

Commission of Student Affairs Resolution
CSA 2009-2010
Resolution Amending the Constitution of the
Virginia Tech Student Government Association

First reading by the Student Government Association	March 3, 2009
Approved by the Student Government Association	March 24, 2009
Approval by Virginia Tech Student Body	April 1, 2009
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Approved by Commission on Student Affairs	September 17, 2009
First Reading by University Council	October 19, 2009
Approved by University Council	November 2, 2009
Approved by the President	November 2, 2009

Whereas, it is the responsibility of the Virginia Tech Student Government Association to continually improve its processes and procedures, and

Whereas, the recent growth of the organization requires the need to change the structure, composition and procedures of the organization, and

Whereas, there is a necessity to make the constitution a document that can change with time so it can continue to be effective in the future, and

Whereas, in order to maintain a fair and just elections process there is a need to create an independent Judicial Branch, and

Whereas, the constitution of the Student Government Association has not been updated recently to reflect the changes and additional positions created within the organization, therefore let it be

Resolved, that the constitution of the Virginia Tech Student Government Association will be amended as follows (changes noted in bold and strikethrough)

The Constitution of the Student Government Association of
Virginia Polytechnic Institute and State University
Previously Amended on May 2, 2005

Preamble

We, the members of the Student Body of Virginia Polytechnic Institute and State University, desiring:
to provide an effective organization for the administration of student activities,
to promote academic freedom and academic responsibility,
to establish and protect student rights,
to foster awareness of the student's position in the campus, local, state, and national communities,
to provide a liaison between the student body, faculty, and administration of the University, and
recognizing that a student organization embodying these principles is necessary in the building of a great
University, do hereby establish this Student Government Association and ordain this Constitution.

Article I – Name of the Organization

- A. The name of this organization shall be the "Student Government Association of Virginia Polytechnic Institute and State University." The organization shall be henceforth referred to in this document as either the Student Government Association, or as the SGA.

Article II – FUNCTIONS

- A. To express opinion on University affairs as the Legislative Branch deems appropriate and necessary.
- B. To establish, within the law applicable to Virginia Polytechnic Institute and State University, an effective means for advising and responding to the University Council, University Commissions, the Administration, the Faculty Senate, the Board of Visitors, and the public on University Affairs.
- C. To participate in the formulation of academic and education policies which concern more than one college, division, or center at the University.
- D. To consider policies, programs, and other matters ~~thates~~ the administration, college faculties, student organizations, and individuals of the University may propose.
- E. To afford avenues and procedures whereby communications within the University may flow freely, fully, and systematically.
- F. To help create, maintain, and protect a University environment conducive to the richest growth of scholarship, learning, teaching, research, and respect for dignity and rights.
- G. To accept and share responsibility with the Administration and Faculty in all efforts to improve the stature and value of the University.

Article III – MEMBERSHIP

- A. The membership of the Student Government Association consists of all enrolled undergraduate students who have paid the student Activities Fee at Virginia Polytechnic Institute and State University.
- B. No otherwise qualified student may be excluded from membership on the basis of race, color, national origin, religion, sex, sexual orientation, age, or handicap.
- C. All members of this organization shall be entitled to vote in Student Government Association elections and **Referendums.**

- D. ~~In Student Government Association senate elections, members may vote only for candidates from the college in which they are enrolled.~~

Article IV – EXECUTIVE OFFICERS

- A. The Elected Executive officers of the Student Government Association shall be President, Vice President, Secretary, and Treasurer.
- B. The Appointed Executive officers of the Student Government Association and a method for their appointment shall be enumerated in ~~Article I of~~ the Bylaws. Appointed officers not enumerated in the Bylaws may be created for a period of one year, after which they must be enumerated in the Bylaws to remain an executive office.
1. **The Legislative Branch may question and reject any Appointed Director by a 2/3 vote within the first two meetings of the academic year.**
 2. **If the Appointed Director is rejected by a 2/3 vote in both houses, a new one must be appointed within two weeks and confirmed by at 2/3 vote in both houses.**
 3. **If the Appointed Director is rejected by a 2/3 vote in only one house, the Director shall remain in his or her position**
- C. The president is the recognized spokesperson of the Student Government Association. However, he or she is not the presiding officer of the Student Senate or of the Student House of Representatives. His or her main task is to act as a liaison between the Student Government Association and the Administration.
- D. The President of the Student Government Association shall have the following powers and duties:
1. To preside over meetings of the Executive Committee.
 2. ~~————— To prepare an agenda for the Executive Committee meetings~~
 2. To be a voting Student Representative on the Commission on Student Affairs and on the University Council.
 3. **To head the selection committee to appoint directors for the Executive Committee per the bylaws.**
~~To appoint a Chief Justice, who will serve as chairperson of the Judicial Branch, with approval of the Student House of Representatives and the Student Senate, by majority vote~~
 4. To report to both houses of the Legislative Branch all appointments and official actions made since each house's last respective meeting.
 5. To execute all powers and duties found in this Constitution and in the Bylaws of the Student Government Association.
 6. **To appoint SGA members to sit on all University Committees and Commissions with assistance from the Legislative Liaison.**
- E. The Vice President of the Student Government Association shall have the following powers and duties:
1. To execute the powers and duties of the president of the Student Government Association in his or her temporary absence.
 2. To be a voting Student Representative on the Commission on Student Affairs and on the University Council.
 3. To prepare a semiannual report of the accomplishments of the **Executive Branch, Judicial Branch,** and Legislative Branch in conjunction with the **Secretary, Executive Director of External, the Executive Director of Programs,** the Speaker of the Senate, the Speaker of the House of

Representatives, **and the Chief Justice**, which shall be distributed to the Student Senate, the Student House of Representatives, the Faculty Senate, the Administration, and the Board of Visitors.

4. To perform such duties as the President of the Student Government Association shall assign him or her.
- F. The Secretary of the Student Government Association shall have the following powers and duties:
1. To record attendance and minutes at each meeting of the Executive Committee ~~, the Student Senate, and the Student House of Representatives~~ **and have minutes placed on a public forum.**
 2. To communicate all necessary information concerning meeting times and places to any interested individuals upon request.
 3. **To make available any documents or work of Executive Branch to any interested Student Government Association member; and additionally, upon consent of the Executive Committee, to any other individual upon request.**
 4. **To prepare a semiannual report of the work of the Student Government Association in conjunction with the Vice President , Executive Director of External, the Executive Director of Programs, the Speaker of the Senate, the Speaker of the House of Representatives, and the Chief Justice.**
 5. **To work with internal Directors, including the Director of Membership Development, the Director of Technology, and the Historian.**
 2. ~~To distribute the agenda for each the Executive Committee, the Student Senate, and the Student House of Representatives, prior to each meeting.~~
 3. ~~To distribute committee reports, the Student House of Representatives and the Student Senate meeting minutes to Senators, Representatives and other appropriate individuals or groups as directed by the Student House of Representatives, the Student Senate or the Executive Committee.~~
 4. ~~To make available any other documents or work of the Student House of Representatives or the Student Senate to any interested Student Government Association member; and additionally, upon consent of the Executive Committee, to any other individual upon request.~~
- G. The Treasurer of the Student Government Association shall have the following powers and duties:
1. To be responsible for the execution of all financial transactions of the Student Government Association.
 2. To establish and maintain financial records in accordance with the Uniform Accounting System of the Virginia Polytechnic Institute and State University and to submit financial records to the Student Activities Office and/or the Student Activities Central Accounting Office when requested to do so.
 3. To prepare and present to the Student Budget Board, in January, the proposed Budget of the Student Government Association for the following fiscal year, beginning July 1, after the approval of the Student Senate and the Student House of Representatives by majority vote.
 4. To allow access to the financial records of the Student Government Association to any interested SGA member; and additionally, upon consent of the Executive Committee, to any other individual upon request.
 5. **To train the Financial Assistant to execute above duties to assist the Treasurer and to act in place of the Treasurer in the event that he or she is unable to execute these duties.**
 - i. **In the event the position of Treasurer becomes vacant prior to spring elections, the Financial Assistant shall assume all responsibilities and duties of the Treasurer.**

6. To sit on the University Chartered Budget Board.

- H. The President, Vice President, Secretary, and Treasurer shall be nonvoting members of the Legislative Branch.
- I. The nomination and election of the Executive Officers shall be conducted as prescribed in this constitution and in the Election Bylaws of the Student Government Association.
- J. Vacancies occurring in any term of office of the Secretary or the Treasurer shall be filled by a member of the Student Government Association nominated by the President of the Student Government Association and confirmed by majority vote of the Student Senate and the House or Representatives.**
- K. Vacancies occurring in any term of office of the President or Vice President shall be filled in accordance with the following rules and procedures:**
 - 1. **Vacancy occurring in the office of President shall be filled by the Vice President, who shall assume the office of President.**
 - 2. **If the offices of President and Vice President are simultaneously vacant, then the offices of President and Vice president shall be filled by a special election of the General Undergraduate Student Population. Said elections shall be held within twenty one (21) day of the occurrence of the vacancies.**
 - 3. **Any member of the Student Government Association may run for either office in any special election provided they meet all the requirements for that office outlined in the Election Bylaws.**
 - 4. **The Speaker of the Senate shall assume all duties and responsibilities of the President of the Student Government Association in the interim.**
 - 5. **The Speaker of the House shall assume all duties and responsibilities of the Vice President of the Student Government Association in the interim.**
 - 6. **Once elected, the new President assumes the title as well as all the duties and responsibilities of the office of President of the Student Government Association**
 - 7. **Once elected, the new Vice President assumes the title as well as all the duties and responsibilities of the office of Vice President.**

Article V – COMMITTEES

- A. There shall be no less than one Standing Committee which shall carry out the function and operations of the Student Government Association: The Executive Committee and any other Standing Committee in accordance with the Bylaws of the Student Government Association.**
 - ~~A. There shall be two Standing Committees which shall carry out the function and operations of the Student Government Association: the Executive Committee and the SGA Budget Board. Standing Committees shall report to both houses of the Legislative Branch.~~
- B. The Executive Committee shall consist of the President, who shall be the Chairperson, Vice President, Secretary, Treasurer, Executive Director of External, Executive Director of Programs, Legislative Liaison, and Appointed Executive Directors.**
- C. The Executive Committee shall have the following powers and duties:
 - 1. To report regularly on the disposition of matters submitted to it and to act on behalf of the Legislative Branch between meetings of both houses of the Legislative Branch.
 - 2. To oversee and coordinate the activities of all officers and standing committees in order that their duties may be discharged expeditiously.
 - 3. To discharge other duties in accordance with parliamentary procedure.

4. To place items on the Legislative Branch meetings at the request of any Executive Committee member, with approval by the Legislative Liaison.

~~4. to place items on the agenda for the meetings of the houses of the Legislative Branch. Items are to be placed on the agenda:~~

~~a. Upon request of the President of the Student Government Association.~~

~~b. Upon request of the President of the University, the University Council, a University Commission, a University Committee, a Standing Committee, or a Standing Legislative Committee.~~

~~c. Upon majority vote of the Executive Committee. Additions or amendments to the agenda may be moved by any voting member at the time of adoption by their respective house.~~

~~D The SGA Budget Board membership and qualifications for membership shall be outlined in the SGA Budget Board Constitution. Members are elected by their respective legislative houses to a two year term of office. The Chairperson and the Vice Chairperson shall be elected from the total members of the SGA Budget Board from by a vote of the members. The SGA Budget Board shall have the following powers and duties:~~

~~1. Administer small grant and annual funding, allocation to Undergraduate Registered Student Organizations as defined by the Student Activities Offices. The funds for these allocations shall be taken from funds allocated to the SGA Budget Board from the Student Budget Board.~~

~~2. Operate under an SGA Budget Board Constitution. This SGA Budget Board Constitution shall require a majority vote of the SGA Budget Board, the Student House of Representatives, the Student Senate, and the Student Budget Board in order be amended.~~

~~3. The Vice Chairperson of the SGA Budget Board shall sit on the Student Budget Board.~~

D. Ad Hoc Committees that are required for more than one year will become additional Standing Committees and must be enumerated in the Student Government Association Bylaws.

Article VI – LEGISLATIVE BRANCH

A. All legislative powers granted herein shall be vested in the Legislative Branch, which consists of the Student Senate and the Student House of Representatives. Any reference to a vote of the Legislative Branch shall be interpreted to mean a vote in both the Student Senate and in the Student House of Representatives.

B. The Student Senate

1. The membership of the Student Senate shall consist of elected student members **from each of the undergraduate Colleges.**

i. All members of the Student Government Association are eligible for election to the Student Senate provided that they meet all qualification prescribed in Bylaws of the Student Government Association.

ii. The nomination and election of the members of the Student Senate shall be conducted as prescribed in the Election Bylaws of the Student Government Association.

2. Insofar as possible, each Senator shall represent an equal number of enrolled undergraduate students. The undergraduate students of each College shall be represented by at least two (2) Senators. Additional representation shall be as prescribed by the Bylaws of the Student Government Association.

3. Senators have the responsibility to seek out the opinion of their Electorate. Having done so, they shall make decisions and vote on matters brought before the Student Senate according to their own reasoned judgment.

~~4. Senators are elected for a term of one year, and are eligible for reelection. Senators serve until their successors take office. Vacancies in unexpired terms shall be filled as prescribed in Article X of the Constitution of the Student Government Association.~~

4. **Vacancies occurring in any term of office of a Senator shall be filled in accordance with the SGA Bylaws.**
5. The Student Senate shall determine its own rules and procedures, compel the attendance of its absent members, and may censure a member by two thirds (2/3) vote of its membership according to the attendance and responsibility requirements set forth by ~~the Committee on Credentials and Elections~~ **the Speaker of the Senate in the “Rules of the Student Senate.”**
6. The Student Senate may remove from office the Speaker of the Senate, ~~the Chair person of the Committee on Credentials and Elections~~ and any Standing Committee chair or vice chair who willfully neglects assigned duties by a two thirds (2/3) majority vote of the membership of the Student Senate.
7. The student Senate shall, at the last meeting before inauguration, by majority vote, elect an existing Senator as Speaker of the Senate **for a period of one year**, whose powers and duties are as follows:
 - i. To preside over all meetings of the Senate.
 - ii. To cast a vote in the Student Senate, only to break a tie.
 - iii. To appoint a member of the Senate to serve as parliamentarian, subject to approval of the Senate by majority vote.
 - iv. To appoint a member of the Senate to serve as sergeant at arms, subject to the approval of the Senate, by majority vote.
 - v. To sit on the Executive Committee **as a nonvoting member.**
 - vi. To call special meetings of the Senate **with just cause.**
 - vii. To outline objectives for the year at the opening of the Senate in the fall.
 - viii. To establish a quorum and membership roll by the third (3rd) meeting of the fall semester in cooperation with the sergeant at arms and the ~~Secretary~~ **Legislative Liaison** according to the Bylaws of the Student Government Association.

C. The Student House of Representatives

1. Membership in the Student House of Representatives is open to one member from every Registered Student Organization (RSO), University Chartered Student Organization (UCSO), and University Student Life Program (USLP) at Virginia Polytechnic Institute and State University.
 - i. All members of the Student Government Association are eligible to serve in the Student House of Representatives, provided they meet the qualification prescribed in the Bylaws of the Student Government Association.
- ~~2. A Representative's term will officially begin at the start of the first summer session and end at the close of the following spring semester. Orientation sessions for new Representatives shall be held prior to the close of the preceding House of Representatives' term.~~
2. Representatives have the responsibility to seek the opinion of the organization they are representing. Having done so, they shall make decisions and vote on matters brought before the Student House of Representatives according to their own reasoned judgment.
3. The Student House of Representatives shall determine its own rules and procedures, compel the attendance of its members, and may censure a member by two thirds (2/3) vote of the membership according to the attendance and responsibility guidelines set forth by the Speaker of the House and the **“Rules of the Student House of Representatives.”**

4. The Student House of Representatives may vote to remove from office the Speaker of the House or any Student House of Representatives Standing Committee chair or vice chair who willfully neglects assigned duties; by a two thirds (2/3) affirmative vote of the membership of the Student House or Representatives.
5. The Student House of Representatives shall, at the last meeting before inauguration, by majority vote, elect **an existing** representative to serve as the Speaker of the House for a period of one year, whose powers and duties are as follows:
 - i. To preside over all meeting of the Student House or Representatives.
 - ii. To cast a vote in the Student House of Representatives only to break a tie.
 - iii. To appoint a member of the Student House of Representatives to serve as parliamentarian, subject to approval of the Student House of Representatives; by majority vote.
 - iv. To appoint a member of the Student House of Representatives to serve as sergeant at arms, subject to the approval of the Student House of Representatives by majority vote.
 - v. To sit on the Executive Committee **as a non voting member.**
 - vi. To call special meetings of the Student House of Representatives **with just cause.**
 - vii. To outline objectives for the year at the opening of the Student House of Representatives in the fall.
 - viii. To rule decisively and solely in any circumstance regarding an organization's wishes to change its representative during a Student House of Representatives term.
 - ix. To establish a quorum and membership roll by the third (3rd) meeting of the fall semester in cooperation with the sergeant at arms and the ~~Secretary~~-**Legislative Liaison** according to the Bylaws of the Student Government Association.

D. Legislative Liaison

1. Selection

- i. **The Legislative Liaison shall be appointed by the President prior to the first meeting of the new term for the House of Representatives and the Senate.**
- ii. **The Legislative Liaison must have been an active member of the legislative branch the previous term.**
- iii. **The Legislative Liaison shall be confirmed by the House and Senate within the first two (2) meetings of the new year by a majority vote.**

2. Duties

- i. **To ~~be~~ attend all Legislative meetings and take minutes at each meeting of the Legislative Branch; and to place minutes on a public forum.**
- ii. **To attend all Executive Committee meetings to foster communication between the legislative branch and the executive branch.**
- iii. **To select members of the Legislative Branch to sit on all University Committees and Commissions that will then be appointed by the President.**
- iv. **To perform any duties deemed necessary by the Speakers of the House and Senate in order to establish a working relationship between the legislative branch and executive committee.**

- E. The Legislative Branch shall establish or amend, by a three fourths (3/4) majority vote, the Bylaws of the Student Government Association as deemed fit by both houses.

- F. The Legislative Branch shall approve the annual proposed Budget prepared by the Treasurer, by majority vote, before its presentation to the Student Budget Board. The Legislative Branch shall also approve, by majority vote, any transfers of funds between line items in the budget during the fiscal year that exceed \$300.00.
1. **The budget presented to the Legislative Branch shall include all monies to be spent the next year from generated funds.**
- G. Standing Legislative Committees may be established by either house of the Legislative Branch in accordance with the following rules and guidelines:
1. The Legislative Branch shall create Standing Committees to conduct the specialized operations of the Student Government Association where needed.
 2. The presiding officers of each Legislative house shall assign member to the Standing Legislative Committees, subject to majority approval of the respective house.
 3. Standing Legislative Committee chairs and vice chairs are elected by their respective house by majority vote.
- H. No student may serve as a voting member or officer in more than one of the following: the Student Senate, the Student House of Representatives, the Executive Committee, or the Judicial Committee.
- I. All actions of the Executive Officers, Standing Committees, and Standing Legislative Committees are subject to review by the Legislative Branch.
1. **The Legislative Branch has the power to recommend that Judicial Branch impeach a member of the executive committee by a two thirds (2/3) vote.**
 2. **Any legislative recommendation to impeach a member of the executive committee shall be filled with a Clerk of Court and the Judicial Branch shall hold a hearing.**
- J. **The Legislative Branch can remove any Judicial officer who willfully neglects their duty by two thirds (2/3) vote after impeachment procedures outline in the Bylaws have been followed.**
- K. Except in certain circumstances enumerated below, the Student House of Representatives and the Student Senate shall be required to conduct two (2) readings, each during a different meeting, before voting on legislation or bills.
1. If the legislation or bill is presented under emergency circumstance where it would be without effect if not voted on until after the second reading, the Legislative Branch may make the determination by a two thirds (2/3) affirmative vote on a motion to suspend this rule.
 2. A second reading can be suspended for changes to the constitution or bylaws only by a unanimous vote.
- L. **The Student Government Association shall have an ~~an~~ Faculty Advisor from the staff, faculty, or administration at Virginia Polytechnic Institute and State University. The Student Senate and the House of Representatives may issue a statement of no confidence in an advisor with a two thirds (2/3) vote in both bodies. A statement of no confidence expressed a finding that an advisor has been seriously deficient in the performance of his or her duties and instructs the Speaker of the House and the Speaker of the Senate to take appropriate action to search for a new advisor and inform relevant departments of Virginia Tech.**

Article VII – JUDICIAL BRANCH

- A. The judicial power of the Student Government Association and the administration of the SGA Elections shall be vested in the Judicial Branch.
- B. The Judicial Branch shall have original jurisdiction:

1. In cases involving the interpretation of the Constitution and Bylaws of the Student Government Association.
2. In cases involving impeachment proceedings of the Student Government Association's elected officials, with the exception of impeachment cases involving a member of the Judicial Branch. ~~Investigation of allegations against members of the SGA Judicial Branch shall be conducted by the Appeals Committee in accordance with Article VII, Section 7.~~

i. Cases involving impeachment of a member or members of the Judicial Branch shall be handled by an Ad Hoc Committee.

3. Over alleged campaign violation in Student Government Association elections.

C. The Judicial Branch shall have the responsibility of administering the SGA Elections as follows:

1. To investigate and report on the eligibility of students to obtain and/or maintain Executive Officer positions within the Student Government Association.
2. To investigate and report on the eligibility of students to obtain and/or maintaining Senate positions within the Student Government Association. The Judicial Branch shall have no power to investigate and report on the eligibility of students to obtain and/or maintain House of Representatives positions, as that is the exclusive purview of the Organizations.
3. To determine the number of Senators to represent each College in the Student Senate according to the guidelines set forth in the Elections Bylaws of the Student Government Association.
4. To schedule, organize, and carry out procedures for Student Government Association elections.
5. To investigate and prosecute alleged campaign violations during general SGA elections.
- ~~6. To communicate all necessary information concerning election procedures to all interested students.~~
- ~~7. To be knowledgeable of the Constitution and the Bylaws of the Student Government Association.~~

Section 4. Composition of the Judicial Branch shall meet the following criteria.

- ~~1. The Judicial Branch shall be composed of two members of the House, two members of the Senate, Chief Justice, and the SGA advisor, who shall serve as a non-voting member.~~
- ~~2. The House and Senate shall choose their justices by the third meeting of the fall semester, to allow time for the membership list to be established in each. Justices shall be nominated in each body and approved by a majority vote. Members shall be instructed to vote for up to two of the nominees. If nominees receive less than a majority and the positions are not filled, a runoff shall be held beginning with the two nominees who received closest to, but less than, a majority.~~
- ~~3. Each justice shall remain in office until the beginning of the following fall semester, or until such time as he or she resigns, is impeached and convicted, or ceases to be a member of the Student Government Association.~~
- ~~4. In the event a vacancy arises before the beginning of fall semester, the body who appointed that justice shall immediately announce the vacancy and conduct proceedings at their next meeting as described above in #2.~~
- ~~5. The Appeals Committee shall be made up of one senior member of each the House of Representatives, Student Senate, and the Executive Branch and shall be elected by majority vote by the third meeting of the fall semester.~~

D. Composition of the Judicial Branch

1. The Judicial Branch shall consist of a Chief Justice and nine (9) Associate Justices as follows:

- i. One (1) Freshman, one (1) Sophomore, one (1) Junior, one (1) Senior, and five (5) At-Large members.
 - ii. All members of the Judicial Branch must be approved by a two thirds (2/3) affirmative vote by the Legislative Branch.
 - iii. A Head Associate Justice shall be selected by the Associate Justices with the Chief Justice voting in the event of a tie.
- 2. In the event this exact demographic is unmet due to a lack of qualified applicants for a seat, the position shall be filled at the discretion of the Chief Justice.
- 3. The Chief Justice shall be appointed by a committee consisting of the President, Vice President, the Speaker of the House of Representatives, and the Speaker of the Senate. The Chief Justice from the previous year shall serve as chair of this committee and vote in the event of a tie.
 - i. Candidates for Chief Justice previously on the Judicial Board will be given priority consideration over other applicants for the position.
 - ii. The candidates shall be selected through an application and interview process carried out by the committee enumerated above.
- 4. The Justices of the Judicial Court shall be selected through an application and interview process conducted by the Chief Justice. In the event that vacancies arise during the year, the positions shall be filled through an application and interview process conducted by the Chief Justice within fifteen (15) class days of the vacancy.
- 5. The terms of the members of the Judicial Branch shall be one (1) year.
- 6. In the event the position of Chief Justice becomes vacant, the Head Associate Justice shall assume the position and the powers and responsibilities with it.
 - i. A new Head Associate Justice shall be selected.
- 7. The Judicial Branch shall select at least one (1) but no more than two (2) Clerks of Court.
 - i. The responsibilities of the Clerk(s) of Court include those listed in this Constitution and any others enumerated in the Bylaws of the Student Government Association.
 - ii. The Judicial Branch Clerk(s) shall advise justices prior to a hearing about the details of the pending hearing.
 - iii. The Judicial Branch Clerk(s) shall maintain the Judicial Panel's records in good working order.
 - iv. At least one Clerk must be present at each Judicial Panel Hearing.
 - v. Any undergraduate student may file a claim with a Clerk of Court with a statement of the violation, the petitioner's reasoning, and the persons who committed the violation.
 - vi. All Appeals must be filed with a Clerk of Court within 24 hours of the ruling by the initial Judicial Panel.

E. Judicial Procedure

- 1. When a claim is filed, the Clerk of Court shall notify the Chief Justice who shall form the initial Judicial Panel to hear the claim.
 - i. This Judicial Panel shall consist of the Chief Justice and four (4) Associate Justices, excluding the Head Associate Justice.

ii. Justices must recuse themselves from serving on the panel in cases in which a conflict of interest arises

2. The ~~Judicial Branch~~ **Clerk of Court** shall notify parties at least ~~one week~~ **seventy two (72) hours** in advance of a judicial proceeding and, if applicable, the charges against him or her.
3. The ~~Judicial Branch~~ **Clerk of Court** shall make a good-faith attempt to schedule a mutually agreed upon time for a hearing **within five (5) class days of the filing of the claim.**
4. A defendant may be tried ~~in~~ absentia if they fail to appear after two (2) scheduled hearings, or if they refuse to submit to the jurisdiction of the Judicial Branch.
5. Parties involved shall have the right to bring witnesses, but must notify a ~~member of the Judicial Branch~~ **Clerk of Court** twenty four (24) hours in advance of the hearing.
6. Parties involved shall have the right to question any person giving testimony.
7. Members of the Judicial Panel shall have the right to question any person giving testimony.
- ~~8. Members of the Judicial Branch shall have the right to set rules and procedures for specific cases, insofar as they do not conflict with the constitution of the Student Government Association, by a 2/3 vote.~~
- ~~9. Majority approval is required to rule on cases involving the interpretation of the constitution or bylaws, or to decide guilt or innocence in cases involving alleged campaign violations or impeachments.~~
- ~~10. A second vote, with 2/3 approval, is required to approve a sanction for a campaign violation or impeachment once parties are found guilty through the first vote.~~
8. **The Judicial Panel shall render a decision on any claim or appeal within one academic week of the hearing. Decisions must include some combination of the following:**
 - i. **A ruling affirming one or more violations.**
 - ii. **A ruling that no violation has occurred.**
 - iii. **A recommendation that another body hear the claim.**
 - iv. **An order to one or more members of the Undergraduate Student Government or a candidate in an Undergraduate Student Government general election to comply with or execute existing constitutional or statutory obligations.**
 - v. **Disciplinary action requiring the completion of community service as a condition for continued membership in the Undergraduate Student Government.**
 - vi. **Disciplinary action resulting in the disqualification of one or more candidates for an elections violation claim.**
 - vii. **Decisions must consider constitutional provisions, stator text, and past precedent.**
9. **The Judicial Panel shall issue a majority opinion to be included in its written records and circulated to each party after a ruling has been made on the claim or appeal.**
 - i. **Hard copies of majority opinions shall contain the signature of the Chief Justice.**

F. Appeals

1. **The Appeals Committee shall consist of the Head Associate Justice and the remaining Associate Justices that were not members of the Initial Judicial Panel.**
2. **The Appeals Committee, by a four fifths (4/5) vote may choose to overturn the decision and/or sanction in judicial cases.**

~~The Appeals Committee of the Student Government Association shall have appellate jurisdiction over cases before the Judicial Branch.~~

~~2. When a case is appealed, no person, except the advisor that sits on the Judicial Branch may sit on the Appeals Committee during the appeal process.~~

~~3. The Appeals Committee, by majority vote, may choose to hear appeals of the decision and/or sanction in judicial cases.~~

~~4. The Appeals Committee, by 2/3 vote, may choose to overturn the decision and/or sanction in judicial cases.~~

3. The Appeal Committee shall report any appeals to the Vice President for Student Affairs, who may in turn share that information with the Commission on Student Affairs if he or she deems it appropriate.

Section 7. ~~Adjudicatory function of the Appeals Committee~~

~~1. The Appeals Committee shall assume the function of the Judicial Branch, using the procedures outlined in Section 5, in cases involving a member of the Judicial Branch.~~

~~2. The SGA advisor shall serve as a non-voting member of the Appeals Committee during such a time.~~

~~3. The decision of the Appeals Committee may be appealed, pursuant to Section 6.~~

~~4. The Appeals Committee shall have the jurisdiction over campaign violation appeals in Student Government Association elections.~~

G. Impeachment of Judicial Officers

1. When a claim is filed alleging neglect of a judicial official, an Ad Hoc Judicial Review Committee shall be created to hear the case and make a ruling.

2. The committee shall consist of the following:

- i. Two (2) members of the House of Representatives,**
- ii. Two (2) member of the Senate,**
- iii. The President of the Student Government Association.**

3. The committee shall follow the judicial procedure outlined above.

4. If the decision made by this committee is appealed, the appeals committee shall consist of the following:

- i. One (1) member of the House of Representative,**
- ii. One (1) member of the Senate,**
- iii. One (1) member of the judicial committee**
- iv. The Vice President of the Student Government Association.**
- v. The clerk of court sitting in the trial may vote only in the event of a tie.**

5. Members of the House and Senate serving on the Ad Hoc Judicial Review Committee shall be selected by their respective Legislative bodies prior to discussion of the judicial officer's offense(s). These Ad Hoc Committees shall jointly hear and investigate offenses and inform their respective bodies of the findings at which point they are full voting members of their body.

Article VIII – MEETINGS AND PROCEDURES

~~Section 1. The Executive Committee shall conduct its meetings in accordance with the following rules and guidelines:~~

~~1. Regular meetings shall be held at least twice each month during the academic year.~~

- ~~2. Special meetings may be called at any time by the President of the Student Government Association. In addition, the President is compelled to call a special meeting within three days of the receipt of such a request from any five Executive Committee members.~~
- ~~3. A quorum for the conduct of business shall be a majority of the members of the Executive Committee.~~
- ~~4. Meetings of the Executive Committee are open to any member of the University Community, and additionally, upon majority consent of the Committee, to any other interested persons.~~
- ~~5. The Executive Committee may go into Executive Session upon a two thirds vote of its members present, subject to the restrictions of the Virginia Freedom of Information Act of the Code of Virginia.~~

~~Section 2. Each and every Committee as defined in this Constitution and the Bylaws of the Student Government Association, with the exception of the Executive Committee, shall conduct its meetings in accordance with the following rules and procedures:~~

- ~~1. Regular meetings shall be held as frequently as necessary in order to fulfill its responsibilities.~~
- ~~2. The Committee Chairperson/Co chairpersons shall be responsible for the preparation of the agenda and for its distribution to Committee Members, or any other interested party.~~
- ~~3. A quorum for the conduct of business shall be a majority of the members of that Committee.~~
- ~~4. All meetings are to open to the University Community, and additionally, upon majority consent of those Committee Members present, to any other interested persons.~~
- ~~5. Every Committee may go into Executive Session upon a two thirds vote of its members present, subject to the restrictions of the Virginia Freedom of Information Act of the Code of Virginia.~~

~~Section 3. The Student Senate shall conduct its meetings in accordance with the following rules and procedures:~~

- ~~1. Regular meetings shall be held at least twice each month during the regular academic year.~~
 - ~~2. Special meetings of the Student Senate must be called by the Speaker of the Senate within three school days in the following cases:~~
 - ~~a. At the request of the President of the University.~~
 - ~~b. At the request of the President of the Student Government Association.~~
 - ~~c. At the request of two thirds of the members of the Executive Committee.~~
 - ~~d. At the request of two thirds of the members of the Student Senate.~~
 - ~~e. Upon the receipt of a petition requesting such a meeting signed by 10% of the members of the Student Government Association.~~
 - ~~3. The quorum for the conduct of business shall be a majority of the members of the Student Senate.~~
 - ~~4. All meetings are to be open to the University Community, and additionally, upon majority consent of the members of the Student Senate present, to any other interested persons.~~
 - ~~5. The Student Senate may go into Executive Session upon a two thirds vote of its members present, subject to the restrictions of the Virginia Freedom of Information Act of the Code of Virginia.~~
- A. The latest editions of Robert's Rules of Parliamentary Procedures, subject to special rules adopted by each body, shall govern the procedures of the Student Senate and the Student House of Representatives.
 - B. The Student Government Association may request that the President of the University call a meeting of the General Undergraduate Student Population.
 - C. The Student Government Association shall abide by all applicable policies contained in the University Policies for Student Life.

~~Section 7. The Student Government Association shall have a Faculty Advisor from the staff at Virginia Polytechnic Institute and State University. The Student Senate and House of Representatives may issue a~~

~~statement of no confidence in an advisor with a two-thirds vote in both bodies. A statement of no confidence expresses a finding that an advisor has been seriously deficient in the performance of his or her duties, and instructs the Speaker of the House and President of the Senate to take appropriate action to search for a new advisor and inform relevant departments of Virginia Tech.~~

~~Section 8. The Student House of Representatives shall conduct its meetings in accordance with the following rules and procedures:~~

- ~~1. Regular meetings shall be held at least twice a month during the regular academic year.~~
- ~~2. Special meetings of the Student House of Representatives must be called by the Speaker of the House within three school days in the following cases:
 - ~~a. At the request of the President of the University.~~
 - ~~b. At the request of the President of the Student Government Association.~~
 - ~~c. At the request of two thirds of the members of the Executive Committee.~~
 - ~~d. At the request of two thirds of the members of the Student House of Representatives.~~
 - ~~e. Upon the receipt of a petition requesting such a meeting signed by 10% of the members of the Student Government Association.~~~~
- ~~3. The quorum for the conduct of business shall be a majority of the members of the Student House of Representatives, as indicated by the role established by the Secretary.~~
- ~~4. All meetings are open to the University Community, and additionally, upon majority consent of the members of the Student House of Representatives present, to any other interested persons.~~
- ~~5. The Student House of Representatives may go into Executive Session upon a two-thirds vote of its members present, subject to the restrictions of the Virginia Freedom of Information Act of the Code of Virginia.~~

D. All other procedures for meetings shall be enumerated in the Bylaws of the Student Government Association.

Article IX – REPRESENTATION

- A. Recognizing the responsibility of student to select their representative on the University Council, University Commissions, and University Committees, the Student Government Association shall designate such representatives. Student Representatives to these organization shall always keep in mind that the prime function of such bodies is policy making and that the implementation of policies and programs is properly the responsibility of Administrators.
- B. Members of the Legislative Branch, unless specified otherwise, shall be representatives on the University Council, Commission on Student Affairs, the Commission on Faculty Affairs, and the Commission on Undergraduate Studies, as prescribed in the University Council Constitution.
- C. When nominations for Student Representatives to sit on University Committees are requested by the President of the University, nominees are nominated by the President of the Student Government Association and are confirmed by a majority vote of the House of Representative and the Student Senate. The term of appointment and responsibilities are prescribed in the Constitution of the University Council.
- D. Student Representatives on the University Council, University Commissions, and University Committees shall have the following functions and duties:
 1. To present the position of the Student Government Association in the formulation of policy and in the discharge of the functions and duties of theses governance bodies.
 2. To inform the Legislative Branch of pertinent matters considered and actions taken by theses governance bodies.

3. To bring matters of student concern before these governance bodies.

Article X – ELECTIONS

~~Section 1. The number of Senators from each College shall be two, plus proportional representation of the General Undergraduate Student Population to be determined by the Committee on Credentials and Elections prior to each election as prescribed in the Bylaws of the Student Government Association.~~

~~Section 2. Vacancies occurring in any term of office of a Senator shall be filled in accordance with the SGA Bylaws.~~

~~Section 3. Vacancies occurring in any term of office of the Secretary or the Treasurer shall be filled by a member of the Student Government Association nominated by the President of the Student Government Association and confirmed by majority vote of the Student Senate and the House of Representatives.~~

~~Section 4. Vacancies occurring in any term of office of the President or Vice President shall be filled in accordance with the following rules and procedures:~~

- ~~1. _____ Vacancy occurring in the office of President shall be filled by the Vice President, who shall assume the office of President.~~
- ~~2. _____ If the offices of President and Vice President are simultaneously vacant, then the offices of President and Vice President shall be filled by a special election of the General Undergraduate Student Population. Said election shall be held within twenty one days of the occurrence of the vacancies.~~
- ~~3. _____ Any member of the Student Government Association may run for either office in any special election, provided that they meet all of the requirements for that office.~~
- ~~4. _____ The Speaker of the Senate shall assume all duties and responsibilities of the President of the Student Government Association in the interim.~~
- ~~5. _____ Once elected, the new President assumes the title as well as all the duties and responsibilities of the office of President of the Student Government Association~~
- ~~6. _____ Vacancy occurring in the office of the Vice President shall be filled by the Speaker of the Senate.~~
- ~~7. _____ Once elected, the new Vice President assumes the title as well as all the duties and responsibilities of the office of Vice President.~~

~~Section 5. Vacancies occurring in any term of office of a Representative in the Student House of Representatives shall remain vacant for the remainder of the term, unless a change of Representative was approved by the Speaker of the House, per the Bylaws of the Student Government Association.~~

~~Section 6. Vacancies occurring in any term of office of the Speaker of the House shall be temporarily filled by the House Parliamentarian, until a new Speaker of the House can be elected, by majority vote, from the floor of the House. This newly elected Speaker shall take office and all of the responsibilities in Article VI, Section 4.6 immediately.~~

- A. The Student Government Association Elections shall be held in the spring of each year, no later than the first week of April.**
- B. The Student Government Association Elections shall be run in accordance with the Election Rules passed by the Legislative Branch.**
- C. The Student Government Association Elections shall be the responsibility of the Judicial Branch.**
- D. The members of the Student Government Association have the right to request a recall election of any elected official by submitting to the chair of Commission on Student Affairs (CSA) a petition bearing the signatures and student numbers of at least 10% of the Undergraduate Student Body in addition to a written grievance within ten (10) days of the end of elections.**
 - 1. If it is determined by CSA a recall election is necessary, the Judicial Branch of SGA shall hold a recall election in a timely manner under supervision of the CSA.**

Article XI - AMENDMENTS TO THE CONSTITUTION AND BYLAWS

- A. Notice of a proposal to amend the Constitution of the Student Government Association shall be given in the agenda and considered at no fewer than two (2) meetings of each House of the Legislative Branch prior to voting. A second reading may only be suspended by unanimous vote. A copy of the proposed amendment shall be made available to each voting member of each House. A three fourths (3/4) affirmative vote in both houses shall be required for approval of the proposed amendment.
- B. Proposed amendments to the Constitution of the Student Government Association which have been approved by the legislative branch shall be submitted to a referendum vote of the General Undergraduate Student Population. Notice of the referendum shall be given and copies of the proposed amendment shall be made available to the General Undergraduate Student Population at least one week in advance of voting.
- C. **A committee to work on amendments to the Constitution may be formed at the discretion of the Chief Justice and the Judicial Branch, or by a majority vote in the House of Representatives and in the Senate.**
- D. Amendments to the Constitution of the Student Government Association become effective upon approval by two third (2/3) affirmative vote of the General Undergraduate Student Population voting; and a majority in the Commission on Student Affairs and University Council.
- E. Notice of a proposal to amend the Bylaws of the Student Government Association shall be given in the agenda and considered at no fewer than two meetings of each house of the legislative branch prior to voting. A second reading may only be suspended by unanimous vote. A copy of the proposed amendment shall be made available to each voting member of each house. Amendments to the Bylaws of the Student Government Association become effective upon a two thirds (2/3) vote in the Student House of Representatives, and a two thirds (2/3) vote in the Student Senate. A referendum need not be held.
- F. In the case of a change in the University Council Constitution which necessitates an amendment to the Constitution of the Student Government Association, a two thirds (2/3) vote of the Student House of Representatives, and a two thirds (2/3) vote of the Student Senate is all that shall be required for such an amendment. A referendum need not be held.

Article XII – RIGHTS OF MEMBERS OF THE STUDENT GOVERNMENT ASSOCIATION

- A. All members of the Student Government Association shall be able to bring an issue to popular vote by submitting to a Clerk of Court a petition bearing the signature and student numbers of at least 10% of the General Undergraduate Student Population. Action on such a request shall be forthcoming within twenty one (21) days form the date said request was received by the Judicial Branch.
- B. The members of the Student Government Association may request a recall election of any elected official by submitting to a Clerk of Court a petition bearing the signatures, student numbers and dates of signature of at least 15% of the General Undergraduate Student Population. Petitions must be received by a Clerk of Court twenty eight (28) days from the date of the first signature. A recall election must occur within twenty one (21) days from the date said request was received by the Chief Justice.