



## CONSTITUTION

### Student Association at the State University of New York at Albany Inc.

Version Ratified March 7<sup>th</sup>, 2012

#### **PREAMBLE**

*We the students of the University at Albany, State University of New York, do hereby establish the Student Association in order to provide and foster opportunities beyond those offered in the formal curriculum. The Student Association of the University at Albany, State University of New York, shall be representative of, and responsible to, all student activity fee paying students.*

#### **ARTICLE I – MEMBERSHIP**

##### **Section 1 – General**

###### *Subsection 1*

Regular membership in the Student Association shall be granted to an individual, who is an undergraduate student at the University at Albany, State University of New York, as defined by the University Registrar, and has paid the student activity fee. A regular member of the Student Association is entitled the opportunity to join and participate in all Student Association activities and vote in all Student Association elections.

###### *Subsection 2*

Associated membership in the Student Association shall be granted to a registered student, as defined by the University Registrar, who has paid the student activity fee, but does not have to be an undergraduate student. An associated member is not entitled to vote in any Student Association election or hold any Student Association office, but is entitled the opportunity to join and participate in all other Student Association activities.

###### *Subsection 3*

All Student Association members seeking office in the Student Association shall be in good academic and judicial standing, as defined by the University at Albany, State University of New York.

#### **ARTICLE II – STUDENT ASSOCIATION SENATE**

##### **Section 1 – General**

The legislative powers granted herein shall be vested in a governing body known as the Student Association Senate.

## **Section 2 – Composition**

### *Subsection 1*

Student Association Senate membership shall be derived from individuals who maintain regular membership in the Student Association.

### *Subsection 2*

The basis of representation to the Student Association Senate shall be living areas, academic divisions, and the university's undergraduate population.

### *Subsection 3*

The voting members of the Student Association Senate representing living areas will be distributed at the rate of 2 representatives per on-campus housing quad or complex. If a new living area is constructed or created, the new living area will be granted 2 representatives. If a living area is vacated, the representatives will be vacated as well. The voting members of the Student Association Senate representing living areas will be distributed at a rate of 8 representatives to represent all students living off-campus. Each Senator must remain at his or her respective living area for the election and duration of his or her term.

### *Subsection 4*

The voting members of the Student Association Senate representing academic divisions will be distributed at the rate of 2 representatives for each academic division. These divisions will be the Applied and Natural Science Division, the Business and Management Division, the Humanities Division, the Law and Government Division, and the Social Science Division. Each academic division Senator must have a major declared within the division he or she represents as his or her primary major at the time of election, and maintain a major within the division he or she was elected to as his or her primary major for the duration of his or her term. No student who is undeclared or undecided is eligible to run for any academic division seat.

### *Subsection 5*

The voting members of the Student Association Senate representing the University's undergraduate population will be distributed at a number of 1 Senator-At-large per every one-thousand undergraduate students. If the remaining number of students (after the nearest one-thousand) is greater than or equal to five hundred, there will be an additional Senator-At-Large seat. Every year that is a multiple of five the Student Association Senate Chairperson shall review the ratio of representatives by living area and take appropriate action.

### *Subsection 6*

Term of office shall run for one year. Living area representatives shall be elected in the fall; at-large and academic division representatives shall be elected in the spring.

## **Section 3 – Duties and Powers**

### *Subsection 1*

The Student Association Senate shall be empowered to make all by-laws necessary for the operation of the Student Association. The Student Association Senate shall be empowered to enact legislation subject to consent of the President. Any bill not acted upon by the President within six days of its passage will become law. If the President vetoes the legislation then the Student Association Senate shall have the power to override the veto by a two-thirds approval. Any Student Association Senate rule cannot be vetoed.

*Subsection 2*

The Student Association Senate shall have the power to reject any policies, procedures, and actions, which are not explicitly granted within the Student Association Constitution by two-thirds vote of those Student Association Senate members present and voting.

*Subsection 3*

The Student Association Senate shall oversee proper and just Student Association elections, regardless of position or Student Association branch. This shall come in a form of a subsidiary body, of which no member of this subsidiary body can be a member of the Student Association Senate, or, the Supreme Court of the Student Association. The subsidiary body shall contain quasi-judicial power over elections.

*Subsection 4*

The Student Association Senate may expel its own members on the basis of neglect of duty or unethical behavior by a two-thirds vote of the Student Association Senate.

**Section 4 – Elected Officers**

*Subsection 1*

The Student Association Senate shall elect from its voting membership, by a two-thirds vote, a Chairperson and a Vice-Chairperson, who shall serve as the body's officers.

*Subsection 2*

The election of the Student Association Senate Chairperson for the next academic year shall be the last act of the Student Association Senate during an academic year.

*Subsection 3*

The election of the Student Association Senate Vice-Chairperson shall be at the meeting after the first administration of the Oath of Office to the Student Association Senate during an academic year.

**Section 5 – Duties of Elected Officers**

*Subsection 1*

The Student Association Senate Chairperson shall preside at all meetings of the Student Association Senate, have the power to call special meetings of the Student Association Senate, and must notify the President of all actions taken by the Student Association Senate.

*Subsection 2*

The Student Association Senate Chairperson shall have the power to organize the Student Association Senate into separate committees. The Student Association Senate Chairperson shall have the power to appoint Chairpersons and ranking members of all Student Association Senate committees with two-thirds approval of the Student Association Senate.

*Subsection 3*

The Vice-Chairperson, in the absence of the Chairperson or at his/her request, shall assume any and all duties and responsibilities of the Chairperson.

*Subsection 4*

It shall be the duty of the Vice-Chairperson to coordinate the efforts of the Student Association Senate regarding the administrative operations of the Student Association.

## **Section 6 – Impeachment**

A Student Association Senator may be subject to impeachment due to neglect of duty, abuse of power, or violation of signed documentation on his or her behalf that is relevant to his or her position. Impeachment proceedings may commence through a two-thirds vote of the Student Association Senate by submitting an impeachment request to the Chairperson of the Student Association Senate. Impeachment proceedings may also commence through a recall initiated via constituents. All impeachment proceedings of Student Association Senators will be conducted by the Supreme Court of the Student Association.

## **Section 7 – Vacation of Office**

### *Subsection 1*

An office is considered vacated when a person resigns, no longer lives in the same area which he/she was elected to represent, no longer majors in a major of an academic division they represent, ceases to be a student, or is impeached from office.

### *Subsection 2*

If for any reason an office of the Student Association Senate is vacated prior to expiration of term, replacement shall be made as if the seat had never been filled.

# **ARTICLE III – EXECUTIVE BRANCH**

## **Section 1 – General**

The executive power shall be the sole responsibility of the President of the Student Association unless expressly given by this Constitution to another office. The President shall act as the spokesperson for the Student Association and be an advocate for student issues

## **Section 2 – Composition**

### *Subsection 1*

Elected from the membership of the Student Association shall be a President and a Vice-President. A Presidential and Vice-Presidential candidate must run on a single ticket. Tickets will be subject to run-off voting, where the top two tickets shall run against each other, in the case that a ticket does not receive a majority of the votes cast. A majority shall be defined as 50% +1 of the ballots cast. The elections of President and Vice-President shall be held during the spring elections.

### *Subsection 2*

Both the President and the Vice-President shall be ex-officio, non-voting members of the Student Association Senate. The terms of office shall be one year, commencing three academic weeks prior to the end of the academic year. The end of the academic year shall be defined as the last day of finals.

### *Subsection 3*

All individuals who receive a stipend, with the exception of those in the Office of the Comptroller, shall be appointed by the President and confirmed by a two-thirds vote of the Student Association Senate. These individuals receiving a stipend, known as directors, shall be officers of the Executive Branch. All directors must make a report to the Student Association Senate at least once every of Student Association Senate meeting, while it is in session, to inform the Legislative Branch of the activities of his or her respective office.

### **Section 3 – Duties and Powers of the President**

#### *Subsection 1*

The President is hereby empowered to carry out this Constitution and shall expedite all measures resolved by the Student Association Senate.

#### *Subsection 2*

The President shall have the power to call the Student Association Senate into special session.

#### *Subsection 3*

The President must report weekly to the Student Association Senate while it is in session. If the President cannot attend, he or she must send a representative to the Student Association Senate to deliver his or her report.

#### *Subsection 4*

At the beginning of his or her term, the President shall have the power to recommend the organization of the executive branch to the Student Association Senate. This shall go into effect upon a two-thirds vote of approval by the Student Association Senate.

#### *Subsection 5*

The President shall have the power to grant organizational recognition in accordance with the procedures established by the Student Association Senate and shall report the status of such request to the body.

#### *Subsection 6*

The President shall nominate members to the Supreme Court, including a Chief Justice, when there are vacancies. These nominations shall be subject to a two-thirds approval of Student Association Senate.

#### *Subsection 7*

The President must make two public speeches during the academic year specifically to the entire student body. The first must be at the beginning of the fall semester outlining the direction and goals of his or her office. The second must be at the end of his or her term, to highlight his or her achievements and accomplishments, in addition to reporting unresolved issues and problems.

#### *Subsection 8*

The President shall have the power to act for the Student Association in an emergency with the approval of the Chairperson of the Student Association Senate, the Vice-President of the Student Association, and the Comptroller of the Student Association. An emergency is defined as any occurrence that arises that cannot be postponed until the next regular Student Association Senate meeting.

### **Section 4 – Duties and Powers of the Vice President**

#### *Subsection 1*

The Vice-President shall serve as the chief administrative officer of the Student Association. The Vice-President shall work in conjunction with the President on all concerns.

#### *Subsection 2*

The Vice-President must report weekly to the Student Association Senate while it is in session. If the Vice-President cannot attend, he or she must send a representative to the Student Association Senate to deliver his or her report.

## **Section 5 – Director of Legal Services and Student Association Attorney**

### *Subsection 1*

The Director of Legal Services shall provide legal counsel to any student litigant.

### *Subsection 2*

The Student Association Attorney shall represent the Student Association in all legal cases.

### *Subsection 3*

The President has thirty days while classes are in session to present a nominee the position(s) of Director of Legal Services or Student Association Attorney to the Student Association Senate, should there be a vacancy. A two-thirds vote is necessary to confirm the nominee. After the thirty day period expires, the Student Association Senate shall be empowered to fill the vacancy.

### *Subsection 4*

The Director of Legal Services and the Student Association Attorney shall serve at the will of the President and will serve an indefinite term that will be at the discretion of the President.

## **Section 6 – Impeachment**

Anyone who serves under the executive branch may be subject to impeachment due to neglect of duty, abuse of power, or violation of signed documentation on his or her behalf that is relevant to his or her position. Impeachment proceedings may commence through a two-thirds vote of the Student Association Senate by submitting an impeachment request to the Chairperson of the Student Association Senate. Impeachment proceedings may also commence through a recall initiated via constituents. All impeachment proceedings of anyone who serves under the executive branch will be conducted by the Supreme Court of the Student Association.

## **Section 7 – Vacancy of Office and Rules for Succession**

### *Subsection 1*

In case of a vacancy of the office of President, the Vice-President shall assume all duties and responsibilities of that office.

### *Subsection 2*

In case of a vacancy of the office of Vice-President, the President shall appoint an interim Vice-President with a two-thirds approval of the Student Association Senate, until another election for Vice-President can be held.

### *Subsection 3*

In the case of a vacancy of the offices of both the President and the Vice-President simultaneously, the Comptroller of the Student Association shall assume all duties and responsibilities of President, until another election for both President and Vice-President can be held.

### *Subsection 4*

In the case of a vacancy of the offices of the President, the Vice-President, and the Comptroller simultaneously, the Student Association Senate Chairperson shall assume all duties and responsibilities of President, until another election for both President and Vice-President can be held.

## **ARTICLE IV – BOARD OF FINANCE**

### **Section 1 – General**

The Board of Finance of the Student Association is established to monitor and ensure the fiscal responsibility and integrity of the Student Association.

### **Section 2 – Composition of the Board of Finance**

#### *Subsection 1*

The Board of Finance shall be composed of seven members. All appointees to the Board of Finance must be confirmed by a two-thirds vote of the Student Association Senate, with the exception of the Chairperson of the Student Association Senate committee which handles supplemental funding.

#### *Subsection 2*

The Student Association Senate Chairperson shall appoint four Student Association Senate members to the board of finance. These members must be Student Association Senate members at the time of their appointment. Two of these appointments must be members of the Student Association committee which handles supplemental funding, and one of the two appointments must be the Chairperson of said committee.

#### *Subsection 3*

The President of the Student Association shall appoint three Student Association members to the Board of Finance.

### **Section 3 – Terms of Office**

One member appointed by the Student Association Senate Chairperson shall serve a term of two years. The remaining appointees, appointed by of the Student Association Senate Chairperson shall serve a term of one year. One of the appointments of the President of the Student Association shall serve a term of two years. The remaining appointments of the President of the Student Association shall serve a term of one year. Appointments for the Board of Finance must be made in conjunction of the Student Association Senate Chairperson's committee structure proposal, and the term will commence once the Student Association Senate approves the member. The term shall be deemed complete at the end of the fiscal year of which their appointment ends, unless the Comptroller's office has not been filled.

### **Section 4 – Duties and Powers of the Board of Finance**

#### *Subsection 1*

The Board of Finance shall review applicants and select a nominee to serve as Comptroller. The nominee shall become Comptroller if approved by the two-thirds vote of the Student Association Senate.

#### *Subsection 2*

The Board of Finance shall be empowered to inquire and investigate any and all transactions made by the Office of the Comptroller of the Student Association. The Board of Finance shall oversee the Student Association budget, and ensure that it is followed.

#### *Subsection 3*

The Board of Finance may, by a two-thirds vote, remove the Comptroller from office for reasons of neglect of duty or abuse of office. A two-thirds vote of the Student Association Senate must confirm the removal in order for it to be carried out.

*Subsection 4*

The Board of Finance shall compose a budget proposal for the next fiscal year. Said budget shall adhere to all policies set forth by the SUNY Board of Trustees governing the use and administration of student activity fee money.

*Subsection 5*

That Board of Finance shall exercise any and all procedures granted to it by the Student Association Senate.

**Section 5 – Elected Officers**

*Subsection 1*

The members of the Board of Finance shall elect one of its members to serve as Chairperson of the Board by a simple majority. The Chairperson must be an appointee of the Chairperson of the Student Association Senate.

*Subsection 2*

The members of the Board of Finance shall elect one of its members to serve as Vice-Chairperson of the Board by a simple majority.

**Section 6 – Duties of the Chairperson of the Board of Finance**

*Subsection 1*

The Chairperson of the Board of Finance shall be empowered to call emergency meetings of the Board of Finance.

*Subsection 2*

The Chairperson of the Board of Finance must ensure that the Board meets at least once a month while the Student Association Senate is in session.

*Subsection 3*

The Chairperson shall report the financial situation of the Student Association monthly to the Student Association Senate while it is in session.

*Subsection 4*

The Chairperson shall vote last on any and all business of the Board of Finance.

**Section 7 – Duties of the Vice Chairperson of the Board of Finance**

The Vice Chairperson shall take attendance at all meetings of the Board of Finance, record the minutes of all meetings of the Board of Finance, and preside over meetings of the Board of Finance in the absence of the Chairperson.

**Section 8 – Impeachment**

Members of the Board of Finance may be subject to impeachment due to neglect of duty, abuse of power, or violation of signed documentation on their behalf that is relevant to their position. Impeachment proceedings may commence in the same manner as a Student Association Senator. The Comptroller is not subject to impeachment in this manner, and can only be removed from office in the means given as powers to the Board of Finance.



## **ARTICLE V – JUDICIAL BRANCH**

### **Section 1 – General**

The judicial power of the Student Association shall be vested in the Supreme Court of the Student Association (hereafter referred to as the SCSA). The SCSA must adhere to both the United States Constitution and the Constitution of the State of New York. The judicial power shall extend to all cases in law and equity arising under the Constitution of the Student Association, the laws of the Student Association (and its subsidiary bodies) and enactments made or which shall be made. The court shall have original jurisdiction in all cases that are not delegated to another judicial or quasi-judicial body, and shall have appellate jurisdiction over all other judicial or quasi-judicial bodies, including itself.

### **Section 2 – Composition of the SCSA**

The SCSA shall be composed of seven Justices, including a Chief Justice, nominated by the President and confirmed by a two-thirds approval of the Student Association Senate. With the exception of the Chief Justice, the Justice whom has the earliest date and time of confirmed appointment to the Supreme Court of the Student Association shall be known as the Senior Associate Justice. If the confirmed appointment is given at the same time, the Senior Associate Justice shall be whoever is listed first of the document which refers to the appointment confirmation.

### **Section 3 – Terms of Office**

Appointments are made for two academic years. A Justice's term of office shall run through the conclusion of two academic years, regardless of time of appointment. Any and all Justices must maintain regular membership within the Student Association. Justices of the SCSA are prohibited from serving in any other elected or appointed positions of the Student Association's legislative or executive branches.

### **Section 4 – Duties and Powers of the SCSA**

#### *Subsection 1*

The SCSA shall have the authority to hold a hearing pertaining to any disputes found within the Student Association and its subsidiary bodies. The SCSA shall also have the authority to hold a hearing pertaining to disputes of any governing documents of the Student Association and its subsidiary bodies. All hearings of the court must be public, and announced in a timely manner.

#### *Subsection 2*

The decisions of the SCSA (consisting of a majority opinion of the SCSA) shall be delivered as soon as possible after the case has been decided. The decision and any dissent or concurrence to the decision shall be issued together in writing no later than ten Student Association business days after the hearing. The hearing must be made public, and copies of the decision must be distributed to the parties involved.

#### *Subsection 3*

The SCSA shall have the power to place restrictive injunctions on all governmental branches of the Student Association (and its subsidiary bodies) for taking any action which is contrary to the Constitution of the Student Association or, violation of any policy that applies to the branch (or subsidiary body) in question. Temporary injunctions may be issued by three or more Justices, and shall not extend for more than five Student Association business days, at which point the injunction will be deemed invalid. Temporary injunctions may be rescinded, or extended to a permanent injunction by the majority of the court.

*Subsection 4*

The SCSA shall have the sole power of subpoena. Subpoenas may be issued to any regular or associated member of the Student Association, for the purpose of participation in a judicial proceeding. Subpoenas may also be issued for the temporary surrendering of records or other pertinent material possessed by the Student Association and its subsidiary bodies. At the time the subpoena is issued, the SCSA must also issue the consequences of not adhering to the subpoena.

*Subsection 5*

The SCSA shall have the power to review the constitutions of all subsidiary bodies of the Student Association. All subsidiary constitutions, and changes to these constitutions, must be reviewed by the SCSA prior to being declared valid by the Student Association.

**Section 5 – Duties and Powers of the Chief Justice of the SCSA**

*Subsection 1*

The Chief Justice of the SCSA shall have the power to call special meetings of the SCSA and must notify the President of all actions taken by the SCSA.

*Subsection 2*

The Chief Justice of the SCSA shall schedule all, and preside over, the hearings of the SCSA. The Chief Justice of the Supreme Court must also generate and maintain the documentation used for requesting a hearing through the SCSA.

*Subsection 3*

The Chief Justice of the SCSA shall have signatory power to deem valid constitutions of all subsidiary bodies of the Student Association, with the consent of the SCSA.

*Subsection 4*

The Chief Justice of the SCSA shall administer the Oath of Office to all Senators at their first meeting in attendance in the Student Association Senate. The Chief Justice of the SCSA must make bi-weekly reports to the Student Association Senate.

**Section 6 – Duties and Powers of the Senior Associate Justice of the SCSA**

The Senior Associate Justice of the SCSA, in the absence of the Chief Justice of the SCSA, or at his/her request, shall assume any or all duties and responsibilities of the Chief Justice of the SCSA.

**Section 7 – Impeachment**

A Justice of the SCSA may be subject to impeachment due to neglect of duty, abuse of power, or violation of signed documentation on his or her behalf that is relevant to his or her position. Impeachment proceedings may commence through a two-thirds vote of the Student Association Senate, by submitting an impeachment request to the Chairperson of the Student Association Senate. All impeachment proceedings of Justices of the SCSA will be conducted in an executive session of the Student Association Senate. The Vice-President shall preside over the proceedings, and the Justice shall be considered impeached via a two-thirds vote of the Student Association Senate after a fair trial has been conducted.

**Section 8 – Vacation of Office**

If the thirty day nomination period given to the President of the Student Association expires, the court shall be empowered to consider any application. In this instance an applicant may appear before the

Student Association Senate for confirmation upon a majority vote of the court. These nominations shall be subject to a two-thirds approval of the Student Association Senate.

## **ARTICLE VI – OATH OF OFFICE**

The Chief Justice of the SCSA shall be responsible for administering the following oath of office before Student Associations officers or members of Student Association Senate upon the execution of their office. “I (name) do solemnly swear (or affirm) to uphold the Student Association Constitution and fulfill the duties of my office to the best of my ability.”

## **ARTICLE VII – IMPEACHMENT AND RECALL VIA CONSTITUENCY**

Any elected officer of the Student Association for reasons of neglect of duty, or abuse of power shall be subject to impeachment or recall via constituency. Impeachment proceedings may be instituted by written petition of at least one-eighth of the constituents of any representative. Recall proceedings may be instituted by written petition of one-sixth of the constituents of the elected officer. These petitions must be presented to the Chairperson of the Student Association Senate. All impeachment proceedings will follow the process for their respective branch. All recall elections will follow the process of normal elections for their respective branch.

## **ARTICLE VIII – CONSTITUTIONAL CHANGES**

### **Section 1 – Amendments**

An amendment to the Constitution may be placed on the ballot by written petition of ten percent of the Student Association members or by a two-thirds vote of the Student Association Senate for two consecutive semesters. The Chairperson of the Senate shall be responsible for receiving all amendment petitions. Any amendment shall be ratified through referendum by a two-thirds affirmative vote of those who voted during the Student Association spring elections.

### **Section 2 – Constitutional Convention**

To rewrite this Constitution, a proposal to place a referendum on the spring ballot for the purpose of holding a Constitutional Convention must be passed by two-thirds of the Student Association Senate. If the student body passes the referendum by a two-thirds vote of Student Association members voting, the Student Association must establish a constitutional convention consisting of seven Student Association Senators (appointed by the Student Association Senate Chairperson), three members of the Student Association selected by the President, and three SCSA Justices (appointed by the Chief Justice of the SCSA). The Chair of the Constitutional Convention, elected by a majority of its members, shall report a final and revised Constitution to the Student Association Senate within four months of its first meeting. The proposal of the Constitutional Convention is subject to two-thirds approval of the Student Association Senate. If approved by the Student Association Senate, the Constitution will be placed, as a referendum, on the spring ballot subject to a two-thirds approval of the Student Association members voting. Any constitution which is ratified in any other way than established in this Constitution will be null and void.

## **ARTICLE IX – IMPLEMENTATION**

If this Constitution is approved via referendum on the spring 2012 ballot, this constitution will be implemented at the beginning of the 2012-2013 academic year.