



### **Preamble**

We the students of Georgia State University, a multi-campus institution within the University System of Georgia, in order to preserve and defend the rights and privileges of student self-governance, serve as the official voice of students in academic, institutional and community affairs. We will promote understanding and involvement among all the members of the University community; represent, advocate, and legislate the interests of the student body; to serve as partners in the administrative process of the University; assume the responsibility to provide a means of expression for students, and encourage individual responsibility. We assume the fullest responsibility and power of self-governance consistent with the Constitution, policies of Georgia State University, and the laws of the State of Georgia. We do hereby establish this Constitution for a Student Government Association that advocates for the student body of Georgia State University.

### **Authority**

It is recognized that the University is governed by the University System of Georgia Board of Regents that may delegate governing powers to the students. The Student Government Association is the official voice of the student body, and shall work with faculty, staff, and administration in efforts of serving the students of Georgia State University. The Student Government Association has the authority and responsibility in participating in the recommendation of mandatory fee allocations, appointing student representatives to campus and university-wide committees, maintaining self-governance, and working to resolve institutional student issues and concerns.

# Georgia State University Student Government Association Constitution

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# Georgia State University Student Government Association Constitution

## Article 1 – Name and Membership

This Constitution establishes, under the laws of the State of Georgia, a representative student government that shall be known as the Student Government Association of Georgia State University, abbreviated hereinafter as SGA.

All currently enrolled students at Georgia State University, hereinafter referred to as the University, shall automatically be members of the SGA, and are subject to this Constitution, its Amendments, Bylaws, and the [Student Code of Conduct and Policies](http://codeofconduct.gsu.edu) (available at <http://codeofconduct.gsu.edu>).

All members of the SGA who are elected or appointed to positions provided for in this Constitution, its Amendments, and Bylaws, shall be considered officers of the SGA. These officers must be in good academic standing with the University and meet any other qualifications specified in this Constitution of the SGA, its Amendments and Bylaws, and the Student Code of Conduct.

## Article 2 – Bill of Rights

As a component of Georgia State University, a public educational institution of the State of Georgia, the SGA shall take no action abridging the rights, immunities and privileges granted to students under the Constitution of the United States of America, the Constitution of the State of Georgia, United States federal law, or under the law of the State of Georgia.

Nothing in this Constitution, its Amendments or Bylaws shall be construed to deny or abridge these rights, immunities, and privileges.

All students of Georgia State University shall enjoy equal protection under the laws of the SGA, without regard to race, color, sex, religion, creed, age, sexual orientation, gender, disability, national origin, or veteran status.

Recognizing that freedom of the press is an essential element of any free and representative government, no student or member of the press shall be denied access to any meeting of SGA. In addition, no student or member of the press shall be denied access to legislation, minutes, or any other business record of the SGA.

No member of SGA shall be deprived of the right to vote in an election of the SGA, nor shall they be deprived of the right to vote on any measure put before the student body by the SGA.

## Article 3 – Organization

The SGA shall consist of three separate branches of government: the legislative branch, the executive branch, and the judicial branch.

No student shall simultaneously hold office in more than one branch of SGA.

To protect the separation of powers of each branch of government, no person holding office in one branch of government shall be accountable to a person holding office in a separate branch of government, except as provided by this Constitution.

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## Article 4 – Code of Ethics

All members of the SGA, including but not limited to all appointed or elected officials of the legislative, executive and judicial branch, should keep the Code of Ethics at the forefront of their actions and always be prepared to give account of their actions and words.

Members of the SGA shall represent their constituencies first by expressing their interests and concerns within the SGA, and second by being a good example of conduct in the execution of their duties.

### Section 4.1: Purpose

- A. The purpose of the Code of Ethics is to establish a standard of conduct for members of the SGA.
- B. Elected and appointed members of the SGA hold positions of trust and are expected to act in the best interest of Georgia State University and its students.
- C. SGA members shall fulfill that trust by adhering to general principles of ethical conduct as well as specific standards detailed in this code and the Student Code of Conduct.
- D. The Code of Ethics provides guidance for elected and appointed SGA officials when faced with certain situations or particular circumstances.
- E. The Code will also encourage an ethical future for the members of SGA upon graduation.
- F. The Code will instill trust and confidence as SGA officials demonstrate their commitment by exercising their core values and standing by The Code of Ethics.

### Section 4.2: Definitions

- A. *Conflict of Interest* shall be defined as a situation in which an SGA officer participates in an action(s) that has the potential to benefit:
  - a. The officer,
  - b. The officer's immediate family, spouse, partner, parents, children, siblings, or significant other,
  - c. An organization to which the officer belongs (other than the SGA) including political parties, campaign committees or other structure, etc.
  - d. The officer's employer.
- B. *Recusal* shall be defined as the act of removing one's self from discussion, deliberation, or actions concerning an issue.

### Section 4.3: Code of Ethics

SGA elected and appointed officials are tasked with enacting the following:

- I will think in terms of putting students first.
- I will act in a trustful manner and will honor agreements and promises.
- I will serve as a liaison between the students and administration.
- I will work to promote a positive image of the SGA, encouraging unity and cooperation.
- I will conduct myself at all times in a manner that shall reflect positively on the SGA of Georgia State University.
- I will uphold the Oath of Office, Constitution, bylaws and all governing documents of the SGA in addition to the Georgia State University Code of Conduct.
- I will respect all members of the Georgia State University and Atlanta communities regardless of

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race, color, sex, religion, creed, age, sexual orientation, gender, disability, national origin, or veteran status which is in compliance with Georgia State University's non-discrimination policy.

- I am prohibited from using their office or SGA funds for private gain, other than payments or reimbursements authorized by the SGA Advisor Committee on the Student Fee;
- I will act impartially and not give preferential treatment to any private organization, public organization, or individual;
- I will strive to avoid actions which would create the appearance of a conflict of interest or preferential treatment;
- I shall not accept gifts exceeding \$5.00 in value from individuals or organizations (except SGA) for performing my official SGA duties;
- If I become aware that a conflict of interest exists or appears to exist, I must immediately disclose the nature of the conflict in writing to the SGA Advisor on my campus.
- If I become aware that I have a conflict of interest during an SGA meeting, whether formal or informal, I must immediately inform those present and recuse myself from the relevant issue.

### Article 5 – Legislative Branch

The authority of the legislative branch of the SGA shall be vested in the SGA Senate, hereinafter referred to as the Senate.

#### Section 5.1 Legislation

The Senate shall serve as a legislative body within the SGA. The Senate shall represent the student body in the creation of legislation regarding policies, regulations, or services pertinent to student life at Georgia State University. The procedures for the introduction and passage of legislation is outlined in Title I - the Legislative Branch, Article 9 of SGA's Bylaws.

### Article 6 – Executive Branch

The authority of the executive branch of the SGA shall be vested in the Executive Committees.

### Article 7 – Judicial Branch

The authority of the judicial branch of the SGA shall be vested in the SGA Judiciary, hereinafter referred to as the Judiciary. All procedures, rules, and regulations pertaining to the operation of the Judiciary which are not contained directly herein shall be incorporated in the SGA Bylaws, Student Handbook, the Student Code of Conduct (the Code), and other University policies."

#### Section 7.1 General

- A. The SGA Judiciary shall consist of no more than 5 Justices.
- B. The Student Bar Association, or any other democratically elected body approved by the University-Wide Senate (2/3), shall have the power to interview and recommend candidates to be appointed by the University-Wide President and confirmed by the University-Wide Senate.
- C. Student Justices confirmed by the University-Wide Senate may serve on the SGA Judiciary for the entire duration of their enrollment, as defined by the Student Code of Conduct, at Georgia State

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University.

## Article 8 – Elections

### Section 8.1 General

- A. The winners of the races for executive positions (President, Executive Vice President, and Speaker) shall be determined by plurality vote of the votes cast for each position.
- B. A candidate must receive a vote count of at least fifteen percent more than the other candidates to be declared the winner of that race.
- C. If one of the candidates does not receive 51 percent of the vote but they do achieve a plurality vote with a margin of at least fifteen percent, they are declared the winner of that race."
- D. In the case that a candidate does not receive a fifteen percent margin from the other candidates, or there is a tie, a runoff election will be held consisting of the two candidates with the highest number of votes in the general election."

### Section 8.2 Election Commission

- A. There will be a University-Wide Election Commission with a representative from each of the campuses to supervise the Presidential Election in accordance with the SGA Bylaws.
- B. Each campus will have its own Election Commission to supervise and regulate their campus-specific elections in accordance with the SGA Constitutional Amendments and Bylaws.
- C. The University-Wide Election Commission is responsible for creating and updating the Election Code.

### Section 8.3 Election Code

- A. Every person who files for an office elected under the authority of the Student Government Constitution, its Amendments and Bylaws shall have access to a copy of the Election Code at the time of filing.
- B. All candidates and their staff, along with all volunteers, shall be responsible for knowing and abiding by the contents of the Election Code. Any questions concerning this document shall be addressed directly to the Election Commission.

## Article 9 – Constitutional Review

### Section 9.1 Amendments

Amendments to this Constitution may be initiated in one of the following ways:

- A. A two-thirds (2/3) affirmative vote of a Senate.
- B. A petition signed by ten percent of the student body, to be defined as ten percent of the number enrolled during the fall term.
- C. After one of the two preceding steps has been completed, the following process must occur in specified order:
  - a. Amendments to the Constitution require a two-thirds (2/3) affirmative vote of the University-Wide Senate members present and voting.
  - b. After passage by the University-Wide Senate, the text of the proposed changes and the original text shall be published on a ballot.

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- c. The proposed amendment(s) shall be presented to the student body in a referendum no less than fourteen days and no more than twenty-one days after publication in the student newspaper.
- d. A simple majority of at least 51 percent of votes cast must be affirmative to pass the amendment(s).
- e. Copies of the amendment(s) shall be available for review upon request at each polling location, and for at least seven days prior to the election, in the SGA office.
- f. Approved amendments shall become part of the Constitution when ratified by a majority of the students voting in the duly authorized referendum. The amendments are effective immediately upon ratification.

### Section 9.2 Editorial Changes

Editorial changes such as grammar, formatting, and non-substantive rewording may be proposed by any member of the Senate at an official Senate meeting and are then approved and ratified by a two-thirds (2/3) affirmative vote of the Senate members present.

## Article 10 – Constitutional Authority

Upon ratification, this Constitution and its associated codes shall supersede all previous governing documents, which shall be deemed null and void.

## Article 11 – Recall and Referendum

### Section 11.1 Recall

- A. A recall election for any office may be called by a petition signed by at least ten percent of the electing body. For the Senators, Speaker of the Senate and Executive Vice President at the Perimeter College Campuses, the electing body is the campus that they represent.
- B. For the Atlanta Campus Senators, the electing body is the college or school they represent
- C. For the President, it is the University-wide student body.
- D. Only one recall election per Senator or Officer per term of office shall be held.

### Section 11.2 Referendum

- A. A referendum on any question to a specific campus may be called by a petition by at least ten percent of that campus's student body or by two-thirds (2/3) of that campus's senate.
- B. A referendum on any University-Wide question may be called by a petition by at least ten percent of the entire student body or by two-thirds of the University-Wide Senate.
- C. The Executive Vice President shall set the date of a Campus-Specific referendum and the President shall set the date of the University-Wide referendum.
- D. In both cases, the question shall be submitted to the respective senates for amendments and approval.

## Article 12 – Oath of Office

All elected and appointed officials of the SGA shall be installed by the Chief Justice of the Student Judicial Board or their designee, who shall administer the following oath:

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I (name) do solemnly affirm that I will serve the student body faithfully, execute the duties and responsibilities entrusted to me by virtue of my office and will, to the best of my ability, preserve, protect and enforce the Constitution of the student body of Georgia State University.

## Article 13 – Advisors

- A. Shall be appointed by the Vice President for Student Engagement & Programs and serve as an advisor to their campus' SGA.
- B. Shall ensure that all SGA business is conducted in compliance with Federal, State and University policies, regulations, and procedures.
- C. Shall serve as advocates for the SGA within the Administration of the University.
- D. Shall assist in providing continuity and transition from one SGA administration to the next.
- E. Shall process all expenditures approved by the Senates and signed by the Finance Directors in a timely manner.
- F. The faculty/staff advisor(s) must be full-time, benefits-eligible employees of Georgia State University.

## Article 14 – Bylaws

### Section 1: General Information

- A. The SGA Bylaws are subsidiary rules used to supplement this Constitution and any Amendments. Bylaws cannot alter or contradict the Constitution.
- B. Such actions would require an amendment to the Constitution as outlined in Article 9.

### Section 2: Procedures to Create or Amend Bylaws

- A. Proposed Bylaws or amendments to the Bylaws must be submitted no later than five days prior to a regularly scheduled University-Wide Senate meeting to the President and the Senate Clerk, who will then make the proposed Bylaws or Amendments available to the University-Wide Senate members at least two business days prior to the scheduled Senate meeting.
- B. The Bylaw or Amendment proposed requires a title, the text of the proposal, which Bylaw is to be amended or an explanation of where the new bylaw should be added and the rationale for the proposal. New or amended Bylaws are approved for discussion by a simple majority of at least 51 percent of the Senate members present.
- C. If the proposed bylaws or amendments are University-wide the proposed changes shall be approved by a two-thirds (2/3) affirmative vote of the University-Wide Senate members present and take effect immediately upon approval.
- D. The proposed Amendments or Bylaws changes shall be approved by a two-thirds (2/3) affirmative vote of the Senators from either the Atlanta Campus or one of the Perimeter Campuses, depending on which campus the proposed Bylaws or Amendments will be enacted.

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## Article 15 – Governance

- A. The organization and its members agree to abide by University policies and all federal, state, local laws.
- B. Non-Discrimination: Membership, leadership and participation in the organization must be open to all students without regard to race, color, sex (unless exempt under Title IX), age, religion, national origin, sexual orientation, gender identity, marital status, disability, or status as a U.S. veteran.
- C. Hazing Policy: This organization prohibits its members, both individually and collectively from committing any acts of hazing as defined in the Student Code of Conduct at Georgia State University.
- D. Organization Agreement: This Organization agrees to abide by the Student Code of Conduct, RSO Handbook, and all pertinent university policies, protocols, and procedures. Certain RSO benefits may require specific obligations. RSO student leaders must regularly engage designated communication and organizational management tools, maintain relevant RSO records and participation data, complete designated trainings, and participate in designated activities that promote RSOs and their activities to the broader student body.