



# Florida Polytechnic University The Constitution of the Student Body

Adopted by the Florida Polytechnic University Student Body on *February 4<sup>th</sup> of 2015.*

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## **Preamble**

We, the Student Body of the Florida Polytechnic University, in order to:

- Represent and defend the rights and interests of our students to the University, local community, and government
- Provide a forum and give a voice to the expressions of student views and interests
- Promote positive change within the community, as well as the university at large
- Ensure students have access to events and support services on campus
- Create and maintain a series of policies and procedures so that we may best serve the student body

Do hereby establish this Constitution.

## **Article I: DECLARATION OF RIGHTS AND RESPONSIBILITIES**

### **1.1 Political Powers**

- 1.1.1 The Student Body retains all political power granted by the Constitution of the State of Florida.

### **1.2 Basic Rights**

- 1.2.1 Every student is guaranteed certain rights under the constitutions and laws of the United States and State of Florida. The Student Government Association recognizes these rights. Additionally, students are guaranteed:

- 1.2.1.1 The right to vote in student government association elections.
- 1.2.1.2 The right to submit initiatives and referendums for ratification by the electorate.
- 1.2.1.3 The right to recall and remove elected officials from office, through process stated in *Article VII - Impeachment*.
- 1.2.1.4 The right to address student government association officials at regularly scheduled times and places.

### **1.3 Honor Code**

- 1.3.1 All Students are bound by the Honor Code and shall be held accountable to it. The Honor Code states:

*“We, the members of the Florida Polytechnic University student body, strive to hold both ourselves and our peers to the highest standards of honesty and integrity.”*

### **1.4 Discrimination Prohibited**

- 1.4.1 Student Government Association (SGA) and any organization that receives SGA funding shall not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, veteran status, legal status, or any other classification as provided by law.

## Article II: GENERAL PROVISIONS

### **2.1 Student Body**

2.1.1 The Student Body shall be held to SGA laws put forth, as well as entitled to all privileges and immunities of students provided for, in this: “The Constitution of the Student Body of Florida Polytechnic University.”

### **2.2 Student Government Association Officials**

2.2.1 All Student Government Association officials shall meet requirements as outlined in *Title II – Officer Procedures*

### **2.3 Branches of Government**

2.3.1 Student Government Association shall consist of a Legislative, an Executive, and a Judicial branch.

#### **2.3.2 Exercise of Powers**

2.3.2.1 No officer of any branch is to exercise powers not explicitly granted to their branch in the constitution.

#### **2.3.3 Exclusionary Office Positions**

2.3.3.1 The following offices shall always be exclusionary:

2.3.3.1.1 Executive Board members

2.3.3.1.2 Executive Cabinet members

2.3.3.1.3 Judicial Branch members

2.3.3.1.4 Elected Legislative Branch members

2.3.3.1.5 Supervisor of Elections (or Election Committee)

#### **2.3.4 Offices Explicitly Non-Exclusionary**

2.3.4.1 Nothing in this Constitution shall be construed to prohibit any student from holding an exclusionary office and simultaneously holding a position as a member of the Constitution Revision Committee, a member of an independent body having only advisory powers created by Student Body Statutes, or a member of a committee or commission created by the Student Body President.

## Article III: THE LEGISLATIVE BRANCH

### **3.1 Legislative Authority**

3.1.1 The legislative authority of the Student Body shall be vested in the Legislative Branch herein after referred to as “The Senate.”

### **3.2 Composition**

#### **3.2.1. Division of Representation**

- 3.2.1.1 The Senate will be composed of representatives from each of the Colleges of the University. Graduate and Undecided/Non-Degree Seeking Students shall each be considered a separate college for the purpose of composing the Senate. Seats will also be allocated for the Freshman, Sophomore, Junior, and Senior class along with a seat for on-campus and off-campus students.
- 3.2.1.2 The total number of Senate seats will be at least ten (10), one for each of the above categories. There will be an additional one (1) seat for every 240 students in each of the colleges. This totals a maximum number of thirty (30) senators. Every College will have at least one (1) representative. The apportionment of the seats will be set according to the percentages of the total number of students enrolled at each of the respective Colleges as outlined within the Constitution or Statutes.
- 3.2.1.3 The Freshman, Sophomore, Junior, Senior, On-Campus, and Off-Campus representatives will be elected in the fall general election.
- 3.2.1.4 The incumbents, so long as they still fit the requirements for their elected position, will remain representatives from the general election in which they were elected and are not required to run again in the following election.

### 3.2.2. **Structure of Senate**

3.2.1.5 There shall be a:

- 3.2.1.5.1 Senate President, elected by The Senate to be the Speaker of the Senate.
- 3.2.1.5.2 Senate President Pro Tempore, nominated by the Senate President and approved by The Senate to act as speaker in absence of the President.
- 3.2.1.5.3 A number of Senate Officers elected or appointed as outline in the Senate Rules and Procedures as written and designed by The Senate.

### 3.3 **Senate Session**

3.3.1 The previous Senate will be dissolved once the President of the new Senate is confirmed at the first official Senate meeting after the Fall semester general election, in which both the previous Senate and the new Senate are present. At such time, the new Senate session will begin.

### 3.4 **Senator Elections**

3.4.1 Each Senator shall be elected by specifications as outlined in *Title VI - Elections*.

### 3.5 **Senate Vacancies**

- 3.5.1 In the event there is a vacancy in The Senate, the Elections Committee will designate the next eligible runner-up from the previous election to office and The Senate will approve them by a majority vote. Any successor shall serve for the remainder of the term.
- 3.5.2 Should a Senate seat go unfilled and is also unable to be filled by previously stated vacancy procedures, the Senate position will remain empty until a Special Election can be conducted as specified in *Title VI - Elections*.

### 3.6 **Senate Procedures**

- 3.6.1 No bill shall become law unless a Senator introduces the bill, the bill is read, and (during a subsequent meeting) the bill passes by vote of the Senate. Reference *Article III – The Legislative Branch* for vote requirements.
- 3.6.2 No bill shall become law without the signature of the Student Body President, except when the Student Body President has not vetoed the bill within seven (7) days after presentment, in which case the bill shall become law.
- 3.6.3 The University President or the University President’s designee may veto a proposed law. The Student Body President must notify the Senate President in writing no later than ten (10) days after receiving the veto stating the reasons for the University President’s veto.
- 3.6.4 The Student Body Treasurer shall have veto equal with that of the Student Body President in all matters concerning modifications to finance code, budget approval, and revisions to said budget. The Student Body Treasurer shall have exclusive veto in matters concerning appropriations from Special Request Funds.
- 3.6.5 A vetoed bill may be enacted notwithstanding the veto of the Student Body President or Treasurer if it is read a third time in full and passed by a supermajority vote of the members of The Senate after receiving the document with the written explanation of the reason for the veto.
- 3.6.6 Quorum necessary to conduct business shall be the majority (1/2 + 1) of the total elected Senate membership. For further clarifications, see Senate Rules and Procedures.
- 3.6.7 Classification for Legislation of The Senate shall be outlined in *Article III – Legislative Branch*
- 3.6.8 The Senate shall also exercise all other powers and duties provided by the Constitution.

### **3.7 Powers, Duties, and Limitations**

- 3.7.1 The Senate shall:
  - 3.7.1.1 Enact constitutional bylaws to be known as Student Body Statutes by majority vote, with the exception of bylaws concerning elections, which shall require a supermajority vote of The Senate.
  - 3.7.1.2 Express the will and/or sentiments of The Senate in the form of a Resolution.
  - 3.7.1.3 Propose and act on Constitutional Amendments.
  - 3.7.1.4 Compile and publish all legislation
  - 3.7.1.5 Advise and consent, by an applicable vote, all appointments made by the Student Body President and Executive Branch.
  - 3.7.1.6 Impeach Student Body officers, both elected and appointed, according to procedures described in *Article VII - Impeachment*.
  - 3.7.1.7 Approve and allocate the fiscal budget of the Student Government Association, as provided by the Activity and Service Fee.
  - 3.7.1.8 Establish its own meeting times and operate under Roberts Rules of Parliamentary Procedure.
  - 3.7.1.9 Establish means through which the Student Body can actively participate in the formulation of policies affecting the students of the Florida Polytechnic University.

- 3.7.1.10 Override a veto by the Student Body President by a supermajority vote of the Senate.
- 3.7.1.11 Request a review of a veto of the Student Body President by a Student Affairs designated official by a majority vote of The Senate. This action requests the official advice and clarification on the veto of the Student Body President.
- 3.7.1.12 Issue subpoenas by a majority vote of The Senate.
- 3.7.1.13 Assemble in open meetings at least twice a month, for the deliberation of legislation and the business of the Student Body.
- 3.7.1.14 Call for a referendum of the Student Body through a supermajority vote on a resolution.
- 3.7.1.15 Create and appoint committees, or commissions, not provided in this Constitution, if deemed necessary, provided that these bodies do not contravene with the Constitution.
- 3.7.1.16 Enforce specified and pre-stated standards for clubs, organizations, and committees to maintain their SGA sponsorship and funding as specified in the Senate Rules and Procedures.

### **3.8 Prohibitions.**

3.8.1 The Senate shall not:

- 3.8.1.1 Enact any law that abridges its powers delegated by the constitution.
- 3.8.1.2 Appropriate funds for a period of more than one (1) year.
- 3.8.1.3 Infringe upon the secrecy of the ballot in any Student Body election.
- 3.8.1.4 Deny scheduled speaking privileges in an official Senate meeting to the Student Body, SGA Affiliates, and Faculty.
- 3.8.1.5 Deny unscheduled speaking privileges in an official Senate meeting to any University Administrative Officer, Student Body President, or Chief Justice.
- 3.8.1.6 Change the dates of Student Body elections in the six (6) weeks before the scheduled election.
- 3.8.1.7 Change the election laws during the three (3) weeks before the scheduled election to be effective for that election.
- 3.8.1.8 Enact any law embracing more than one (1) subject and matter properly connected to that subject.

## **Article IV: THE EXECUTIVE BRANCH**

### **4.1 Executive Power**

4.1.1 All executive powers, and those powers not specifically granted herein to other branches of Student Government Association, shall be vested within the Executive Board, such that they may effectively carry out the business of SGA.

### **4.2 Election**

4.2.1 The Student Body President and Student Body Vice President shall be chosen together on a ticket in the Spring general election by a majority of the Student Body voting in the election and shall serve for one-year (1) term. The Student Body Treasurer and Student Body Chief of Staff shall be appointed by the Student Body



President and confirmed by The Senate. Appointment procedures must align with State Law for paid positions.

#### **4.3 Vacancy in Executive Offices**

4.3.1 Upon vacancy in the office of Student Body President, the Student Body Vice President shall fill the position. A vacancy in any executive position other than the President will be filled by an appointment by the Student Body President, pending the approval of the Senate as stated in *Article III – The Legislative Branch*, who shall serve for the remainder of the term.

#### **4.4 Duties and Powers of the Student Body President**

4.4.1 The Student Body President shall:

4.4.1.1 Act as the Chief Executive Officer of the Student Body.

4.4.1.2 Ensure that Code of Conduct is faithfully executed.

4.4.1.3 Have the power to veto legislation as provided for by the Constitution as seen in *Article III – The Legislative Branch*.

4.4.1.4 Present to the Student Body a State of the Campus Address at the Executive transition during the spring semester.

4.4.1.5 Create and appoint service committees, or commissions, not provided in this Constitution, if deemed necessary, provided that these bodies do not contravene with the Constitution.

4.4.1.6 Convene special meetings of the Senate, if deemed necessary.

4.4.1.7 Appoint aides or other officials not provided for by the Constitution, if deemed necessary. The Student Body President also has the authority to approve or reject the appointments made by the other members of the SGA Executive Board.

4.4.1.8 Act as the Student Body's official representative to the University's Board of Trustees and the Florida Student Association.

4.4.1.9 Convene meetings of the full Student Government Association during the first week of each semester to provide a report stating their major objectives and projects for the term year.

4.4.1.10 Exercise all other powers and duties provided by the Constitution and Statutes.

#### **4.5 Duties and Powers of the Student Body Vice President**

4.5.1 The Student Body Vice President shall:

4.5.1.1 Act as the Chief Operations Officer of the Student Body.

4.5.1.2 Assist the Student Body President in the conduct of government.

4.5.1.3 Exercise the powers and duties of the Student Body President in their absence.

4.5.1.4 Appoint aides or other officials not provided for by the Constitution, if deemed necessary.

- 4.5.1.5 Attend all meetings of the General Senate, Executive service committees, and Executive commission to stay in communication. If the Vice President cannot personally attend, the Vice President shall appoint an aide to go in their stead.
- 4.5.1.6 Exercise all other powers and duties provided by the Constitution and Statues.

#### **4.6 Duties and Powers of the Student Body Treasurer**

4.6.1 The Student Body Treasurer shall:

- 4.6.1.1 Act as the Chief Financial Officer of the Student Body.
- 4.6.1.2 Advise on all matters pertaining to A&S procedures and regulation.
- 4.6.1.3 Keep complete and accurate accounts of all Student Body funds on deposit with the University Comptroller and the Finance department.
- 4.6.1.4 Provide an update to all entities of SGA outlining account balances at the start of each semester, or upon request.
- 4.6.1.5 Have the power to veto legislation pertaining to finance as provided for by the Constitution.
- 4.6.1.6 Serve as one of the authorizing signatures on requests pertaining to finance.
- 4.6.1.7 Assist the Student Body President and Student Body Vice President in the conduct of government.
- 4.6.1.8 Attend all official meetings of the Audit and Budget Committee as a non-voting member. If the Treasurer cannot personally attend, the Treasurer shall appoint an aide to go in their stead.
- 4.6.1.9 Appoint aides or other officials not provided for by the Constitution, if deemed necessary.
- 4.6.1.10 Exercise all other powers and duties provided by the Constitution and Statues.

#### **4.7 Duties and Powers of the Student Body Chief of Staff**

4.7.1 The Student Body Chief of Staff shall:

- 4.7.1.1 Act as the Chief Information Officer of the Student Body
- 4.7.1.2 Record SGA Executive Branch meeting minutes or appoint an aide to do so in their stead.
- 4.7.1.3 Post minutes of the SGA Executive Branch meeting in a public forum.
- 4.7.1.4 Send reminders regarding meetings and events out to the SGA Executive Branch.
- 4.7.1.5 Assist the SGA Executive Board in the conduct of government.
- 4.7.1.6 Appoint aides or other officials not provided for by the Constitution, if deemed necessary.
- 4.7.1.7 Regularly hold meetings with members of the Executive Cabinet to ensure they are fulfilling their duties.
- 4.7.1.8 Exercise all other powers and duties provided by the Constitution.

#### **4.8 Executive Departments**

4.8.1 Executive Departments may be established by the Executive Board, with the head of each department to be appointed by the Student Body President. Any appointments

to an Executive Department shall be confirmed with at least a concurrence of a majority of the Senate. Officers of the executive departments shall report to the Student Body President for the execution of their duties and shall be subject to removal by the Student Body President. The terms of the heads of the executive departments shall expire concurrently with the expiration of the regular terms of the elected executive officials. The heads of the executive departments may appoint subordinate aides or other officials not provided for by the Constitution, if deemed necessary.

#### **4.9 Executive Cabinet**

4.9.1 The Executive Cabinet shall consist of the heads of each Executive Department, heads of SGA Agencies, and any other SGA officials as decided by the Executive Board.

### **Article V: THE JUDICIAL BRANCH**

#### **5.1 Judicial Powers.**

5.1.1 All judicial power of the Student Body shall be vested in the Judicial Branch, and such other tribunals as are established by law.

#### **5.2 Administration:**

5.2.1 Practice and procedure:

5.2.1.1 The Chief Justice of the Supreme Court shall be the chief administrative officer of the judicial system.

5.2.1.2 The Judicial Branch shall adopt its own internal rules of practice and procedure for itself.

#### **5.3 Supreme Court:**

##### **5.3.1 Organization**

5.3.1.1 The Supreme Court shall consist of the Chief Justice and up to six justices. The Chief Justice shall preside over the Supreme Court. Simple majority of all members shall constitute a quorum. The concurrence in judgment of a simple majority of members shall be necessary for a decision. The Supreme Court shall provide in its rules of practice and procedure the process for assigning qualified students to temporary appointment, in the event of recusal, in which recusals for cause would prohibit the Supreme Court from convening. To be eligible to be assigned to temporary duty, a person must meet the minimal qualifications of membership on the Supreme Court. The Chief Justice shall be responsible for selecting temporary Justices and shall assign an Associate Justice this duty if the Chief Justice is subject to recusal.

##### **5.3.2 Jurisdiction**

### 5.3.2.1 The Supreme Court:

5.3.2.1.1 Shall interpret any provision of the Constitution or any law that is written within:

5.3.2.1.1.1 Upon any written petition of five percent (5%) of the total Student Body.

5.3.2.1.1.2 Request of the Student Body President or Senate President.

5.3.2.1.2 Shall, upon written petition of any member of the Student Body, and for good and fair cause shown as determined by the Chief Justice and to be consistent with the internal procedures of the supreme court, order any SGA Affiliate or any person who has attended an SGA sponsored event or activity, to appear in front of the court. This shall only occur if the student performs any act that violates this Constitution, any applicable Code of Conduct, State, or Federal Law.

5.3.2.1.3 Shall hear appeals from tribunals and lower courts as established by the Supreme Court.

5.3.2.1.4 May issue any writ necessary to the complete exercise of its jurisdiction.

5.3.2.1.5 Will suspend and terminate the position of any SGA Officer convicted of a Felony in an official State or Federal Court during their term in office.

5.3.2.1.6 Serve on the Elections Committee to assist in the conduct of election procedures.

5.3.2.1.6.1 Shall maintain a permanent election result file of every student body election.

5.3.2.1.7 Shall oversee appeals by SGA member for temporary qualification exemptions.

5.3.2.1.8 Shall oversee student parking appeals and provide a verdict to both student and Auxiliary Services.

### 5.3.3 Subpoena Power

5.3.3.1 The Supreme Court shall have the power to issue subpoenas and subpoena duces tecum directed at any SGA Affiliate, returnable before the Supreme Court or any tribunal it designates.

### 5.3.4 Eligibility and Tenure

5.3.4.1 No person shall be eligible to hold the office of Chief Justice or Associate Justice of the Supreme Court unless that person meets qualifications for office. The Chief Justice and Associate Justices of the Supreme Court shall have the right to remain in office without reappointment until they are awarded a degree.

### 5.3.5 Vacancy in Office

5.3.5.1 Whenever a vacancy occurs in the office of the Chief Justice or Associate Justice of the Judicial Branch, the Student Body President shall fill the vacancy by appointment, subject to a supermajority confirmation vote by The Senate.

### 5.3.6 Clerk and Marshal

- 5.3.6.1 The Chief Justice may appoint a clerk and a marshal for the Supreme Court who shall hold office during the pleasure of the Chief Justice and perform such duties pertinent for to the court as the Chief Justice directs.

## **Article VI: ELECTIONS**

### **6.1 Qualifications to Vote**

- 6.1.1 The Student Body shall comprise the electorate. Each member of the electorate shall be entitled to a single vote per election or item in Student Body elections.

### **6.2 Fall General Election**

- 6.2.1 The Fall general election shall occur on the Tuesday and Wednesday of the sixth (6) week of the Fall term.

### **6.3 Spring General Election**

- 6.3.1 The first day of the Spring general election shall be the last Tuesday in March and the second day shall be the succeeding calendar day.

### **6.4 Special Election**

- 6.4.1 In the event that elected positions within the Student Government Association are vacant, a special election may occur as outlined in *Title VI – Elections*.

### **6.5 Voting Method**

- 6.5.1 The voting method(s) used in elections shall be outlined in *Title VI – Elections*.

### **6.6 Election Conflicts**

- 6.6.1 If any hour of any day of a general election conflicts with a religious or school holiday or if any other reasonable conflict exists, the Senate shall, by Bill of Law, designate different days for the affected election or elections. They may also, by Bill of Law, order the Elections Committee to designate a special voting time for a religious group to vote.

### **6.7 Validation of Election Results**

- 6.7.1 The Senate shall validate general election results in the next scheduled Senate meeting following the election. Election results are validated by a supermajority vote of The Senate.

### **6.8 Time of Assuming Office**

- 6.8.1 Campus wide officers elected in the Spring general election in races requiring a majority vote shall assume office on the last regularly scheduled class day and shall serve one (1) year.
- 6.8.2 The Senators shall assume office at the first meeting following validation by The Senate.

### **6.9 Qualifications for Office**

- 6.9.1 Unless a more restrictive standard is stated in the Constitution, to be eligible for an office within student government association, a student must have and maintain an overall 2.5 grade point average on all attempted credits as a member of the Student

Body and conform to all requirements imposed by the Department of Student Affairs. Candidates for the offices of the Executive Branch shall have completed a minimum of three (3) academic semesters, excluding summer semesters, at Florida Polytechnic University.

#### **6.10 Temporary Qualification Exemptions**

- 6.10.1 In the event that any member of SGA fails to meet qualifications for office, that member may submit an appeal request to the SGA Advisor.
  - 6.10.1.1 Appeal requests must be submitted no later than 5 business days following notice of lapse in eligibility.
  - 6.10.1.2 Approval from the SGA Advisor and the Branch Head overseeing said member is required for the appeal request to be processed.
    - 6.10.1.2.1 In the event the member is a Branch Head, approval will be required by the SGA Advisor and the other Branch Heads.
- 6.10.2 Appeals will be heard and tried by the Supreme Court of the Student Body.
  - 6.10.2.1 Appeal approval will require super majority vote of the Judicial Branch
- 6.10.3 This policy shall not be used to provide exceptions to university standards as defined in FPU 3.002 – Student Government and Student Organizations.
  - 6.10.3.1 If a lack of eligibility includes both SGA and university policy, an exception must additionally be allowed by the Department of Student Affairs.
- 6.10.4 No officer shall be allowed an exemption more than once during the duration of their term.

### **Article VII: IMPEACHMENT**

#### **7.1 The Recall and Remove Procedure**

- 7.1.1 A recall petition signed by one-eighth (1/8) of the total Student Body initiates a referendum in the Student Body. At least one-sixth (1/6) of the Student Body must vote in the referendum or the elected official retains office. The result will go in favor of the majority vote.

*“The grounds for removal of a [Student Government Association Official] by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no later than sixty (60) days after the filing of the petition.” - State of Florida Statutes, Section 1004.26 (4)(b)*

#### **7.2 Persons Who May Be Impeached**

- 7.2.1 All SGA officials, both elected and appointed, may be impeached for reasons not limited to misfeasance, malfeasance, nonfeasance, abuse of power, found responsible for a violation of student code of conduct, or conviction of a criminal offense while in office.

#### **7.3 Filing of Impeachment Resolution**

- 7.3.1 The Senate shall provide in its rules of procedure the definition of the filing date of an impeachment resolution, provided that a minimum of one (1) Senator must co-file the impeachment resolution, and that the affected person must receive a true copy of the impeachment resolution.

#### **7.4 Impeachment Body**

7.4.1 The Senate Session that served the greater amount of time on the filing date of an impeachment resolution shall be the body that creates the articles of impeachment. The Senate president shall preside over the impeachment body and may vote if The Senate President was a member of that Senate Session. A supermajority vote of the membership of the impeachment body shall be required in order to approve the articles of impeachment. The articles of impeachment will then be presented to the Judicial branch who will oversee the impeachment process and vote to impeach by a super majority vote after an investigation has taken place.

#### **7.5 Suspension Upon Impeachment**

7.5.1 A person impeached by the impeachment body shall be suspended from office until acquitted or found guilty by the trial body. The Student Body President, unless impeached, may, by appointment, fill the office until completion of the trial. If the Student Body President is impeached, succession shall be as stated in Article IV, Section 3.

#### **7.6 Trial Body**

7.6.1 All impeachments by the impeachment body shall be tried by the trial body which shall be the Senate Session that has served the least amount of time on the filing date of an impeachment resolution. The Chief Justice of the Supreme Court shall preside unless a member of the judiciary is being impeached, in which event the Student Body President shall preside. The presiding officer shall have no vote. A supermajority vote of the membership of the trial body shall be required for conviction.

#### **7.7 Effect of Conviction**

7.7.1 Judgment of conviction in cases of impeachment shall remove the offender from office and, at the discretion of the trial body, may include disqualification to hold any elected or appointed student government association office in the future. Conviction or acquittal shall not affect the civil or criminal responsibility of the person.

#### **7.8 Appeal of an Impeachment**

7.8.1 Following conviction, a person who has been impeached shall be entitled to an appeal within 10 business days of the sanction. Appeals must be presented to the Vice Provost of Student Affairs or their designee. Appeals will be determined by an Appeal Panel. The Appeal Panel consists of at least three senior-level University administrators designated to serve in such a capacity by the President and includes the Vice Provost of Student Affairs, which serves as the Appeal Panel chair. The Appeal Panel determines whether the conviction should be overturned. The Appeal Panel's decision is final.

*“Notwithstanding any other provision of law, each student government shall adopt internal procedures providing an elected or appointed officer of the student government who has been disciplined, suspended, or removed from office, the right to directly appeal such decision to the vice president of student affairs or other senior university administrator designated to hear such appeals. The internal procedures shall not condition the exercise of such right on the consideration or decision of any student panel, including, but not limited*

*to, any student judiciary, or place any condition precedent on the exercise of such right granted by this paragraph.” - State of Florida Statutes, Section 1004.26*

## **Article VIII: AMENDMENTS**

### **8.1 Proposals by The Senate**

8.1.1 The Senate may introduce amendments to the Constitution in public meetings. Amendments shall be passed after two readings and by a supermajority vote of the Senate. This must occur no later than twenty-eight (28) days before a general election. Each amendment proposed shall embrace only one (1) subject and matter directly connected to that subject.

### **8.2 Proposals by SGA Officers**

8.2.1 Officers within SGA but not the Senate may sponsor and present suggested amendments to the Senate. After conducting the first reading a simple majority vote of the senate will occur to determine if pursuing the spirit of the amendment favored. If a simple majority votes in favor of pursuing the suggested amendment the Senate Pro Tempore will be the designated Senate sponsor and present the amendment for the second reading.

### **8.3 Proposal by Initiative**

8.3.1 Students may propose constitution amendments upon a submission of a petition to the Chief Justice of the Judicial Branch, joined by one-eighth (1/8) petition of the electorate no later than twenty-eight (28) days before the ratification election. Each amendment proposed shall embrace only one (1) subject and matter directly connected to that subject. The Elections Committee shall have the authority to determine if the petition has an accurate summary, and if it determines it is not, to modify the summary so as to be accurate. After making such determination, it shall, in all cases, forward the petition to the Elections Chair for inclusion on the ballot. Such determinations shall be subject to the Review of the Supreme Court.

### **8.4 Requirement for Ratification**

8.4.1 A three-fifths (3/5) approval vote of those voting in the general election is necessary to ratify all constitutional amendments. Unless otherwise specified in the amendment, a ratified amendment shall be effective at 8:00 p.m. on the second day of the general election.

### **8.5 Publication Requirement**

8.5.1 The text and summary of all amendments shall be published in a campus-wide media publication one (1) week before and on both days of the election.

## **Article IX: MISCELLANEOUS**

### **9.1 Rules of Construction**

9.1.1 Unless otherwise qualified in the text, the following rules of construction shall apply to the Constitution:



- 9.1.1.1 References to a specific University department or position shall also include the successor department or position.
- 9.1.1.2 In situations where different provisions of this constitution conflict, the more specific provision applies to the extent of the conflict.
- 9.1.1.3 **Business Day:** Any day excluding: Saturday, Sunday, Federal Holidays, and University Closures
- 9.1.1.4 **Day:** A single date on the Gregorian Calendar
- 9.1.1.5 **Exclusionary:** An exclusionary position is one (1) which must be held exclusive from all other exclusionary positions within Student Government Association.
- 9.1.1.6 **Executive Board:** Any Executive Branch elected position including but not limited to: President and Vice President
- 9.1.1.7 **Executive Branch:** All positions under the Student Body President including, cabinet members, cabinet heads, agency heads, and the SGA Executive Board
- 9.1.1.8 **First Week:** First week of an academic term, drop/add period for students
- 9.1.1.9 **Funding Fee:** The revenue generating fee from which SGA makes appropriations.
  - 9.1.1.9.1 Currently, the funding fee is known as the Activity & Service fee
- 9.1.1.10 **Judicial Branch:** Includes the Supreme Court and all other Florida Polytechnic tribunals. This branch is overseen by the Chief Justice of the Supreme Court
- 9.1.1.11 **Majority Vote:** More than half of the votes cast by those present and voting
- 9.1.1.12 **Non-Exclusionary:** Any position in Student Government association which can be simultaneously held with any other non-exclusionary or one (1) exclusionary position
- 9.1.1.13 **Of The Membership:** The total number of authorized seats in the body
- 9.1.1.14 **Primary Budget:** The budget from which student government association appropriates revenue generated by the funding fee for a fiscal year
- 9.1.1.15 **SGA Affiliate:** Any student holding an Exclusionary or Non-exclusionary positions or any student who holds an executive position in a club receiving SGA funding
- 9.1.1.16 **SGA Member:** Any student holding an Exclusionary or Non-exclusionary positions
- 9.1.1.17 **Student:** Any person currently enrolled in a minimum of one (1) credit hour
- 9.1.1.18 **Student Body:** All students in attendance at Florida Polytechnic University, including SGA officers and members
- 9.1.1.19 **Student Body Officer-Elect:** A person elected who has not yet assumed office. A person that a student body officer-elect has appointed may not assume office until the student body officer- elect assumes office, even if the appointed person has been confirmed by The Senate
- 9.1.1.20 **Student Body Official:** Any person who holds an exclusionary position within student government association
- 9.1.1.21 **Student Government Association (SGA):** Governs and represents the Student Body. Its actions not otherwise limited by Code of Conduct supersede those of all other student organizations

9.1.1.22 **Subsidiary Budget:** All budgets, excluding the primary budget. Currently, the subsidiary budgets are the organizational budget and the special events budget, but shall also include all future budgets except the primary budget

9.1.1.23 **Supermajority Vote:** A vote requiring two-thirds (2/3) approval of all voting members for a given voting body.

9.1.1.24 **Veto:** A constitutional right to reject a decision or proposal made by a law-making body

## **9.2 Vacancy in Office**

9.2.1 A vacancy in office shall occur upon creation of an office, graduation without immediate re- matriculation, death, removal from office, resignation, failure to maintain the required residency classification, or failure to qualify by the first day of the term of office.

9.2.2 Additionally, a vacancy in office shall occur if a college representative moves to a different college or if an on/off campus representative updates their housing status during the course of an academic year. No vacancy in office shall occur if a class representative's classification changes during the course of an academic year.

## **9.3 Laws Preserved**

9.3.1 All laws enacted under the provisions of the School Year 2014-2015 Constitution, as subsequently amended, and not contrary to the provisions of this Constitution, shall remain in full effect until they expire by their terms or are repealed under the provisions of this Constitution.

# **Article X: RATIFICATION OF CONSTITUTION**

## **10.1 Process**

10.1.1 The below authorities representing their department or branch sign below to acknowledge that the proper addition of the amendment(s) and the staying of unchanged material is correct.

10.1.2 After receiving signatures from each authority, the Constitution and any revisions herein must be approved by a majority in a referendum of the student body.

## **HISTORY:**

- ❖ SB 09-01 | Amending Preamble | 4/4/23
- ❖ SB 09-02 | Amending Article II: General Provisions: Section 2 and Section 3 | 4/4/23
- ❖ SB 09-04 | Amending Article III: The Legislative Branch, Section 2-8 | 4/4/23
- ❖ SB 09-05 | Amending Article IV: The Executive Branch, Section 2-7 and 9 | 4/4/23
- ❖ SB 09-06 | Amending Article V: The Judicial Branch, Section 3 | 4/4/23
- ❖ SB 09-07 | Amending Article VI: Elections, Section 6 and 9, and adding Section 10 | 4/4/23
- ❖ SB 09-08 | Amending Article VII: Impeachment, Section 2 | 4/4/23
- ❖ SB 09-09 | Amending Article VIII: Amendments, Section 1 and 4 | 4/4/23

**SIGNATURES:**

*9<sup>th</sup> Session Senate President*

*Graham Gilbert*

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*Date:* July 20, 2023

*7<sup>th</sup> Student Body President*

*Melia Rodriguez*

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*Date:* 5/23/2023

*University President*

*Mave*

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*Date:*

08.16.2023