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CONSTITUTION OF STUDENT GOVERNMENT

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

Preamble

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

ARTICLE I THE ESTABLISHMENT OF STUDENT GOVERNMENT

Section 1 NAME

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

Section 2 JURISDICTION

All students, by virtue of their registration at the Columbia campus of the University of South Carolina, shall be members of the student body and shall be subject to this constitution, its constitutional codes, and the Student Government statutes.

Section 3 FRANCHISE

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

ARTICLE II EXECUTIVE POWERS

Section 1 EXECUTIVE OFFICERS

All executive powers of the Student Government shall be vested in a president, a vice president, and a treasurer who shall be elected in a manner provided for by the constitution and constitutional codes of Student Government.

Section 2 ELECTION OF EXECUTIVE OFFICERS

The president, vice president, and treasurer shall be elected by a majority of those voting in Student Government elections (a majority being defined as fifty percent (50%) plus one of the total votes cast in a general election).

Section 3 DUTIES AND POWERS OF THE PRESIDENT

A. The president shall:

1. Uphold the constitution and constitutional codes of the Student Government and administer all regulations established in the Senate Statutes.
2. Have the power to veto or sign acts of the Senate in their entirety or veto individual clauses within acts, excluding finance bills, provided that he/she exercises such power within six (6) school days or ten (10) calendar days of passage, whichever comes first. A veto of Senate statutes may be overridden by a two-thirds (2/3) vote of the Senate. If the president takes no action within the stated time period, the act is considered approved.
3. Call special sessions of the Senate.
4. Make recommendations for legislation to the Senate.
5. Address the Senate at the beginning of each semester and at other times upon invitation of the Senate.
6. Appoint cabinet members and Judicial Council members as specified herein, with the concurrence of a majority of the Senate.
7. Remove any cabinet member from an appointed executive position.
8. Appoint such officials that he or she deems necessary for the expeditious conduct of Student Government business.
9. Act as the official representative of the Student Government and as an official representative of the university upon request of the president of the university.

10. With the assistance of the treasurer, provide for the preparation and presentation of the Student Government budget.
11. Receive a stipend, as provided for in the constitutional codes, which shall not be increased or diminished during his or her term of office.

Section 4 DUTIES AND POWERS OF THE VICE PRESIDENT

A. The vice president shall:

1. Serve in lieu of the president in his or her absence or disability and succeed to that office should it become permanently vacated.
2. Serve as presiding officer of the Senate and vote only in the event of a tie.
3. Appoint the members of Student Government Senate committees.
4. Appoint such officials as the Senate shall deem necessary for the expeditious conduct of Senate business.
5. Communicate all acts and resolutions of the Senate to the President of Student Government.
6. Appoint the Clerk of the Senate with the consent of the Senate.
7. Make recommendations to fill vacant Senate seats to the Powers and Responsibilities committee. Recommendations shall be made from the district in which the vacancy exists. Students who are minoring in the district that is different from their major district will become eligible to fill the seat of the minor district if an attempt has been made by the Powers and Responsibilities to fill the seat, and the seat has been vacant for a period of one month.
8. Receive a stipend, not to exceed that of the president, which shall not be increased or diminished during his or her term of office.
9. Appoint chairpersons to Senate Committees with the concurrence of a majority of the Senate.

Section 5 DUTIES AND POWERS OF THE TREASURER

A. The treasurer shall:

1. Have access to all financial records of any student organization or body which receives monies from student activities fees, and be empowered to enforce university and Student Government regulations pertaining to these funds and to

enforce any agreements between the organization(s) and the Senate Finance Committee.

2. Serve as a non-voting member on the Senate Finance Committee.
3. Record all receipts, expenditures, and appropriations of monies from Student Government. These records shall be made public and subject to audit as the Senate may provide.
4. With the assistance of the president, be responsible for the preparation and presentation, of the Student Government Budget.
5. Participate with the secretary in planning and coordinating an informational workshop for student organizations as established in the constitutional codes.
6. Receive a stipend, not to exceed that of the president, as provided for in the constitutional codes, which shall not be increased or diminished during his or her term of office.

Section 6 TERM OF OFFICE

The president, vice-president, and treasurer of Student Government and all officers appointed by them in the executive branch shall maintain in good conduct their respective offices from the inauguration of the president to the inauguration of the new president.

Section 7 DUTIES AND POWERS OF THE ATTORNEY GENERAL

A. The attorney general shall:

1. Be appointed by the President of Student Government and assume duties upon concurrence of a majority of the Senate.
2. When solicited, provide opinions on questions of constitutionality.
3. In the event that impeachment proceedings are brought against the Chief Justice, serve as a member of the Court of Impeachment.
4. Certify all Student Government Elections pursuant to the Constitutional Election Codes.
5. In the event of a constitutional challenge, represent Student Government before the Constitutional Council.

ARTICLE III THE LEGISLATURE

Section 1 LEGISLATIVE POWERS

The legislative power of the Student Government shall be vested in a Student Senate, hereafter referred to as the Senate, and its statutes shall have binding effect on all Student Government bodies. Further, organizations that receive funds from Student Government allocations shall be subject to Senate Finance Committee guidelines.

Section 2 COMPOSITION

A. Composition of the Senate shall be as follows:

1. There shall be an elected group of student representatives known as Senators.
2. From this body, the Senate shall select a President Pro Tempore.
3. The duties of the Clerk of the Senate shall be as follows:
 - a. Take the official minutes and roll of all Senate meetings.
 - b. Maintain an archive in which shall be placed all official correspondence as well as reports and other information pertinent to the legislative body.
 - c. Send, receive, and distribute all official correspondence of the Senate.
 - d. Perform any other duties assigned by the presiding officer or a majority of the Senate.
 - e. Not be a voting member of the Senate.
 - f. Receive a stipend as provided for by the Senate Statute.

B. Representation

1. Senate apportionment shall take place before the spring of each year. The most current official enrolment statistics for a complete semester shall be used as the basis of reapportionment. As stipulated in the codes, the Powers and Responsibilities Committee of the Senate shall propose apportionment each year to be confirmed by the Senate body by a 2/3 majority.
2. All students shall be represented from their colleges, regardless of residence status or class. Potential Senators may only run for office in the college in which he or she is enrolled according to his or her major. If a vacancy occurs during the Senate term, the Powers and Responsibilities Committee shall have a period of one (1) month, starting from the beginning of the fall semester following elections, to allow vacant senate seats or after a senator is removed or resigns from office to become at large senate seats. At large seats will be responsible for representing the constituency of the school in which they are a major, and will

attend the corresponding delegation. However, the Powers and Responsibility Committee must meet the following requirements in order to appoint at large senators:

- a. A representative from that school faculty/administration must be notified of the vacancy.
- b. The vacancy must be advertised in *The Daily Gamecock*.
- c. The vacancy must be advertised on the student government website. (Amended by SBL(104)17 dated 8/8/14.)

Section 3 ELECTION OF SENATORS

- A. The election of Senators shall be done as provided by the constitution and constitutional codes.
- B. Any vacancies in the Senate will be filled by appointment by the Powers and Responsibilities Committee, with the concurrence of a majority of the Senate. Appointments will comply with Article II, Section 4 (A)(7) and Article III, Section 2, Subsection B.5.
- C. The Senators of the Student Government and all officers appointed by them in the Legislative Branch shall maintain in good conduct their respective offices for a term of one year from the inauguration of the president to the inauguration of the new president.

Section 4 DUTIES AND POWERS OF THE SENATE

- A. The Senate shall, in accordance with this constitution:
 1. Enact, by a majority vote, constitutional codes to this constitution as provided in Article VI.
 2. Have the power to enact Student Government Statutes governing the non-academic conduct of the student body subject to approval by the president of the university. These Statutes, to be known as "SBL"s, meaning Student Body Legislation, may not conflict with or supersede the constitution or constitutional codes except as provided for in Article VI.
 3. Propose by two-thirds (2/3) vote amendments to this constitution.
 4. Ratify all appointments made to the Cabinet and Judicial Branch by the President of the Student Body by a majority vote.
 5. Establish its own meeting time and rules of procedure.

6. Elect, as the first order of business of each newly elected Senate, a President Pro Tempore from its membership. He or she shall be a voting member of the Senate. He or she shall act in lieu of the Vice President of the Student Government in his or her absence or disability and shall succeed to that office should it become permanently vacated. The appointment of the Clerk of the Senate shall be ratified within one week of the appointment.
7. Hear the President of Student Government as directed in Article II, Section 3, subsection A.5, or by Senate rules.
8. Allows proxies under the proxy policy, as outlined in the Constitutional Codes, to act in place of a senator, who in the circumstance of an upcoming vote will be absent and wishes to cast a vote. (Amended by SBL(104)16 dated 8/8/14).
9. Conduct all Student Senate Meetings in accordance with the South Carolina Freedom of Information Act.
10. Allow non-members to address the Senate upon invitation of a majority of that body.
11. Have sole power to declare vacancies in its membership for reasons to be determined by its statutes.
12. Provide for the holding of a referendum on pertinent issues to the student body, given a two-thirds (2/3) approval by the Senate.
13. Have the power to subpoena any officer of Student Government or the Senate by a majority vote.
14. Have the power to pass resolutions by a majority vote which will not be subject to presidential veto.
15. Subject to the approval of the president of the Student Government and the president of the university, provide for the allocation of student activity fee funds and recommend changes in the student activity fee.
16. Have the sole power of impeachment of elected or appointed officials of the Student Government of the University of South Carolina. Impeachment shall require a two-thirds (2/3) vote of the Senate. The Clerk of the Senate shall notify the Chief Justice to begin impeachment proceedings upon receipt of written charges signed by the individual or official initiating the charges with the document having been witnessed and notarized. The following shall occur:
 - a. Impeachment shall be defined in the constitutional codes. Impeachment charges may only occur for those reasons stated in the codes

- b. Notice of receipt of impeachment charges of any officer except for the Chief Justice shall be served by the Clerk of the Senate to the Chief Justice.
- c. The Chief Justice shall then call a session of the Senate Judiciary Committee within ten (10) working days of such notice to consider impeachment charges and/or try the impeachment. During these proceedings, the committee shall be known as the Court of Impeachment. The student government advisor shall attend all impeachment proceedings as a non-voting member.
- d. The Senate Judiciary Committee shall be comprised of at least five Senators in order to sit as a Court of Impeachment. If, at the time of consideration of impeachment charges, the committee is not comprised of at least five senators, the vice president shall appoint to the committee the number of senators necessary to fulfill this requirement. If impeachment charges have been brought against the vice president, all responsibilities of the vice president in the impeachment process shall be performed by the President Pro Tempore of the Student Senate.
- e. If impeachment charges are brought against the Chief Justice, the Clerk of the Senate shall notify the chairperson of the Senate Judiciary Committee. The chairperson shall then serve as chairperson of the Court of Impeachment and call the committee into session. The Attorney General shall serve as a member of the court in such cases. If impeachment charges are brought against a member of the Judiciary Committee, he/she cannot sit on the Court of Impeachment. The vice president must, if necessary, appoint a replacement according to Article III, Section 4, Subsection A, Subpart D.
- f. A recommendation for conviction or acquittal to the full senate shall require a two-thirds (2/3) concurrence of the members of the court. Failure of the Court of Impeachment to make a recommendation to the senate within thirty days of receipt of charges shall constitute acquittal.
- g. Conviction or acquittal shall require a two-thirds (2/3) concurrence vote of the recommendation of the Court of Impeachment by the Student Senate. A conviction must lead to removal of office. Judgment in cases of impeachment shall not extend further than removal from any office held in Student Government. However, the party impeached, whether convicted or acquitted, shall be liable to prosecution according to state and federal law. No officer shall exercise any official duties or receive a stipend after being impeached.

ARTICLE IV THE JUDICIARY

Section 1 DISCIPLINE SYSTEM

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

Section 2 CAROLINA STUDENT JUDICIAL COUNCIL

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

Section 3 JUDICIAL AUTHORITY

The judicial authority of Student Government shall be vested in a Constitutional Council. The authority to review and rule on Student Government constitutional challenges shall be vested in the Constitutional Council.

A. Membership

The Constitutional Council shall consist of five members.

B. Selection

The members of the Constitutional Council shall be selected in the following manner:

1. The first student body president to hold office following the ratification of this amendment shall nominate, in hopes of appointment, all five members of the Constitutional Council.
2. Following nomination from the president, the nominees shall meet first with the Powers & Responsibilities Committee, which shall issue a report on each nominee.
3. Following the issuance of the Powers & Responsibilities report, the nominees shall meet with the Judiciary Committee, which shall review the report of the Powers & Responsibilities Committee. The Judiciary Committee shall then issue its own report, which it shall submit to the full Senate.
4. All appointments to the Constitutional Council shall be confirmed with a two-thirds vote of the Student Senate membership present when the vote is taken.

C. Vacancies

If a vacancy occurs on the Constitutional Council, the Student Body President at the time of the vacancy shall appoint a replacement. The replacement shall be appointed through the procedure detailed in Section 3(B)(2,3,4) of this article.

D. Tenure

After being appointed to the Constitutional Council, a member shall serve a period of no longer than four years.

E. The Chief Justice

One of the five seats on the Constitutional Council shall be the seat of the Chief Justice. The first student body president to hold office following the ratification of this clause shall determine which of his or her nominees shall be the nominee for Chief Justice. When the first Chief Justice is confirmed, his or her seat shall be known as the seat of the Chief Justice. A replacement for a vacancy of this seat shall become the Chief Justice.

The other seats shall be known as seats of Associate Justices. The Chief Justice shall have the responsibility to:

1. administer the oath of office to all elected Student Government officials;
2. serve as chair of the Court of Impeachment; and
3. remain in good standing with his or her respective college from the time of his or her appointment until the appointment of his or her successor.

ARTICLE V ELECTIONS AND QUALIFICATIONS

Section 1 QUALIFICATIONS FOR OFFICE

- A. The President of Student Government must be at least a junior in class standing at the time of inauguration and must have earned at least thirty (30) hours at the University of South Carolina-Columbia Campus.
- B. The Vice President of Student Government must have earned at least forty-five (45) credit hours at the time of inauguration and must have earned at least thirty (30) hours at the University of South Carolina-Columbia Campus.
- C. The Treasurer of Student Government must be at least a sophomore in class standing at the time of inauguration with at least fifteen (15) hours earned at the University of South Carolina-Columbia Campus.
- D. Where class standing is a requirement for office, class standing shall be defined as follows:
 1. Junior standing - 60 hours.

2. Sophomore standing - 30 hours.
- E. Any student who is considered full time by university policy may be a candidate for any office provided the other specific requirements for the particular office are satisfied. (Amended by SBL(91)007 dated 2/6/91).
- F. No Senator may simultaneously be a member of the Executive Branch or serve on the Constitutional Council.
- G. No member of the Executive Branch may simultaneously serve in the Legislative Branch or serve on the Constitutional Council.
- H. No member of the Constitutional Council may simultaneously serve in the Legislative or Executive Branch of Student Government.
- I. All elected or appointed Student Government officials must maintain the cumulative GPA requirement for graduation and remain in good standing in their respective college and shall cease to serve at any time these standards are not maintained.

Section 2 TIME OF ELECTION

The exact date shall be determined by the Constitutional Election Code and Senate Statute. The following offices shall be filled on that day:

- A. President of Student Government
- B. Vice President of Student Government
- C. Treasurer of Student Government
- D. Student Government Senators
- E. Any others provided for by the Senate Statutes.

Section 3 PROCEDURE FOR ELECTIONS

- A. Procedure for nomination and elections shall be stated in the Constitutional Codes and Senate Statutes.
- B. Election officials will be appointed by the student government president and confirmed by a majority vote of the Senate. These officials shall not hold any other Student Government elective office and shall not be eligible for election while serving in that appointed position.

- C. Each candidate will be responsible for the knowledge and compliance of the qualifications for the office which he or she seeks, and election rules as established by the Senate Statutes.
- D. All elections shall be conducted by secret ballot.
- E. To be elected, a candidate for the Senate must receive a plurality of the total votes cast in the first election where the seat is contested.

Candidates for executive office are subject to regulations as prescribed in Article II, Section 2. In the event that an executive office candidate does not receive a majority vote, within fourteen (14) days after the first election there shall be a run-off election on a day designated by the Constitutional Election Codes. Upon approval by a majority vote in the run-off, a candidate shall be declared elected.

ARTICLE VI AMENDMENTS

Amendments to this constitution may be proposed by a two-thirds (2/3) vote of the Senate, or by petitions of 1,500 members of the Student Body. Proposed amendments must have the approval of the president of the university prior to being presented to the student body for ratification. Amendments shall become part of this constitution upon ratification by a majority of votes cast in an election of the student body, provided that the proposed amendments have been published in *The Daily Gamecock* newspaper at least one week prior to the vote of the student body.

Amendments may be made to the constitutional codes of this constitution through Senate vote. The amendments must be read, and debated if necessary, at two consecutive Senate meetings which shall be held not less than one week apart. Only at the second meeting may a vote be taken, requiring a simple majority for approval. By following this procedure, Senate approved legislation may amend the constitutional codes. Legislation amending the constitutional codes requires the approval of the president of the student body and the president of the university.

Reason for Revision

All changes to the Student Government Constitution are proposed by an elected body of students (the Student Senate), approved by the elected student body president, approved by the university president and ratified by a vote of the USC Columbia student body. This policy has been revised to reflect the legislation that's been passed since 2010. It is possible that changes to the Student Government Constitution will be made each year as new officials are elected.