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CONSTITUTION OF STUDENT GOVERNMENT

NOTE: BY LAW THE BOARD OF TRUSTEES IS THE GOVERNING BOARD OF THE UNIVERSITY AND THIS CONSTITUTION IN NO WAY ABROGATES OR LIMITS THE AUTHORITY OF THE BOARD IN MATTERS OF GOVERNANCE.

Preamble

We, the students of the University of South Carolina, in order to conduct student affairs in an efficient, orderly, and systematic manner, do define clearly the powers and responsibilities of the students: to secure for ourselves training and experience in self-government and to provide an organizational framework through which our efforts for a better university may be directed. We do hereby ordain and establish this Constitution for the Student Government of the University of South Carolina.

ARTICLE I THE ESTABLISHMENT OF STUDENT GOVERNMENT

Section 1 NAME

The name of this body shall be the Student Government of the University of South Carolina, hereafter referred to as the Student Government.

Section 2 JURISDICTION

All students, by virtue of their registration at the Columbia campus of the University of South Carolina, shall be members of the student body and shall be subject to this Constitution, its Constitutional Codes, and the Student Government Statutes.

Section 3 FRANCHISE

All students registered at the Columbia campus shall be entitled to vote in special and general elections of Student Government.

ARTICLE II EXECUTIVE POWERS

Section 1 EXECUTIVE OFFICERS

All executive powers of the Student Government shall be vested in a student body president, student body vice president, speaker of the Student Senate, and student body treasurer who shall be elected in a manner provided for by the Constitutional Codes of Student Government.

Section 2 QUALIFICATIONS

- A. No student shall be eligible to hold the office of student body president who has not obtained at least sixty (60) credit hours and at least thirty (30) credit hours at the Columbia campus of the University of South Carolina.
- B. No student shall be eligible to hold the office of student body vice president who has not obtained at least forty-five (45) credit hours and at least thirty (30) credit hours at the Columbia campus of the University of South Carolina.
- C. No student shall be eligible to hold the office of speaker of the Student Senate who has not obtained at least forty-five (45) credit hours and at least thirty (30) credit hours at the Columbia campus of the University of South Carolina.
- D. No student shall be eligible to hold the office of treasurer who has not obtained at least thirty (30) credit hours and at least fifteen (15) credit hours at the Columbia campus of the University of South Carolina.
- E. No student shall be eligible to hold any executive office who is not considered a full-time student or does not maintain the cumulative GPA requirement for graduation and remain in good standing in their respective school or college.
- F. No student while holding executive office shall hold any other office under the authority of the Student Government.

Section 3 ELECTION

- A. The executive officers shall be elected annually by the qualified voters of the student body through separate contests. In the general election of the executive officers, the person having the highest number of votes for each office shall be elected, so long as he or she receives a majority of the votes cast, with the majority being defined as fifty (50) percent plus one.
- B. In the event that no person receives a majority of the votes cast for either office during the general election, a run-off election shall be held within fourteen (14) days after the

general election. This run-off election shall include the two persons who received the greatest number of votes cast for the office during the general election. In the run-off election, the person having the highest number of votes cast for the office shall be elected.

C. The dates and times of elections shall be determined by the Student Government Codes.

Section 4 TERMS OF OFFICE

The terms of office of the executive officers shall be one year, beginning upon the inauguration of the executive officers and ending upon the inauguration of the executive officers elected the following year. The date and time of inauguration shall be determined in the Student Government Codes.

Section 5 OATH OF OFFICE

Those elected executive officers, before they enter upon the duties of their respective offices, shall take and subscribe to the following oath: "I, name, do solemnly pledge to faithfully execute the office of position name, to abide by the Student Government Constitution and Codes, to uphold the Carolinian Creed, and to represent my constituents to the best of my ability."

Section 6 SUCCESSION

- A. If, in the event that the student body president is no longer able to assume the duties and powers of his or her office due to injury, removal, resignation, or other cause, the student body vice president shall assume the office of the student body president.
- B. If, in the event that the student body vice president is no longer able to assume the duties and powers of his or her office due to injury, removal, resignation, elevation to higher office, or other cause, the speaker of the Student Senate shall assume the office of the student body vice president.
- C. If, in the event that the speaker of the Student Senate is no longer able to assume the duties and powers of his or her office due to injury, removal, resignation, elevation to higher office, or other cause, the speaker pro tempore of the Student Senate shall assume the office of the speaker of the Student Senate.
- D. If, in the event that the speaker pro tempore of the Student Senate is no longer able to assume the duties and powers of his or her office due to injury, removal, resignation, elevation to higher office, or other cause, the Student Senate shall elect, from amongst its members, a new speaker pro tempore of the Student Senate.

Section 7 DUTIES AND POWERS OF THE PRESIDENT

- A. The duties and powers of the student body president shall include, but are not limited to:
1. Upholding the Student Government Constitution, the Student Government Codes, and all regulations, procedures, and actions enacted through student body legislation;
 2. Acting as the official representative of Student Government and as an official representative of the University of South Carolina upon request of the president of the university;
 3. Upon invitation by the speaker of the Student Senate, addressing the Student Senate annually to report upon the state of the student body, in addition to other regular reports by the student body president to the Student Senate;
 4. Nominating members of the Executive Cabinet, who shall be appointed with the approval of a majority of those present and voting members in the Student Senate;
 5. Seeing to the general administration and organization of the Executive Cabinet on a day-to-day basis;
 6. Nominating, when vacancies arise, justices of the Constitutional Council for appointment by a two-thirds (2/3) vote of the Student Senate;
 7. Nominating or appointing other such officials that he or she deems necessary for the expeditious conduct of Student Government business, subject to the restrictions and requirements of the Student Government Codes;
 8. Having the power to sign into act, with the consent of the president of the university following, bills passed by the Student Senate; and the power to veto such bills in their entirety. A veto of a bill by the student body president may be overridden by a two-thirds (2/3) vote of the Student Senate. If no action is taken or the student body president's term of office expires within ten (10) calendar days from the passage of the bill, then the bill shall be considered signed into act;
 9. Having the power to call special sessions of the Student Senate, provided that a quorum can be met;
 10. Having the power to make informal recommendations for the legislation to the Student Senate;

11. With the assistance of the treasurer, providing for the preparation and presentation of the Student Government budget;

12. And receiving a stipend, as provided for the Student Government Codes, which shall not be increased or diminished during his or her term of office;

B. The student body president may be granted additional duties and powers in the Student Government Codes.

Section 8 STUDENT BODY VICE PRESIDENT

A. The duties and powers of the student body vice president shall include, but are not limited to:

1. Upholding the Student Government Constitution, the Student Government Codes, and all regulations, procedures, and actions enacted through student body legislation;

2. Nominating the directors of Student Government programs, who shall be appointed with the approval of a majority of those present and voting in the Student Senate;

3. Seeing to the general administration and organization of Student Government programs on a day to day basis;

4. Nominating or appointing other such officials that he or she deems necessary for the expeditious conduct of Student Government business, subject to the restrictions and requirements of the Student Government Codes;

5. Having the power to make informal recommendations for legislation to the Student Senate;

6. Upon invitation by the speaker of the Student Senate, addressing the Student Senate annually to report upon the state of the Student Government programs, in addition to other regular reports by the student body vice president to the Student Senate;

7. And receiving a stipend not to exceed that of the student body president, which shall not be increased or diminished during his or her term of office.

B. The student body vice president may be granted additional duties and powers in the Student Government Codes.

Section 9 SPEAKER OF THE STUDENT SENATE

A. The duties of the speaker of the Student Senate shall include, but are not limited to:

1. Upholding the Student Government Constitution, the Student Government Codes, and all regulations, procedures, and actions enacted through student body legislation;
 2. Serving as the presiding officer of the Student Senate;
 3. Nominating chairpersons of Student Senate committees for confirmation by a majority vote of those present and voting in the Student Senate;
 4. Appointing members of Student Senate committees at the onset of his or her term;
 5. Nominating or appointing of other officials that he or she deems necessary for the expeditious conduct of Student Government business, subject to the restrictions and requirements of the Student Government Codes;
 6. Seeing the day-to-day administration and organization of the Student Senate;
 7. Serving as the ex-officio member of the Student Senate Rules Committee;
 8. Overseeing the creation, consideration, and passage of student body legislation, while voting only in the case of a tie;
 9. Ratifying, with no power of veto, all resolutions and recommendations passed by the Student Senate;
 10. Communication all student legislation passed by the Student Senate to the student body president, the president of the university, and all required parties;
 11. Having the power to make recommendations to fill vacant Student Senate seats;
 12. Having the power to call special sessions of the Student Senate, provided that a quorum can be met;
 13. And receiving a stipend, not to exceed that of the student body president, which shall not be increased or diminished during his or her term of office.
- B. The speaker of Student Senate may be granted additional duties and powers in the Student Government Codes.

Section 10 STUDENT BODY TREASURER

- A. The duties and powers of the student body treasurer shall include, but are not limited to:
1. Having access to all financial records of any student organization or body which receives monies from student activities fees, and be empowered to enforce university and Student Government regulations pertaining to these funds and to enforce any agreements between the organization(s) and the Senate Finance Committee;
 2. Serving as a non-voting member on the Senate Finance Committee;
 3. Recording all receipts, expenditures, and appropriations of monies from Student Government. These records shall be made public and subject to audit as the Student Senate may provide;
 4. With the assistance of the student body president, being responsible for the preparation and presentation of the Student Government budget;
 5. Participate in the planning and coordinating an informational workshop for student organizations as established in the Constitutional Codes;
 6. And receiving a stipend, not to exceed that of the student body president, which shall not be increased or diminished during his or her term of office;
- B. The student body treasurer may be granted additional duties and powers in the Student Government Codes.

Section 11 ATTORNEY GENERAL

- A. The Attorney General shall:
1. Be appointed by the President of Student Government and assume duties upon concurrence of a majority of the Student Senate.
 2. When solicited, provide opinions on questions of constitutionality.
 3. In the event that impeachment proceedings are brought against the chief justice, serve as a member of the Court of Impeachment.
 4. Certify all Student Government elections pursuant to the Student Government Codes.

5. In the event of a constitutional challenge, represent Student Government before the Constitutional Council.

ARTICLE III THE LEGISLATURE

Section 1 LEGISLATIVE POWERS

The legislative powers of Student Government shall be vested in a Student Senate, and its acts shall have binding effect on all Student Government bodies and applicable student organizations. Further, organizations that receive funds from Student Government allocations shall be subject to Senate Finance Committee guidelines.

Section 2 COMPOSITION

The Student Senate shall be composed of fifty (50) members elected for the colleges and schools of the university.

Section 3 REPRESENTATION

- A. Student senators shall be apportioned among the several colleges and schools of the university according to the number of students contained in each, as based upon university figures, with each college and school not being apportioned less than one student senator.
- B. Until the apportionment, which shall next be made according to this Constitution, the representation of the several colleges and school of the university as they now exist shall be determined in the Student Government Codes.

Section 4 REAPPORTIONMENT

Reapportionment of student senators shall occur once during each session of the Student Senate through amendment of the Student Government Codes. This reapportionment shall be based upon the most current university figures available and shall be applicable to the election that shall occur during the following session of the Student Senate. In the event that other schools and colleges are hereafter established, the Student Senate shall reapportion the student senators between the schools and colleges accordingly.

Section 5 QUALIFICATIONS

No student shall be eligible to hold the office of student senator who is not considered a full-time student or does not maintain the cumulative GPA requirement for graduation and/or to remain in good standing in their representative school or college.

Section 6 ELECTION

- A. Student senators shall be elected annually by the qualified voters of the school or college in which they are enrolled. In the general election of student senators, one election shall be held for each school or college that has been apportioned student senators. For each school or college, those earning the highest number of votes shall be elected, the number of whom shall not be more than the number of student senators apportioned to the school or college.
- B. In the event that there is a tie in the number of votes received by two or more persons seeking the office of student senator for a particular school or college so as it cannot be determined who shall be elected and who shall not, a run-off election shall be held within fourteen (14) days after the general election that shall include the affected persons. In the run-off election, the person or persons receiving the highest number of votes cast for the office shall be elected until the number of disputed seats within the particular school or college are filled.
- C. The dates and times of elections shall be determined in the Student Government Codes.

Section 7 DUTIES AND POWERS OF THE STUDENT SENATE

- A. The term of office of student senators shall be one year, beginning upon the inauguration of student senators and ending upon the inauguration of the student senators elected the following year.
- B. The date and time of inauguration shall be determined in the Student Government Codes.

Section 8 OATH OF OFFICE

Those elected student senators, before they enter upon the duties of their respective offices, shall take and subscribe to the following oath: "I, name, do solemnly pledge to faithfully execute the office of student senator, to abide by the Student Government Constitution and Codes, to uphold the Carolinian Creed, and to represent my constituents to the best of my ability."

Section 9 SESSIONS

Sessions of the Student Senate shall last from the inauguration of student senators until eight o'clock on the Wednesday two (2) weeks prior to the inauguration of the student senators elected during the following year. There shall be established in the Student Government Codes a regular meeting time of the Student Senate that shall not apply during academic breaks or weeks during which final exams occur. Special meetings of the Student Senate may occur upon the call of the student body president, upon the call of the speaker of the Student Senate, or by decision of the Student Senate itself.

Section 10 VACANCIES

Vacancies in the Student Senate shall be filled pursuant to a process that shall be established in the Student Government Codes, so long as it requires the approval of any new student senator by a majority of those present and voting Student Senate.

Section 11 STUDENT SENATORS

A. The duties and powers of student senators shall include but are not limited to:

1. Regularly attending meetings of the Student Senate;
2. Regularly attending meetings of Student Senate committees of which they are members;
3. Regularly attending meetings of Student Senate delegation of which they are members;
4. Having the power to vote on any and all student body legislation and make motions during meetings of the Student Senate;
5. And making an effort in good faith to assess the needs and will of their constituents by attending meetings of student organizations whose purposes and interests align with that of the school or college which they have been elected to represent.

B. Student senators may be granted additional duties in the Student Government Codes or the Student Senate Rules of Procedure.

Section 12 SPEAKER PRO TEMPORE

A. Upon the first meeting of each annual term, the Student Senate shall elect, from amongst its members, a speaker pro tempore of the Student Senate. The duties of the speaker pro tempore shall include:

1. Presiding over the Student Senate in the absence of the speaker of the Student Senate, while retaining full voting rights;
2. Serving as the chair of the Student Senate Rules Committee;
3. Serving as the chair of the Delegation Steering Committee;
4. And serving as the informal liaison to the speaker of the Student Senate in order to communicate the feelings, sentiments, and concerns of the Student Senate and its individual student senators in relation to the administration of the body.

Section 13 BILLS

- A. The Student Senate shall have the power to enact Bills to amend the Student Government Codes or call for a referendum on either a particular issue or an amendment to this Constitution.
- B. No bill shall be enacted until it has been read two times on two separate days in the Student Senate or passed by acclamation after its first reading, approved by a majority of those present and voting in the Student Senate, signed by the student body president, and signed by the president of the university, or until the Student Senate votes to override the veto of the bill by the student body president and that bill is then signed by the president of the university.
- C. The style of all the bills shall be: “Be it enacted by the Student Senate of the University of South Carolina.”
- D. A bill calling for a referendum on either a particular issue or an amendment to this Constitution shall require a two-thirds ($2/3$) vote of the Student Senate.

Section 14 RESOLUTIONS

- A. The Student Senate shall have the power to make resolutions to express the opinion of the Student Senate on a particular issue; commemorate some achievement, occurrence, or other cause; or to declare the undertaking or completion of a project or initiative by the Student Senate.
- B. No resolution shall be adopted until it has been read two times during two separate sessions of the Student Senate, or read one time and adopted by acclamation, and approved by a majority of those present and voting in the Student Senate. Resolutions shall not require the signature of the student body president or the president of the university, but shall be ratified by the signature of the speaker of the Student Senate, who shall exercise no power of veto.
- C. The style of all resolutions shall be: “Be it resolved by the Student Senate of the University of South Carolina.”

Section 15 RECOMMENDATIONS

- A. The Student Senate shall have the power to make recommendations to express the desire of the Student Senate directly or indirectly to an individual or separate body.
- B. No recommendation shall be adopted until it has been read two times in two separate sessions in the Student Senate, or read one time and adopted by acclamation, and approved by a majority of those present and voting in the Student Senate. Recommendations shall not require the signature of the student body president or the president of the university, but shall

be ratified by the signature of the speaker of the Student Senate, who shall exercise no power of veto.

- C. The style of all recommendations shall be: "Be it recommended by the Student Senate of the University of South Carolina."

Section 16 JOURNAL

The Student Senate shall keep a journal of its own proceedings, which shall be published in a timely manner following each meeting. All votes of the Student Senate shall be entered in the journal, as well as motions and other proceedings.

Section 17 DOORS OPEN

The doors of the Student Senate chambers shall remain open to members of the public while the body is in session, except on such occasions when the Student Senate must enter into executive session, the requirements for which shall be established in the Student Government Codes.

Section 18 RULES OF PROCEDURE

- A. At the beginning of the first meeting of the Student Senate during each yearly session, the Student Senate shall adopt, by a majority vote of the Student Senate, the Student Senate Rules of Procedure, which shall define the rules under which the Student Senate shall operate.
- B. The Student Senate Rules of Procedure may be amended by a two-thirds (2/3) vote of the Student Senate.
- C. The Student Senate Rules of Procedure may clarify or add to the duties of student senators, but may not add to the powers of student senators or amend the provisions of the Constitution.

ARTICLE IV. THE JUDICIARY

Section 1 STUDENT DISCIPLINE SYSTEM

The student discipline system is administered by the Division of Student Affairs. Student Government, as an elected and representative voice of the Student Body, has the right to comment on any proposed change in policy pertaining to the discipline of students. The discipline system is not a part of Student Government and interacts with Student Government only to the extent authorized by the Board of Trustees and as stated in this Constitution.

Section 2 CAROLINA JUDICIAL COUNCIL

Carolina Judicial Council operates under the Office of Student Conduct and does not interact with Student Government in matters of student discipline.

Section 3 JUDICIAL AUTHORITY

The judicial authority of Student Government shall be vested in a Constitutional Council. The authority to review and rule on Student Government constitutional challenges, organizational challenges, and appeals of decisions of the Elections Commission shall be vested in the Constitutional Council.

Section 4 COMPOSITION

The Constitutional Council shall consist of five members, including one chief justice and four associate justices.

Section 5 QUALIFICATIONS

No student shall be eligible to hold the office of Constitutional Council justice who is not in good standing with his or her respective school or college.

Section 6 TERMS OF OFFICE

The terms of office of Constitutional Council justices shall begin upon their appointment by approval of the Student Senate and shall end upon their graduation from the university.

Section 7 OATH OF OFFICE

Those appointed Constitutional Council justices, before they enter upon the duties of their respective offices, shall take and subscribe to the following oath: "I, name, do solemnly pledge to faithfully execute the office of position name, to abide by the Student Government Constitution and Codes, to uphold the Carolinian Creed, and to represent my constituents to the best of my ability."

Section 8 VACANCIES

Upon the vacancy of the Constitutional Council chief justice seat, the student body president shall nominate, in hopes of appointment, a replacement. Upon the vacancy of a Constitutional Council associate justice seat, the student body president shall do the same. Such appointments shall require approval by a two-thirds (2/3) vote of the Student Senate. No associate may succeed to the office of chief justice without being nominated and appointed.

Section 9 CHIEF JUSTICE

A. There shall be a chief justice of the Constitutional Council, whose duties shall include, but are not limited to:

1. Serving as the custodian of the Student Government Constitution Codes, and passed student body legislation, and applying all passed student body legislation and constitutional amendments to the Constitution and Student Government Codes, respectively;
 2. Preside over the Constitutional Council hearings of constitutional challenges, organizational challenges, and appeals of decisions by the Elections Commission;
 3. Maintaining all necessary communication in relation to filing of, hearing of, and decisions regarding constitutional challenges, organizational challenges, and appeals of decision by the Elections Commission;
 4. Administering the oath of office to all elected and, as required, appointed Student Government officials;
 5. And, when necessary, serving as the chair of the Court of Impeachment.
- B. Constitutional Council justices may be granted additional duties in the Student Government Codes.

Section 10 ASSOCIATE JUSTICES

- A. There shall be four (4) associate justices of the Constitution Council, whose duties shall include but are not limited to:
1. Participating in Constitutional Council hearings of constitutional challenges, organizational challenges, and appeals of decisions by the Elections Commission;
 2. And, when the chief justice of the Constitutional Council is unable to, administering the oath of office to all elected and, as required, appointed Student Government officials.
- B. Constitutional Council justices may be granted additional duties in the Student Government Codes.

Section 11 CONSTITUTIONAL CHALLENGES

- A. A constitutional challenge may be filed to address instances in which an individual feels as though the constitutional rights granted by the Student Government Constitution to that individual or to a group to which he or she belongs have been violated, such as:
1. A current Student Government Code;
 2. Pending student body legislation that has been signed by the student body president, but not yet signed by the president of the university;

3. And other actions by Student Government bodies as determined in the Student Government Codes.

- B. Any student registered at the Columbia campus of the University of South Carolina may file a constitutional challenge.

Section 12 ORGANIZATIONAL CHALLENGES

- A. An organizational challenge may be filed to address instances in which an individual or group of students feel as though the rights granted by the constitution or by-laws of registered student organization to that individual or group have been violated.
- B. Any student or group of students registered at the Columbia campus of the University of South Carolina may file a constitutional challenge.

Section 13 CHALLENGE PROCESS

- A. Upon the filing of a constitutional challenge, the Constitutional Council shall determine, in a timely manner, if the individual or group filing the challenge has standing.
- B. If the Constitutional Council does determine that the individual had standing, a hearing in response to the constitutional challenge shall be held in a timely manner.
- C. During a hearing of a constitutional challenge, both Student Government and the individual issuing the challenge shall have the right to state their cases before the Constitutional Council. During a hearing of an organization challenge, both the student organization or student-led group against which the challenge was filed and the individual or group issuing the challenge shall have the right to state their cases before the Constitutional Council.
- D. Following a hearing of a challenge, the Constitutional Council shall, in a timely manner, either issue a ruling on or dismiss the challenge by a majority vote of all members of the Constitutional Council. Rulings may be in favor of the challenger or the body against which the challenge was filed. Damages may not exceed the overturning of Student Government Code or pending student body legislation, or the suspension of an action by a Student Government body, student organization, or student-led group.
- E. Further aspects of the challenge process, including a more detailed timeline of proceedings, shall be determined in the Student Government Codes.

Section 14 APPEALS

Any ruling of the Constitutional Council may be appealed to the Department of Student Life.

ARTICLE V. IMPEACHMENT

Section 1 ELIGIBILITY

All members of Student Government, appointed or elected, irrespective of his or her position or branch of service, are eligible for impeachment.

Section 2 POWER OF IMPEACHMENT

- A. Articles of Impeachment may be brought by any elected member of Student Government.
- B. The power of impeachment shall rest with the Court of Impeachment, which shall be chaired by the chief justice of the Constitutional Council and consist of members to be determined in the Student Government Codes.
- C. Following the issuance of Articles of Impeachment, the Court of Impeachment may issue charges of impeachment by a two-thirds (2/3) vote. Charges of impeachment may be issued for reasons to be determined in the Student Government Codes.

Section 3 TRIAL OF IMPEACHMENT

Following charges of impeachment, a trial of impeachment shall be held in a timely manner. Conviction of the impeached party shall require a two-thirds (2/3) majority vote of the Student Senate.

Section 4 REQUIREMENTS AND EXCEPTIONS

Further requirements and exceptions to the impeachment process shall be determined in the Student Government Codes.

ARTICLE VI. AMENDMENTS

Section 1 PROPOSAL

Amendments to this Constitution may be proposed by a two-thirds (2/3) vote of the Student Senate through the passage of a bill, or by petition of seven (7) percent of the student body.

Section 2 RATIFICATION

Amendments to this Constitution shall be ratified through a referendum, held separate from or coinciding with the annual student body elections. Amendments shall be approved by a majority vote of members of the student body voting in a referendum.