

Constitution of the University of Miami Student Government

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Constitution of the University of Miami Student Government

Preamble

We, the undergraduate students of the University of Miami, in order to form a more perfect campus, establish equity, ensure academic and social tranquility, provide for the common defense of student interests, and promote the general welfare of students, do ordain and establish this Constitution for the University of Miami Student Government. This Constitution shall be supreme in all matters relating to the internal operation of Student Government.

Article I: General Provisions

Section 1. Name

The name of this organization shall be Student Government.

Section 2. Jurisdiction

All registered full-time undergraduate students at the University of Miami shall be subject to its Constitution and Statutes.

Section 3. Organization

Student Government shall be composed of the Legislative, Executive, and Judicial Branches, Category 5, the Elections Commission, the What Matters to U Agency (WMTU), and the ECO Agency.

Section 4. Authority

Student Government is an official representative and agent of the undergraduate student body. It is authorized to represent the needs and wishes of the undergraduate student body and to act as a governing agent in those matters delegated to it by the President of the University or relevant intermediaries.

Section 5. Equal Protection

No action by Student Government shall deny any student the equal protection of the provisions of this Constitution nor its Statutes, nor the student's right to vote.

Section 6. Members of Student Government

All members of Student Government must maintain a 2.5 GPA, have paid the Student Activity Fee, and be a full-time student. No person shall concurrently hold any two (2) offices, elected or appointed internally to Student Government within or among the Executive, Legislative, and Judicial branches, the Elections Commission, as well as officer positions in other associated agencies.

6-1. Absences

An absence by a member of Student Government shall be defined as the failure to attend a meeting, arriving at a meeting after scheduled starting time at the discretion of the Chair, or leaving a meeting before the Chair of said meeting allows members to depart.

6-1-1. Excused Absences

Absences shall be eligible to be defined as excused given notification of absence to the Chair of said meeting twenty-four (24) hours prior to the scheduled meeting.

6-1-2. Absence Based Removal

Whenever any member of Student Government has been absent from meetings for a total of three (3) unexcused absences or a total of five (5) absences, they shall be automatically removed from Student Government office or position.

6-2. Removals from Office

Any member removed from either appointed or elected office shall not be allowed to run for or hold office within one (1) year of said removal.

Section 7. Advisor to Student Government

There shall be at least one Advisor to Student Government appointed by the Vice President for Student Affairs. The advisor(s) will have speaking privileges at Senate meetings, express advisory opinions, provide guidance on University policies and procedures, and may attend meetings of any part of Student Government. Advisor(s) shall be responsible, at minimum, for continuity of Student Government history, management of ballots and election processes, management of Student Government financial accounts, and verification of student eligibility. Advisor(s) have the right to remove a Student Government member from their position if they are found to not meet grade point average requirements or have violated University policy including but not limited to the Student Rights and Responsibilities Handbook upon consultation with the Dean of Students Office or Vice President for Student Affairs.

Section 8. Non-Discrimination

Neither Student Government nor its members shall discriminate on the basis of race, color, sexual orientation, religion, sex, national origin, age, physical handicap, marital status, veteran's status, gender identity, gender expression, political affiliation, religious affiliation or any other discriminatory factor, real or perceived, in any of its policies, procedures, or practices.

Section 9. Responsibility

Student Government shall comply with all University of Miami policies and procedures, including but not limited to, those policies set forth in the Student Rights and Responsibilities Handbook, The Student Organization Handbook, COSO Guidelines, and if applicable, SAFAC guidelines, as well as all local, state, and federal laws.

Section 10. Proportion of Votes Required to Elect

Chief Executive Officers shall be elected by a majority vote. In all other elections, a plurality shall prevail, unless otherwise stipulated.

10-1. Runoff Elections

When an elected Executive Committee office requiring a majority vote has no candidate obtaining a majority, the two highest-placed candidates shall enter into a runoff. Further, if the second-highest candidate position is tied, the candidates shall enter into a separate runoff to determine which shall be declared the second-highest candidate. Should any runoff election

result in a tie, voting shall be extended for twenty-four hours (24). In the case of Senate elected officer positions, voting shall be postponed until the following meeting.

Section 11. Election Dates

Election for all offices filled by vote of the undergraduate student body shall take place in the designated semester at least four (4) weeks prior to the beginning of that semester's final examination period. The Senate shall enact specific dates at least four (4) weeks prior to the proposed dates for a given election.

11-1. Runoff Election Dates

In the case of a tie vote on the initial ballot, or in the case of an Executive Office when no candidate has obtained a majority, a runoff election shall be conducted within seven (7) days of the initial ballot.

Article II: The Legislative Branch

Section 1. Senate

The legislative power of Student Government shall be vested in the Senate.

Section 2. Composition of the Senate

The Senate shall be composed of Senators representing the following constituencies:

2-1. Academic Constituencies

Academic constituencies shall consist of the following undergraduate academic schools of the University:

1. College of Arts and Sciences
2. Miami Herbert Business School
3. School of Education and Human Development
4. College of Engineering
5. School of Architecture
6. Frost School of Music
7. School of Nursing and Health Studies
8. School of Communication
9. Rosenstiel School of Marine and Atmospheric Science

2-2. Residential Constituencies

The apportionment of residential seats shall be consistent with the current proportion of students living in university residential areas and off campus housing. Residential constituencies shall consist of the following areas of residency:

1. Stanford Residential College
2. Hecht Residential College
3. Eaton Residential College
4. Pearson Residential College
5. Mahoney Residential College
6. Fraternity Row Residence Area
7. University Village

8. Lakeside Village
9. Commuter Students
10. Remote Area

2-3. Class Constituencies

There shall be two (2) Senators elected by each undergraduate class. Class shall be based on the number of years at the University of Miami. Transfer students will vote based on credits.

2-4. Organizational Constituencies

Any undergraduate student organization that is a COSO-registered University student organization, receives funding from SAFAC, and demonstrates substantive needs currently unmet by the Senate shall be entitled to full voting representation on behalf of its constituency in the Senate, provided said organization shall follow the procedure set forth within the Statutes.

2-4.1. Organizational Senators

Each organization receiving Senate representation as listed in these Statutes shall be entitled to no more than one (1) seat in the Senate and shall be subject to Senate requirements. Each organization shall elect or appoint its representative for an annual term in the Senate.

2-5. Unique Population Constituencies

Any undergraduate student population, not related to class, school, or residency, that is overseen by an official department of the University and demonstrates substantive need currently unmet by the Senate shall be entitled to full voting representation on behalf of its constituency in the Senate, provided said unique population shall follow the procedure set forth within the Statutes.

2-6. Liaisons to the Senate

The Senate shall include liaisons as follows. Except for voting in the Senate and in committee and acting as a committee chair, liaisons shall have all the privileges of the Senate, including committee membership.

2-6.1. Liaison from the Graduate Student Association

The President of the Graduate Student Association shall be invited to appoint one (1) liaison immediately following the annual spring semester elections for a period of one (1) calendar year.

2-6.2. Liaison from the Student Health Advisory Committee

The President of the Student Health Advisory Committee (SHAC) shall be invited to appoint one (1) liaison immediately following the annual spring elections for a period of one (1) year.

2-7. Senate Reapportionment

Academic and residential constituencies shall be reapportioned annually, coordinated by the Speaker of the Senate, upon the release of the latest University of Miami student enrollment data from the Office of the Registrar. Any student whose office is affected by the reapportionment may complete the normal term.

Section 3. Officers of the Senate

All Officers of the Senate must meet the qualifications stated in Article VI, Sections 4 and 5 of this Constitution.

3-1. Speaker

The Senate shall be chaired by the Speaker, selected by the Senate, from the undergraduate student body at-large for an annual term.

3-1.1. Rights of Speaker

The Speaker of the Senate shall:

1. Have all the rights of the floor.
2. Have no vote except in times when the Senate sits as the High Court of Impeachment.
3. Preside over all Senate meetings as Chair.
4. Appoint standing or ad hoc committees of the Senate as the student or the Senate may deem necessary for the functioning of the Senate.
5. Designate appointments to fill vacancies in the Senate as provided for in the Statutes.
6. Require reports from the committees and commissions that he or she may deem necessary for the functioning of the Senate.
7. Have the right to request reports from all other branches and agencies of Student Government.
8. Notify Senators of meetings, prepare an agenda, and distribute said agenda at least five (5) hours before Senate meetings.
9. Appoint a representative from the Legislative Branch to serve on the Trial Initiatives & Programs Appropriations Committee (TIPAC).
10. Submit a budget proposal to the Treasurer for the Legislative Branch at the written request of the Treasurer.
11. Have the right to make the external appointment of one (1) Student Government representative to the University of Miami Faculty Senate

3-1.2. Speaker Election

The Senate shall elect a Speaker by written ballot at the third Senate meeting following the final announcements of all spring election results, including any runoff elections. The Speaker shall be elected by a majority (fifty percent plus one) of the Senate seats filled at said time of elections. A quorum shall be required to elect a Speaker.

3-2. Speaker Pro Tempore

There shall be a Speaker Pro Tempore who shall serve for an annual term.

3-2.1. Rights of Speaker Pro Tempore

The Speaker Pro Tempore shall:

1. Preside in the Speaker's absence as Chair.
2. Maintain rights as a Senator.
3. Have speaking rights to the floor ahead of all members of the Senate barring the Speaker.
4. Preside over the Council of Chairs.

5. Expel any Senator from office who accumulates three (3) unexcused absences or five (5) total absences per semester from Senate, primary committee meetings, and Council of Chairs meetings, if applicable.

3-2.2. Speaker Pro Tempore Election

At a meeting of the new Senate, following the annual spring election and no later than the end of the spring semester, the Senate shall elect by written ballot a Speaker Pro Tempore. The Speaker Pro Tempore shall be elected by a majority (fifty percent plus one) of the Senate seats filled at said time of elections. A quorum shall be required to elect a Speaker Pro Tempore.

3-3. Parliamentarian

There shall be a Parliamentarian.

3-3.1. Duties of the Parliamentarian

The Parliamentarian shall:

1. Have authority in the Senate on procedure.
2. Act as an advisor in regards to Robert's Rules of Order.
3. Act as an advisor to the Senate in regards to issues on the constitutionality of Senate actions and procedures.
4. Have no vote except in those cases provided for in the latest edition of Robert's Rules of Order, Newly Revised.
5. Maintain for all Senate meetings a copy of the most recently updated Constitution, Statutes, and Robert's Rules of Order.
6. Train each Speaker of the Senate on Robert's Rules of Order within the first two weeks of their appointment.
7. Act as liaison between the Judicial and Legislative Branches.

3-3.2. Appointment of Parliamentarian

The Chief Justice of the Supreme Court shall fill the role of the Parliamentarian. In the case of an absence of the Chief Justice, they may designate another member of the court to fill the role of Parliamentarian.

3-4. Secretary of the Senate

There shall be a Secretary of the Senate.

3-4.1. Duties of the Secretary of the Senate

The Secretary of the Senate shall:

1. Maintain current records for the use of the Senate, including but not limited to minutes, attendance rolls, voting records, and records of the Executive, Legislative and Judicial branches and of independent agencies.
2. Certify Senate minutes with the Speaker and Parliamentarian.
3. Perform such additional duties as the Speaker or the Senate shall request.
4. Send meeting minutes to all of the Senate within one (1) class day of weekly meetings.

3-4.2. Appointment of the Secretary of the Senate

The Speaker shall appoint the Secretary of the Senate.

3-5. Senate Internal Relations Coordinator

There shall be an Senate Internal Relations Coordinator.

3-5.1. Duties of the Senate Internal Relations Coordinator

The Senate Internal Relations Coordinator shall:

1. Meet with all newly elected or appointed Senators, who have not held a Senate seat in the past, to explain all Senate Floor motions and procedures.
2. Review the University of Miami Student Government Constitution and Statutes, in their entirety, with all newly elected or appointed Senators, who have not held a Senate seat in the past.
3. Explain the process of Committee policy and bill writing with all newly elected or appointed Senators, who have not held a Senate seat in the past.
4. Work to promote a communicative and collaborative environment within the Senate.

3-5.2. Appointment of the Senate Internal Relations Coordinator

The Speaker shall appoint the Senate Internal Relations Coordinator from the presently elected senators, excluding the other Officers of the Senate.

3-6. The Council of Chairs

There shall be a Council of Chairs representing the committees of the Senate.

3-6.1. Duties of the Council of Chairs

The Council of Chairs shall:

1. Report to the Speaker and Speaker Pro Tempore of the Senate.
2. Oversee their respective committees and projects.
3. Attend regular meetings with the Speaker Pro Tempore.
4. Conduct interviews for vacant Senate seats.
5. Complete other duties and responsibilities as outlined by the Statutes and/or those deemed necessary for the functioning of Student Government by the Speaker and/or Speaker Pro Tempore.
6. Not be considered a committee.

Section 4. Powers of the Senate

The Student Senate shall have power, within the framework of other University policy, to:

1. Propose referenda to the University Vice President for Student Affairs.
2. Approve the budget of Student Government.
3. Provide a formal means of communication between the constituency and their respective senator.
4. Override a veto of the Student Government President by a two-thirds (2/3) majority of the Senators present and voting.
5. Ratify all appointments, by a majority of all present and voting Senators or greater if otherwise stipulated, to the offices or positions of:
 - a. Senator
 - b. Supreme Court Justice
 - c. Agency Chair

- d. Assistant Executive Officer
6. Establish procedures for the execution of its business.
7. Advise and consent to procedures and regulations governing Student Government elections.
8. Establish any independent committee, commission, agency, board, or organization it may deem necessary for the functioning of Student Government.
9. Take authorized actions necessary and proper to make recommendations to promote the general welfare of the undergraduate student body concerning any facet of undergraduate student life at the University.
10. Review organizational appeals of the decisions of the Student Activity Fee Allocation Committee (SAFAC) and make recommendations to the University administration as needed.
11. Overrule an allocation or the withdrawal of funds by the Trial Initiatives & Programs Appropriations Committee (TIPAC).

Section 5. Meetings

The Senate shall hold weekly meetings at a designated time and place during the fall and spring terms, and once set for a given academic year, may not be changed for any reason without concurrence of three-fourths (3/4) of those Senators present and voting.

5-1. Special Meetings

The Speaker, or in the Speaker's absence, the President at the Speaker Pro Tempore's consent, shall, on the petition of five (5) Senators, call a special meeting. The agenda for such a meeting shall be distributed when the meeting is called.

5-2. Cancellation of Meetings

A regular meeting of the Senate may be cancelled at the discretion of the Speaker of the Senate.

Section 6. Senate Procedures

All records of Student Government shall be available upon request at the mutual convenience of the Senate and any member of the University community requesting access, at the discretion of the Speaker of the Senate.

6-1. Quorum

A majority of the occupied Senate seats shall constitute a quorum to do business. The Senate, in the absence of a quorum in formal meeting, may meet as a Committee of the Whole. Any action taken shall be a nonbinding recommendation which must be re-voted once a quorum is reached.

6-2. Rights of the Floor

The rights of the floor at Senate meetings shall be allotted in the following order of preference:

1. Officers of the Senate
2. Senators
3. The Senate Parliamentarian
4. Senate Liaisons
5. Advisor(s) to Student Government
6. President

7. Vice President
8. Treasurer
9. Assistant Executive Officers
10. Agency Chairs or their designees
11. Justices of the Supreme Court
12. All other members of Student Government

No other person shall have speaking privileges at the Senate unless invited by an active Senator and approved by the Speaker of the Senate.

6-3. Rules of Order

Unless a defined rule in the Constitution, Rules of Order, or Standing Rules of Student Government states otherwise, the Senate shall be governed by Robert's Rules of Order, Newly Revised. In a situation whereby the Rules of Order fail to answer a question of procedure, the Senate Parliamentarian shall be the final authority.

Section 7. Special Qualifications for Senators to Retain Office

Any Senator who represents an Academic Class, Organization, Academic, Residential, or Unique Population constituency, as defined in [Section 2-1.](#), [2-2.](#), [2-3.](#), [2-4.](#), and [2-5.](#) of this Article, must reside in or be a member of the constituency which the senator represents throughout the term of office, excluding the period between the start of the fall semester and fall elections. Otherwise the student shall be automatically removed from said office.

Article III: The Executive Branch

Section 1. Definitions

The supreme executive powers of the undergraduate student body as an entity shall be vested in three (3) Chief Executive Officers:

1. The President
2. The Vice President
3. The Treasurer

The term "Assistant Executive Officers" shall refer to the Director of University Affairs, Director of Academic Affairs, Director of Outreach, Director of Internal Affairs, Chief of Staff, Director of Communications, and Director of Diversity, Equity, and Inclusion, jointly, whenever it is used.

Section 2. Election, Qualifications and Removal of Executive Officers

The three (3) Chief Executive Officers shall be elected from the undergraduate student body at-large at the annual spring semester elections. Each shall meet and maintain qualifications stated in [Article VI, Sections 4. and 5.](#) of this Constitution. No Chief Executive Officer may be removed from office except by impeachment and conviction, recall or disqualification.

2-1. Selection Process of Assistant Executive Officers

All Assistant Executive Officer positions shall be available to any undergraduate student at the University of Miami who can meet and maintain the qualifications stated in Article VI, Sections 4 and 5 of this Constitution. All those applying to an Assistant Executive Officer position shall

be subject to an application and interview process of the Chief Executive Officers' making following the annual spring semester elections to serve for a period of one (1) calendar year.

Section 3. Powers of the President of Student Government

The President of Student Government shall have the power to:

1. Make recommendations to the Senate and transmit reports from executive agencies and officeholders to the Senate.
2. Issue orders to and require reports from officeholders and agencies in the Executive branch.
3. Enforce and administer the provisions of this Constitution and actions enacted thereto.
4. Recommend approval of expenditure requests for forwarding to the appropriate account signatory and sign forms for expenditure on all University accounts relating to Student Government. Failure to approve or sign shall constitute a veto of expenditure, and the President of Student Government shall transmit to the Senate such an expenditure item with the reasons for veto within five (5) days of the initial expenditure request.
5. Call and preside at meetings of the undergraduate student body.
6. Approve actions of legislative nature under the jurisdiction of the executive and legislative branches, enactments or amendments of the Student Government Statutes, or resolutions of the Senate.
7. Veto actions of legislative nature under the jurisdiction of the executive and legislative branches, enactments or amendments of the Student Government Statutes, or resolutions of the Senate. Veto power can only be exercised within ten (10) days after the action is approved by the Senate and is delivered to the Office of the President of Student Government. Failure by the President of Student Government to veto or approve the legislation within those ten (10) days shall constitute approval and such actions shall become effective. If an action is vetoed, the President shall transmit to the Senate such action with the President's signature and a recorded reason for the veto.
8. Establish by executive order such subsidiary bodies and positions deemed necessary and proper by the President in the performance of his or her duties, specifying the purpose, composition, qualifications for service and authority of the same. The President may similarly establish such positions and bodies in the Executive departments as requested by the appropriate officers of the Executive Branch. Appointments to such positions, as well as any other Assistant Executive Officers, shall be subject to confirmation via ratification by the Senate. The Senate may enact regulations on such positions and bodies by actions internal to Student Government as it may deem proper.
9. Serve as an ex-officio member of all Executive Branch committees.
10. Represent the University of Miami undergraduate student body in all matters dealing with the faculty, administrative officers, and the Board of Trustees of the University and with individuals or groups from other universities. The President may delegate his or her authority in whole or in part to designated representatives, who shall be subject to the advice, consent and confirmation of the Senate. Such representation, however, excludes any financial, legal, contractual or other similar agreements, which would be binding.
11. Present to the Senate, at least once a semester, a State of the University address.
12. Appoint a representative from the Executive Branch to the Trial Initiatives & Programs Appropriations Committee (TIPAC).

13. Submit a budget proposal to the Treasurer for the Executive Branch at the written request of the Treasurer.
14. Hold all other such powers as appropriate to execute and administer the provisions of this Constitution, as may be specified elsewhere in this document, and all actions pursuant thereto.

Section 4. Powers of the Vice President of Student Government

The Vice President of Student Government shall:

1. Act as President of Student Government in the case of the absence or incapacitation of the same, exercising all duties of the Office of the President of Student Government.
2. Serve as the designated representative of the President of Student Government when requested by the President of Student Government and perform such duties for the President of Student Government as are mutually determined.
3. Act as Chair of the First-Year Leadership Council (FLC).

Section 5. Powers of the Treasurer of Student Government

The Treasurer of Student Government shall:

1. Report monthly, to the President of Student Government, the Executive Committee, and Senate on fiscal matters and on all transactions related to the Student Government budget.
2. Approve any use of the Student Government budget.
3. Compile a budget for Student Government to be presented and ratified by the Senate annually.
4. Serve as the non-voting Chair of TIPAC.
5. Perform other duties charged to them as the President or Speaker of the Senate shall request.

Section 6. Executive Committee

The Executive Committee shall be composed of the President as Chair, the Vice President, the Treasurer and the Assistant Executive Officers, the Speaker of the Senate, the Speaker Pro Tempore, the Chief Justice, and the agency chairs. It shall meet and carry out actions in formal meetings or by informal consultation, such matters delegated by executive authority. It shall meet no less than once every two (2) weeks. All members of the Executive Committee shall maintain a 2.75 GPA.

6-1. Executive Committee Minutes

Minutes shall be kept of all meetings by the Chief of Staff.

6-2. Advice of Executive Committee

The Executive Committee or its members may advise the President of Student Government on any matter or duty under their authority. The Executive Committee may also advise any individual officer of the Committee on matters under their authority.

6-3. Substitute for Absent Officer

In the event that an Executive Officer is unable to attend the Executive Committee, they may, at the President of Student Government's discretion, send a substitute representative from their board.

Section 7. Student Government Actions Requiring External Response

The President of Student Government or the Speaker of the Senate shall transmit to the University Vice President for Student Affairs all legislative or executive actions external to Student Government, unless such actions are vetoed within ten (10) days.

7-1. Actions Within the Authority of the Office of the Vice President for Student Affairs

The Vice President for Student Affairs shall render a decision as to the implementation of the action to the President of Student Government and the Speaker of the Senate within thirty (30) days of action receipt. The Vice President for Student Affairs may inform them in writing within such time that an extension of time is needed, citing reasons and an estimated date of response.

7-2. Referrals of Action outside the Authority of the Office of the University Vice President for Student Affairs

For actions requiring implementation outside of Student Affairs, the Vice President for Student Affairs shall refer the action to the appropriate office or agency and provide notification of referral within thirty (30) days of receipt. The referrer will then notify the Vice President for Student Affairs when a decision has been made, or at most before the conclusion of an academic semester, and the Vice President shall then inform the President of Student Government and Speaker of the Senate.

Article IV: The Judicial Branch

Section 1. The Supreme Court

Supreme judicial powers in this Constitution shall be vested in the Supreme Court.

Section 2. Composition

The Supreme Court shall consist of nine (9) justices and a Clerk of the Court. The nine (9) justices shall include:

1. Chief Justice
2. Associate Chief Justice
3. Associate Justice(s)
4. Clerk of the Court

2-1. Appointment Procedure

2-1.1. Appointment of Chief Justice

The President of Student Government shall appoint the Chief Justice. The President shall have final authority in appointing a Chief Justice but must request the advice of the Court.

2-1.2. Appointment of Associate Chief Justice

The appointment of the Associate Chief Justice shall be at the discretion of the Chief Justice and shall occur each semester.

2-1.3. Appointment of Associate Justices

The appointment of an Assistant Chief Justice shall be at the discretion of the Chief Justice.

2-1.4. Appointment of Clerk of the Court

The appointment of the Clerk of the Court shall be at the discretion of the Chief Justice and shall occur each semester.

2-2. Term of Office

A Justice shall retain office unless the student is impeached and removed, resigns, leaves the undergraduate schools of the University, fails to meet the qualifications set forth in Section 3 of this Article, or is not retained following the annual review by the Chief Justice.

2-2.1 Review Process

Once per academic year, the Chief Justice may initiate a one (1) week review process for current members of the Supreme Court in order to determine if each Justice will remain on the Court for the following year. At the discretion of the Chief Justice, a call for applications shall be publicized to the student body at large following the one (1) week review period.

Section 3. Qualifications

Each Justice of the Supreme Court shall be a full-time undergraduate student studying at the University of Miami campus maintaining a minimum 2.5 cumulative grade point average at the time of nomination to the Court. The Chief Justice shall maintain a 2.75 GPA.

Section 4. Conflict of Interest

Justices must remain fair and impartial throughout all Student Government elections.

4-1. Judicial Recusal

If due to position or affiliation, a Justice cannot render a fair and impartial decision, the Justice shall abstain from any judicial participation on such matters being heard.

4-2. Elected Office

A Justice must resign from office prior to filing a declaration of candidacy for any elected office or prior to nomination to any appointed office under this Constitution.

Section 5. Jurisdiction

The Supreme Court shall have judicial responsibility and authority. The decisions of this Court shall be binding upon candidates and officeholders of Student Government.

5-1. Judicial Decisions

The Court shall render judicial decisions enforcing and interpreting the provisions of this Constitution and determining those cases and controversies relating to enforcement and interpretation of this Constitution which are referred to it by any member of Student Government, except as to those cases and controversies arising related to impeachment proceedings, which shall remain under the jurisdiction of the Select Commission on Impeachment and the Senate.

5-2. Court Opinions

The Supreme Court may, at its discretion, issue opinions, which involve interpretation of this Constitution and its Statutes.

5-2-1. Advisory Opinions

Requests for Advisory Opinions by the Court must be made to the Chief Justice. A written request by email is required. Requests for Advisory Opinions may be anonymous. Upon receipt of the request, the Court has 10 class days to reject or return the Advisory Opinion with the judicial review.

5-2-2. Judicial Review

Requests for Judicial Review of legislation passed through the Student Government Senate or actions of Executive Officers are required to be in writing and submitted to the Chief Justice and Clerk of the Court.

5-2-3. Supreme Court Decision Appeals

Requests from appellate hearings regarding Supreme Court decisions must be made in writing, submitted to the Chief Justice and Student Government Advisors, and meet the criteria prescribed in the Student Government Constitution and Statutes.

5-3. Subpoenas

The Supreme Court shall have the authority to issue such subpoenas or writs to any undergraduate student. The enforcement of subpoenas issued under this Article or the Statutes shall be referred for appropriate disciplinary action through the Dean of Students Office (DOSO), under the controlling disciplinary authority.

Section 6. Quorum

Quorum of the Supreme Court shall be required to transact any Court business other than the Trial Court. Quorum for all such business shall consist of a minimum of two-thirds (2/3) of current Justices, including the Chief Justice. Quorum for Trial Court business shall consist of three (3) members of the Trial Court. In the absence of or when there is a vacancy in the position of Chief Justice, the Associate Chief Justice shall serve as acting Chief Justice.

Section 7. Rules of Procedure

The Supreme Court is authorized to make and amend rules of procedure for the Court, provided such rules shall not conflict with any provisions of this Constitution and of the Statutes. Such rules shall require the concurrence of five (5) Justices for adoption and shall be transmitted to the Senate five (5) days following adoption. The Court may recommend amendments to the Statutes which affect or govern Court procedures.

Section 8. Attendance

All Supreme Court Justices shall attend all meetings of the Court. Any Justice who accumulates five (5) total absences or two (2) unexcused absences within the period of a semester shall be disqualified and removed automatically from office.

Section 9. Records of Decisions

The Court shall transmit written copies of all decisions rendered to the Student Government website and Speaker of the Senate.

Section 10. Judicial Administration

The Supreme Court is authorized to establish such positions, giving their function, qualification and duties, as it determines to be appropriate for the operations of the Judicial branch of Student Government.

Section 11. Trial Court

At the discretion of the Chief Justice, the Supreme Court may hold formal trials in order to resolve constitutional and statutory issues and inconsistencies. The Trial Court shall have original jurisdiction in the hearing of Elections Codes violations.

11-1. Trial Court Procedures

The Trial Court shall adhere to Article I, IV, and VIII of the [Federal Rules of Evidence](#).

Section 12. Appellate Court

Following the conclusion of a Court decision, a guilty party has the right to seek an appeal, within 24 hours of written decision, for one of the following reasons:

1. The procedures of or leading to decisions were in violation of this Constitution or these Statutes.
2. The penalty does not properly reflect the severity of the violation.
3. New evidence has become available that would significantly alter the outcome.

12-1. Appellate Court Procedures

The Appellate Court shall adhere to procedures outlined within these Statutes, of which the greatest is that the Justices who serve did not serve within the original hearing.

Article V: Agencies

Section 1. Agency Definition

An Agency shall be defined as a group or organization that exists for a specific purpose that is not addressed by the Executive, Legislative, or Judicial Branch.

Section 2. Power of an Agency

A Student Government Agency shall have authority over their makeup, goals, and procedures as outlined within the Statutes.

Section 3. Membership of an Agency

Any individual who is a member of an Agency shall be considered a member of Student Government. As such, all agencies members must abide by the membership requirements outlined in [Article 1. Section 6](#), of this Constitution.

Section 4. Student Government Agencies

Student Government Agencies include:

1. Elections Commission
2. Category 5
3. ECO Agency
4. What Matters to U

Section 5. Student Government Agencies Purpose

Student Government Agencies shall exist to serve the following purposes.

1. Elections Commission shall have primary jurisdiction over student body elections.
2. Category 5 shall have primary jurisdiction over Student Government's relationship with University Athletics and associated athletic programming or initiatives to build University spirit.
3. ECO Agency shall have primary jurisdiction over environmentally conscious and sustainable programming, initiatives, and associated projects.
4. What Matters to U shall have primary jurisdiction over large-scale discussion-based or out-of-the-classroom engagement opportunities for the student body.

Article VI: Elections, Qualifications for Office and Vacancies

Section 1. Proportion of Votes Required to Elect

Chief Executive Officers shall be elected by a majority vote. In all other elections, a plurality shall prevail, unless otherwise stipulated.

Section 2. Elections Commission

The Elections Commission shall be an agency with its composition and authority determined by the Statutes.

2-1. Jurisdiction

Jurisdiction shall include all elections conducted under this Constitution.

2-2. Appointment

The Elections Commission Chair shall be appointed by the President of Student Government and shall be dependent upon advice, consent, and confirmation by a two-thirds (2/3) majority of the Senate.

2-3. Term of Office

The Elections Commissioners and the Elections Commission Chair shall serve an annual term, from one spring semester to the next, beginning with the inauguration of the new Executive Committee. Members of the Elections Commission shall not be removed from office except by disqualification or by conviction on Articles of Impeachment. Should any member of the Elections Commission begin their term after this time period for any reason, their term shall only last until the end of the existing term.

2-4. Election Codes

There shall be permanent election codes for the annual fall and spring elections. The Elections Commission shall possess the ability to refer code violations to the Supreme Court as they deem necessary.

Section 3. Qualifications

Each candidate, except those who have no cumulative grade-point average recognized by the University Registrar, shall have at the time specified in [Article VI, Section 3-1](#), a minimum 2.5 cumulative grade-point average as determined by the University Registrar and shall be enrolled at the University of Miami as a full-time student. Candidates for President, Vice President, and Treasurer of Student Government and Elected Officers of the Senate shall have a 2.75 cumulative grade-point average. Failure to meet these requirements shall result in automatic disqualification. Graduating seniors completing their annual tenure in their final semester may remain in office during the semester while taking only the credits necessary to complete graduation requirements, which shall be considered full-time status for the purpose of [Article I, Section 6](#) of this Constitution, but in no event shall this amount be less than six (6) credits.

3-1. Verification Authorized

By the process of formally declaring candidacy, each candidate authorizes the Elections Commission or its duly authorized representatives to inspect the academic records and credentials of said candidate. Each office holder of Student Government by the student's installation in office authorizes public disclosure of such records to the authorized individuals stipulated below as to verify the office holder's continued qualification to hold office. Verification may be requested by the officers of the Executive and Legislative branches or by the Chief Justice of the Supreme Court.

Section 4. Term of Office

All persons elected or appointed to an office in Student Government shall be sworn or affirmed into office no later than ten (10) days following their election or appointment, except in the case of Executive Officers and appointees in the spring semester who shall be sworn or affirmed into office as soon as is reasonably possible.

Section 5. Oath of Office

All officers of the Executive, Legislative and Judicial branches, including all Senators and Justices shall be administered the oath of office. The oath may be administered by the Speaker, the acting Senate Chair, Chief Justice, or an Associate Justice. The oath to be administered shall be: "I, (name of individual), do solemnly swear (or affirm) that I shall preserve, protect and defend the Constitution of the University of Miami Student Government and that I shall execute the duties of my office to the best of my abilities."

Section 6. Vacancies

In the case of a vacancy in the Office of President of Student Government, the Vice President of Student Government shall become President of Student Government, to serve until a successor is regularly elected at the next spring election.

In the case of a simultaneous vacancy both in the Office of President of Student Government and Vice President of Student Government, the Speaker of the Senate shall become President of Student Government.

In the case of a vacancy in the Office of Vice President of Student Government, the President of Student Government shall nominate a new Vice President with the consent of a two-thirds (2/3) majority of the Senate. This Vice President of Student Government shall serve until a successor is regularly elected at the next annual spring election.

In the case of a vacancy in the Office of Treasurer of Student Government, the President of Student Government shall nominate a new Treasurer with the consent of a two-thirds (2/3) majority vote of the Senate. This Treasurer of Student Government shall serve until a successor is regularly elected at the next annual spring election.

In the case of a vacancy in the Office of Speaker of the Senate, the Speaker Pro Tempore shall become Speaker, to serve until a successor is regularly elected at the next spring election. In the case of a vacancy in the Office of Speaker Pro Tempore of the Senate, the Senate shall elect a new Speaker Pro Tempore. In the case of a vacancy in the office held by a Senator, the Senate shall provide by Statute for a procedure to fill such a vacancy. In the case of a vacancy in any other office or position, such vacancy shall be filled in the same manner used to fill such vacancy originally, for the remainder of such term. A vacancy in any other elected office shall be filled as the Senate shall provide by Statute.

Article VII: Direct Powers of the Undergraduate Student Body

Section 1. Referenda

A referendum is a petition of a singular question whose answer directly impacts the Undergraduate Student Body. Referenda may be one of the following types:

1. Initiative referendum - a question that seeks change to policy, procedure, or services within the University.
2. Financial referendum - a question that requests to increase the Student Activity Fee for the purpose of granting specific funding to a student organization.
3. Constitutional referendum - a question that amends or changes the Student Government Constitution and Statutes.
4. Challenge referendum - a question that seeks to challenge any of the above referenda with the opposite of the referendum question.

1-1. Referenda Initiation and Petition

Any full-time, undergraduate student must initiate a referendum petition that includes the referendum question and the consent via signature of either 10% of the unique undergraduate population or, in the case of a student body applicable question, five hundred (500) full-time, undergraduate students. This petition must then be filed with the Elections Commission Chair. All signatures must then be verified with the Advisors before the start of Graphic Campaigning.

1-1.1. Restrictions on Constitutional Referendum

No referendum question shall extend to elections authorized by this Constitution or Student Government Statutes, to actions that advise, consent, and confirm appointments or nominations for appointments, or to the power of the Senate to impeach or to convict under Articles of Impeachment.

1-2. Referendum Election and Approval

A referendum petition may only appear on the spring ballot and voted on by the entire student body, even if relevant to a specific enfranchised population within the student body. Referenda will be approved by a two-thirds ($\frac{2}{3}$) majority vote of the student body. Approval of referendum, i.e. that a vote occurred and appropriate vote totals were reached, must then be confirmed by the Senate.

1-2.1. Constitutional Referendum Approval

Approved actions internal to Student Government shall be binding, unless reversal action is taken. No reversal action may be pursued by Senate within (1) one year of said referendum's passage.

1-2.2. Financial and Initiative Referendum Approval

All questions requiring external response, as determined by the Speaker of the Senate, shall be transmitted pursuant to [Article III, Section 7.](#) of this Constitution, for appropriate action within ten (10) days of the referendum election.

1-2.3. Challenge Referendum Approval

In the event that, at a given single election, contradictory initiatives or questions are adopted, the conflict shall be resolved through the confirmation of referendum receiving the highest number of affirmatively adopting votes.

1-3. Expiration of Financial Referenda

If the account for a passed financial referendum is inactive for a period of two (2) years, the referendum will expire. Students shall no longer be charged in the Student Activity Fee for expired referenda. All monies in the account at the time of the referendum's expiration shall be withdrawn from that account and placed into the general SAFAC fund for redistribution.

Section 2. Recall Election

Recall and removal of any Executive Officers, the Speaker of the Senate, or any Senator may be initiated by a recall petition. Said petition must be signed by at least either 10% of the enfranchised undergraduate population or five hundred (500) undergraduate students including identification numbers and filed with the Elections Commission. It shall be verified within ten (10) class days of receipt per recall petition received.

2-1. Election Commission Action

If a sufficient number of signatures are verified, the Elections Commission shall call a recall election immediately following verification of the recall petition, but no later than a regular election that fell within the aforementioned ten (10) day period.

2-2. Eligible Voters and Limited Disqualification

In the case of a recall election for a Senator, only students who comprise the constituency of said seat may vote in the recall election. No person, once recalled and removed from office, shall be eligible to hold any office or position in Student Government for one (1) calendar year following the date of removal from office.

2-3. Recall Election Question

The question on the ballot shall state the reason for recall, if any, as petitioned and ask: “Shall (name of individual), (title), be recalled and removed from (office held)?”

Section 3. Initiative Legislation

Any undergraduate student may petition the Senate to hear, discuss, and determine any legislation within the authority of the Senate through sponsorship of the proposed legislation by one (1) or more Senators or the Speaker Pro Tempore of the Senate, or through a petition signed by at least twenty-five (25) enfranchised undergraduate students, with their school, class, and identification numbers, filed with the Speaker of the Senate and verified at the speaker’s discretion within two (2) class days per petition received. If a sufficient number of signatures is verified, the legislation shall be classified as submitted legislation and submitted by the Speaker of the Senate for its action on the agenda. This section shall not prevent the petitioners from invoking the other provisions of this Article, Article VII.

Section 4. Co-Sponsorship

Any undergraduate student may propose legislation to the Senate requesting co-sponsorship, so long as the student is representing an undergraduate student organization that is:

1. Registered with the Committee on Student Organizations (COSO),
2. Registered with the Office of the Dean of Students,
3. Registered with the Butler Center for Service and Leadership, or
4. Registered with the Office of Multicultural Student Affairs,

and the event resides within the boundaries of the campus, is free of charge, and is open to all undergraduate students.

The author(s) of the legislation must retain approval of the subsidiary committee as defined in the statutes before requesting to be placed on the agenda, and must present a complete budget in writing to the committee. Passed legislation shall include Student Government as a co-sponsor of the event.

4-1. Student Government Co-Sponsorship Funding Guidelines

All applications for student government co-sponsorship funding are subject to the funding guidelines and procedures outlined within the Statutes.

Article VIII: Impeachment

Section 1. Impeachment Proceedings

All persons holding a position in Student Government shall be removed from and forever disqualified from holding any position upon conviction of Articles of Impeachment by a two-thirds (2/3) majority of the Senators voting in concurrence in trial, with the Senate sitting as High Court of Impeachment. The respondent shall nevertheless be liable and subject to legal proceedings or University disciplinary action as deemed necessary. A resignation by a respondent shall not terminate impeachment proceedings in the inquiry or trial stage.

1-1. Grounds for Charges in Articles

Articles of Impeachment shall be presented to the Senate upon adoption by the Select Commission; the Articles shall charge such action or conduct which is detrimental in nature to the office of position held or to the Student Government including, but not limited to, bribery; misappropriation of funds or property; negligence of duty; abuse of authority; malfeasance, misfeasance or nonfeasance of office or position; conduct or actions unbecoming of such person holding such office or position in Student Government.

Section 2. Initiation of Proceedings

Impeachment proceedings may be initiated on the written request of three (3) Senators; five (5) undergraduate students who are non-Senators; to the Chief Justice. In the case that the respondent is the Chief Justice, the request may be submitted to the Associate Chief Justice. Such recommendation shall be based on a reasonable belief that a person(s) holding an office or position has engaged in detrimental conduct or actions as specified in [Article VIII, Section 1-1.](#) of this Constitution.

Section 3. Select Commission in Impeachment

The Chief Justice shall appoint a Select Commission on Impeachment, whose composition shall be designated by Statute. The Select Commission shall act on approved recommendations to initiate impeachment proceedings and shall complete its inquiry within twenty (20) class days following appointment. Adoption of the Articles of Impeachment against any respondent named in the recommendation shall be constituted by a majority vote. The Select Commission shall then transmit the adopted Articles of Impeachment to the Senate within seventy-two (72) hours of the vote. An advisor must be present at all Select Commission meetings.

Section 4. High Court of Impeachment and Trial

Upon adoption of the Articles of Impeachment, the Senate shall convene within the next two weekly senate meetings as the High Court of Impeachment and shall sit as such until a final determination is reached unless otherwise ordered by the Senate. The Chief Justice of the Supreme Court shall act as Presiding Officer of the High Court at trial, unless the respondent named is the Chief Justice, in which case the Associate Chief Justice shall act as Presiding Officer. The Presiding Officer shall have no vote in the final judgment.

4-1. Staff of the High Court

The Senate Liaisons, the Advisor to Student Government, non-elected Senate Officers, and such other personnel as are needed by the Senate shall serve as a staff to the High Court, and perform administrative or resource functions for the Senate while sitting as the High Court. The Presiding Officer of the High Court, as necessary, shall delineate the appropriate functions for the resource and administrative staff.

4-2. Senator Recusal

If a Senator cannot render a fair and impartial decision during the High Court of Impeachment, the Senator shall abstain from any participation on such matters being heard.

4-3. Trial Procedures

The Senate shall determine either by Statute or by order when convened as the High Court of Impeachment such forms, procedures, regulations and authority to be used in trial proceedings when sitting at trial. The trial proceedings shall be open, except when the Senate shall order a closed session, or when the Senate shall receive evidence in confidence. All witnesses shall be sworn as to their testimony.

4-3.1. Confidential Evidence and Closed Sessions

Evidence shall be presented in confidence at the discretion of the presiding officer, or on written request of the prosecutor or the respondent with a majority vote of the Senators present. A closed session, meaning only those directly involved with proceedings shall be permitted, shall be ordered whenever evidence is to be reviewed in confidence.

4-4. Deliberation

The Presiding Officer shall chair a confidential and closed deliberation period following the presentation of all evidence. Only the Presiding Officer, eligible Senators, and Advisors may be present. Each Senator present shall have the opportunity to speak no more than twice.

4-5. Verdict and Judgment

Upon completion of the presentation of all testimony and evidence, and of all arguments and of final debate in trial, a written ballot vote shall be taken on each Article presented, with each Article on each respondent being voted on separately. A judgment of acquittal shall be entered if an insufficient number of Senators votes to find the respondent guilty. A judgment of guilt shall be entered if a sufficient number of Senators votes to find the respondent guilty, and a declaration of vacancy and permanent disqualification shall be made, and the vote on any remaining Articles shall be waived and the proceedings for said respondent terminated. The presented Articles and all judgment thereon shall be transmitted at the conclusion of proceedings to the Advisor to Student Government and the University Vice President for Student Affairs by the Presiding Officer.

Article IX: Amendments and Revisions

Section 1. Ratification Procedure

All amendments or revisions approved by any of the methods specified in Section 2 of this Constitution by the Senate or the undergraduate student body as an entity must be transmitted to the Supreme Court within ten (10) class days of passing by the Senate. The Supreme Court must review the amendment or revision within ten (10) class days of transmittal and may vote on the constitutionality of such revision. The Supreme Court may find, via supermajority vote, the amendment or revisions unconstitutional and thereby no adoption would occur. Amendments or revisions that violate or contradict University policy, including but not limited to Student Rights and Responsibilities Handbook and Committee on Student Organizations Guidelines, shall not be adopted and will be deemed unconstitutional.

1-1. Finality of Decision

Any member of Student Government may appeal an amendment or revision deemed unconstitutional by submitting a written request within ten (10) business days of Supreme Court

notification for a request for review by the Advisor(s) and Vice President for Student Affairs. The Vice President for Student Affairs, after consulting the Advisor(s), shall make the final decision regarding adoption and be given 30 calendar days to make a final decision. If any appeal is approved by the Vice President for Student Affairs, such amendment or revision shall be automatically adopted.

1-2. Ratification Responsibility

The Chief Justice of the Supreme Court must send notification to the Executive Officers and Advisors of changes made to the Constitution and Statutes of Student Government. The Vice President for Student Affairs may request these documents at any time.

Section 2. Student Processing of Initiated Amendments or Revisions

Amendments or revisions to this Constitution may be initiated only by the following methods:

2-1. Senate Action

The Senate, with a quorum, may by a vote of two-thirds (2/3) of the Senate present and voting, approve amendments or revisions of this Constitution. The vote shall come after a second reading of the title of the proposed amendment or revisions, the first having been in the presence of a quorum at a previous meeting at least five (5) days prior to the date of the meeting at which action is taken. After the initial submission of the proposed amendment or revision to the Constitution, the Speaker must submit the written bill to the Chief Justice.

2-2. Senate Referral

By a two-thirds (2/3) vote of Senators present, the Senate may initiate an amendment or revision in the form of a referendum of the undergraduate student body at a date no later than the next regular election. The Speaker of the Senate shall notify the Elections Commission of the referendum. If a majority of those voting thereon approve the referendum question, it shall be declared approved in the official declaration of results by the Elections Commission for the given election, and subsequently delivered to the Supreme Court.

Section 3. The Constitutional Revision Commission

3-1. Initiation of the Commission

A revision of this Constitution and its Statutes may be initiated by a petition signed by the President, the Speaker of the Senate, the Chief Justice, at least four other Justices, and a Student Government Advisor requesting the creation of a Commission for Constitutional Revision. The petition should indicate that "effective and efficient functioning of Student Government requires holistic changes to the Student Government Constitution and Statutes." Such a commission cannot be created if the Constitution was amended through this procedure within the past three years.

3-2. Members of the Commission

The Commission shall be comprised of the: Chief Justice or Associate Chief Justice, who shall serve as a non-voting chair, a voting representative from the Executive Branch chosen by the President of Student Government, a voting representative from the Legislative Branch chosen by

the Speaker of the Senate, a voting representative from the Judicial Branch chosen by the Chief Justice of the Supreme Court,

3-3. Purpose of the Commission

The Commission's purpose shall be to make edits and revisions to the Constitution and Statutes that:

1. clarify the meaning of the text in instances where it is overly broad or vague.
2. eliminate redundancies or anachronisms.
3. resolve textual conflicts.
4. rearrange the structure of the documents.
5. ensure that the Constitution and Statutes complement each other.
6. correct any grammatical or factual errors.

It shall be the duty of the Chair to ensure that all changes being proposed fit the above criteria. The Commission may propose as many revisions as its members feel is necessary so long as the proposed revisions fit the above criteria.

3-4. Approval

If the Commission unanimously votes to accept the revised Constitution and Statutes in their entirety, the revisions are then referred to the Senate. The Senate, with a quorum, may by a vote of two-thirds (2/3) of the Senate present and voting, approve the revisions in their entirety. The vote shall come after a second reading of the title of the proposed revisions, the first having been in the presence of a quorum at a previous meeting at least five (5) days prior to the date of the meeting at which action is taken. If the same is approved by the required vote, the Officers of the Senate shall sign as part of the original copy and transmit it within five (5) days of Senate enactment to the University Vice President for Student Affairs to initiate the ratification process as provided in [Article IX, Section 1-1](#), of this Constitution.

3-5. Ratification Process

All amendments or revisions approved by any of the methods specified in Section 2 of this Constitution by the Senate or the undergraduate student body as an entity shall not be ratified and entered into effect unless the Administration of the University, through the University Vice President for Student Affairs, or in appeal, the President of the University, approves of such action. The University Vice President for Student Affairs shall notify the Senate in writing of the approval or disapproval of the proposed amendment or revision within thirty (30) days of receipt. If the University Vice President for Student Affairs is unable to decide within the thirty (30) day period, the University Vice President for Student Affairs shall notify the Senate in writing and specify the amount of additional time necessary to reach a decision. Unless a decision is rendered within the specified extension period required for the University Vice President for Student Affairs decision, it shall be assumed that the amendment or revision has been approved by the University Vice President for Student Affairs and the same shall be considered ratified and in full force.

3-6. Finality of Decision

The decision of the University Vice President for Student Affairs shall be considered final unless the Senate, within ten (10) class days of receipt of the decision, resolves by majority vote to

appeal the decision to the President of the University. Unless a decision has been received by the Senate within thirty (30) days of the receipt of the appeal by the Office of the President of the University, it shall be assumed that the amendment or revision has been approved by the President of the University on appeal and shall be considered ratified and in full force. In cases of appeal, the action of the President of the University as defined in this paragraph shall be considered final.