provided by Statute, on charges of malfeasance, misfeasance or nonfeasance.

Section 4 **REMOVAL**

- A. Any elected officer of the Student Body or any officer appointed to fill the vacancy of any elected officer or any Supreme Court officer may be removed from office, following impeachment of the Senate, by the Supreme Court as provided by Statute.

- B. Upon impeachment by the Senate of a Supreme Court Justice, the Justice shall be automatically suspended. The Student Body President shall appoint an acting Justice who shall serve only in the impeachment proceedings. The temporary appointee shall have the same qualifications of a Justice, but need not go through the normal nomination process required under Article IV, Section 5, except for being nominated by the Student Body President and confirmed by Senate.

ARTICLE VIII **PANAMA CITY BRANCH CAMPUS**

Section 1 Students of the FSU Panama City Branch Campus shall have all the rights, privileges, protection, and duties accorded to the students of the Florida State University as defined in the Constitution.

Section 2 The Florida State University Student Senate shall be empowered to adopt, alter or amend statutes of the FSU student body in order that the members of the Branch Campus be afforded the full and appropriate benefits of FSU Student Body membership.

ARTICLE IX CONGRESS OF GRADUATE STUDENTS

History: Revised by Constitutional Amendment 7, 56th Student Senate. Revised by Constitutional Amendment 2, 58th Student Senate.

Section 1 There shall be a graduate student organization as part of the Student Government Association (SGA) known as the Congress of Graduate Students (COGS). COGS shall represent certain graduate, special, master, specialist, professional, doctoral and post-baccalaureate students. COGS as well as its Administrative Code shall be subject to all of the provisions of the Student Body Constitution and Statutes.

Section 2 Graduate students shall receive thirty percent (30%) of Activities and Services (A&S) Fees paid by students classified by the Registrar as five (5), seven (7) or eight (8). COGS fees shall be allocated to COGS by SGA at the start of the annual budget process and shall be administered by the elected representatives in the Congress of Graduate Students. COGS financial administration shall be consistent with and subject to the Student Body Constitution, SGA Statutes and SGA Finance Code Statutes.

Section 3 COGS shall have an elected group of representatives, who shall govern it. Rules controlling COGS' elections and appointments in the event of a vacancy shall be set down in the COGS Administrative Code, and by the Student Body Constitution and Statutes.

Section 4 COGS shall have the authority to make its own internal Administrative Code, rules, and procedures that shall be set down in the COGS Administrative Code. COGS shall control its funds provided to it in section two (2) of this article, and establish its own rules for its expenditures, subject to applicable Federal, State, Local, University and Student Body Statutes laws.

