

Doc. T94-060, as amended

Passed by the Board of Trustees on June 8, 1994

**UNIVERSITY OF MASSACHUSETTS AMHERST
STUDENT GOVERNMENT ASSOCIATION CONSTITUTION**

PREAMBLE

We, the undergraduate students of the University of Massachusetts Amherst, in order to establish a democratic system for undergraduate University governance, and in order to promote the general welfare of all University undergraduate students, do hereby ordain and establish this Constitution of the Student Government Association at the University of Massachusetts Amherst.

ARTICLE I

Name

Section 1 The name of this organization shall be the Student Government Association of the University of Massachusetts Amherst, herein denoted SGA.

ARTICLE II

Membership

Section 1 All undergraduate students of the University of Massachusetts Amherst, herein denoted the University, meeting the qualifications for SGA membership prescribed by the General Bylaws of the SGA, as approved by the Vice Chancellor of Student Affairs, shall be entitled to be members of the SGA, and shall have an equal voice and vote therein with that of their fellow members.

ARTICLE III

Authority

Section 1 This Constitution shall supersede any other previously existing system of campus-wide governance for the University undergraduate population.

Section 2 The SGA shall derive its authority from the undergraduate students of the University, in general election, and The Board of Trustees, as provided for in Chapter 75, Section 3 of the General Laws of the Commonwealth of Massachusetts.

Section 3 The SGA, as a governance body, shall be governed by the Board of Trustees' Statement on University Governance. [Trustee Document T73-098, as amended]

Section 4 All Bylaws, Acts, procedures and all other actions of the SGA, shall be consistent with this Constitution and Trustee Document T73-098, as amended.

ARTICLE IV

Composition of the Government

Section 1 The SGA shall be composed of the Legislative, Executive and Judicial branches of government. All elected and appointed officers of the SGA shall be members of the SGA, as defined by the General Bylaws of the SGA, and no SGA member shall hold elected or appointed office in more than one branch of the government, except as provided for by this Constitution or the General Bylaws of the SGA.

Section 2 The University Student Trustee as defined by the General Laws of the Commonwealth of Massachusetts, shall be an ex-officio officer of the SGA.

ARTICLE V

The Legislative

Section 1 Charge – The legislative authority of the SGA, as defined in Article V, Section 4 of this Constitution, shall be vested in the University Undergraduate Senate, herein denoted the Senate, and other lesser legislative bodies recognized by this Constitution or the General Bylaws of the SGA.

Section 2 Composition – The Senate membership shall be composed of representatives apportioned by the Senate to Electoral Districts, as defined by the General Bylaws of the SGA.

Section 3 Election – Senators shall be elected in a manner prescribed by the General Bylaws of the SGA and shall serve for a term prescribed therein.

Section 4 Powers – The Senate shall have the power to:

- A. Review and make recommendations regarding the Student Activities Fee. A recommended increase in the Student Activities Fee of over 7.5% shall require a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting, and an affirmative vote of the SGA membership through an Action Referendum.
- B. Determine and provide for its rules and procedures, elect its officers, and fix the time and place of its meetings, provided that there be a regular meeting with fixed time and place at least once every week of the University academic calendar.
- C. Require the attendance of its members by rule.
- D. Expel a member of the Senate. The act of Expulsion shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- E. Enact, amend or repeal the General Bylaws of the SGA, unless otherwise provided for by the General Bylaws of the SGA. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting, and the approval of the Vice Chancellor of Student Affairs.
- F. Ratify SGA Elections within thirty (30) calendar days of the election. Such an act shall require a majority vote of its membership in attendance at a scheduled meeting.
- G. Initiate a referendum as defined by Article VIII of this Constitution. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- H. Decide tie General or Special Elections at its first meeting following the election. Such an act shall require a majority vote of its membership in attendance at a scheduled meeting.
- I. Recommend the Student Activities Trust Fund Budget Request. Such an Act shall require a majority vote of its membership in attendance at a scheduled meeting, and shall be reviewed by

the Vice Chancellor of Student Affairs, the Campus Budget Officers, the Chancellor, and the University President, before submission to the Board of Trustees for approval.

- J. Recommend the Student Activities Trust Fund Operating Budget by enactment of the Annual SGA S-1 Budget Act. Such an Act shall require a majority vote of its membership in attendance at a scheduled meeting, and shall be submitted to the Vice Chancellor of Student Affairs for approval. Disbursements there from shall be in accordance with duly established University financial and operational policies and campus procedures.
- K. Override a presidential veto. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- L. Approve Executive Cabinet and Student Judiciary appointments. Such an act shall require a majority vote of its membership in attendance at a scheduled meeting.
- M. Require reports from the President, Vice President, Executive Cabinet, and Standing Committee Chairs on any matter relevant to the functioning of the SGA.
- N. Impeach an elected or appointed officer of the SGA. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- O. Provide for the succession to those elected offices of the SGA not otherwise provided for by this Constitution.
- P. Provide for the transition of the SGA to this Constitution.
- Q. Promote the general welfare and interests of the undergraduate student body by making recommendations on policies and procedures consistent with Trustee Document T73-098, as amended, provided that, when an action is intended as a formal recommendation from the SGA, as a governance body, it shall be submitted in accordance with the procedures prescribed in said document.

Section 5 Prohibitions – The Senate shall not:

- A. Take an action abridging any of the powers delegated to it by this Constitution.
- B. Deny the rights and privileges of Senate membership to any duly elected or appointed Senator, except as provided for by this Constitution or the General Bylaws of the SGA.
- C. Recommend the appropriation of monies for a period of more than one (1) fiscal year.
- D. Recommend the increase or decrease in wage of an elected officer of the SGA, effective to the incumbent at the time of the increase or decrease.
- E. Infringe the secrecy of the ballot in SGA General Elections.
- F. Meet in "executive session", as defined by the General Laws of the Commonwealth of Massachusetts.

Section 6 Procedures

- A. No bill, unless otherwise provided for by this Constitution or the General Bylaws of the SGA, shall become an Act of the SGA unless it shall have been introduced to the Senate, read and passed, by a majority vote of its membership in attendance at a scheduled meeting.
- B. No bill, unless otherwise provided for by this Constitution or the General Bylaws of the SGA, shall become an Act of the SGA without the signature of the SGA President, provided that withholding of their signature shall constitute veto, and that the President of the SGA shall notify the Speaker of the Senate within seven (7) calendar days, giving explicit reasons for the veto. The Speaker of the Senate shall expediently send each bill passed by the Senate to the President.
- C. If a bill shall not have been vetoed within seven (7) calendar days following its passage, it shall become an Act of the SGA.

- D. A vetoed bill may be enacted notwithstanding the veto of the SGA President, if it shall have been read in full a second time, and passed upon a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting.
- E. The quorum for the conduct of business at a Senate meeting, or a meeting of a Senate Committee, shall be fifty percent (50%) of the total voting membership plus one (1), unless otherwise provided for by this Constitution or the General Bylaws of the SGA.

Section 7 The Speaker & Associate Speaker of the Senate

- A. The Senate shall provide for the election of, from its voting membership, a Speaker of the Senate, herein denoted the Speaker, who shall serve as the chief presiding officer of the Senate.
- B. The Senate shall provide for the election of, from its voting membership, an Associate Speaker of the Senate, herein denoted the Associate Speaker, who shall serve as the chief clerk and parliamentarian of the Senate.
- C. If a vacancy shall occur in the office of Speaker, the Associate Speaker shall become Speaker for the duration of the unfinished term.

ARTICLE VI

The Executive

Section 1 Charge – The executive authority of the SGA shall be vested in an SGA President, herein denoted the President, and other lesser executive officers recognized by this Constitution or the General Bylaws of the SGA.

Section 2 Election – The President and Vice President shall be popularly elected by a majority or plurality of the SGA membership voting, on or before March 25 of each calendar year and shall serve for a term of one (1) calendar year, here defined as June 1 to May 31, and said election shall be held in a manner prescribed by the General Bylaws of the SGA.

Section 3 The President shall, upon taking office, be administered the following affirmation by the SGA Chief Justice before the Senate membership:

- A. "I do affirm to faithfully execute the office of SGA President and support the Constitution and General Bylaws of the Student Government Association."

Section 4 Vacancies – If a vacancy shall occur in the office of President, the Vice President shall become President for the duration of the unfinished term. If the Vice President position is vacant simultaneously, the Speaker shall become President for the duration of the unfinished term.

Section 5 Power – The President shall have the power to:

- A. Act as the chief executive of the SGA.
- B. Take care that all the provisions of this Constitution, the General Bylaws of the SGA, and Acts of the SGA are faithfully executed.
- C. Appoint, upon a majority vote of the Senate membership in attendance at a scheduled meeting, the Executive Cabinet.

- D. Appoint, upon the recommendation of the Coordinating Council, and upon a majority vote of the Senate membership in attendance at a scheduled meeting, the seven (7) Justices of the Student Judiciary.
- E. Appoint all lesser executive officers and external SGA committees as defined by the General Bylaws of the SGA.
- F. In a manner prescribed by the General Bylaws of the SGA, call the Senate into Session.
- G. Be an ex-officio member of the Senate, as defined by the General Bylaws of the SGA, and shall, in an address upon taking office, and at the first scheduled Senate meeting of a new Session, put forward their legislative agenda for consideration by the Senate.
- H. Veto any bill except Resolutions, the Annual SGA S-1 Budget Act, and Articles of Impeachment.
- I. Initiate a referendum as defined in Article VIII of this Constitution and the General Bylaws of the SGA.

ARTICLE VII

The Judicial

Section 1 Charge – The judicial authority of the SGA shall be vested in a Student Judiciary.

Section 2 Jurisdiction – The Student Judiciary shall have original jurisdiction over any controversy arising under this Constitution, the General Bylaws of the SGA, or any Act of the SGA.

Section 3 Composition – The Student Judiciary shall be composed of seven Justices appointed and confirmed in a manner prescribed by Article VI, Section 5 Sub-section D of this Constitution, and who shall serve from the date of their swearing-in until their date of graduation or if they choose to resign, their date of resignation.

Section 4 Power – The Student Judiciary may hold, by declaratory judgment, any act by any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, to be unconstitutional, or in violation of any Bylaw or Act of the SGA, and therefore, invalid, provided said action is not a governance item approved by the Board of Trustees.

Section 5 Procedure – Any person(s), with the exception of members of the Student Judiciary, may file with the Student Judiciary a Petition for a Ruling on the constitutionality and/or validity of any act by any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, within ninety (90) days of said action, and the Student Judiciary shall issue a ruling on same, provided said action is not a governance item approved by the Board of Trustees.

Section 6 Quorum – The Quorum for the conduct of business for the Student Judiciary shall be five (5) Justices; one (1) of whom shall be the Chief Justice or Associate Chief Justice.

Section 7 Chief Justice & Associate Chief Justice

- A. The Student Judiciary shall provide for the election of, from its voting membership, a Chief Justice of the Student Judiciary, herein denoted the Chief Justice, who shall serve as the chief presiding officer of the Student Judiciary.

- B. The Student Judiciary shall provide for the election of, from its voting membership, an Associate Chief Justice of the Student Judiciary, herein denoted the Associate Chief Justice, who shall serve as the chief clerk of the Student Judiciary.
- C. If a vacancy shall occur in the office of Chief Justice, the Associate Chief Justice shall become Chief Justice for the duration of the unfinished term.

ARTICLE VIII

Referenda

Section 1 There shall be two primary types of referenda:

- A. Action – An Action Referendum, if approved, shall become an Act of the SGA, shall not be subject to presidential veto, and when such an action is intended as a formal recommendation from the SGA, as a governance body, it shall be submitted in accordance with the procedures prescribed in Trustee Document T73-098, as amended.
- B. Advisory – An Advisory Referendum shall only be a measure of public sentiment.

Section 2 All referenda shall be clearly labeled and understood by the SGA membership to be either an Action or Advisory Referendum.

Section 3 Action or Advisory Referenda shall be initiated by any one of the following:

- A. The University Student Trustee
- B. The Senate
- C. The SGA President
- D. The signatures, on a petition, of not less than five percent (5%) of the SGA membership.

Section 4 Advisory Referenda shall be initiated by the Chancellor or the Vice Chancellor of Student Affairs.

ARTICLE IX

Amendment

Section 1 This Constitution shall be amended through either of the processes prescribed in Article IX, Sections 2-3 of this Constitution, with the approval of the Board of Trustees.

Section 2 An amendment to this Constitution shall be passed upon a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting, and a majority vote of the SGA membership voting on the amendment through an Action Referendum.

Section 3 An amendment to this Constitution shall be passed upon a two-thirds (2/3) vote of the SGA membership voting on the amendment through an Action Referendum.

Section 4 If the amendment process prescribed in Article IX, Section 2, of this Constitution shall have been invoked, then, following an amendment's passage in the Senate, the amendment shall appear as an Action Referendum before the SGA membership, no more than thirty (30) calendar days from the calendar date of the amendment's passage in the Senate.

Section 5 No person shall formally introduce an amendment to this Constitution, who shall not have first consulted the Chief Justice and the Directing Attorney of Student Legal Services Office, or their designee.

ARTICLE X

Ratification

Section 1 This Constitution shall be ratified upon a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting, a majority vote of the voting SGA membership on an Action Referendum, and the approval of the Board of Trustees.

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