



# Student Association of Binghamton University, Inc

## Constitution

May 22, 2017

### Article I: Overview

- A. **Purpose.** The Student Association exists to:
1. Represent the undergraduate students to the University.
  2. Promote and facilitate diverse activities for its members that cultivate different and sometimes opposing ideas, cultures, skills, and pastimes.
  3. Provide and protect goods and services for its members that are more useful or less expensive than would otherwise be available.
- B. **Definitions.** The term “semester” means a fall or spring semester. “Fall semesters” are considered to end at noon the day after the last final exam and “spring semesters” are considered to end at noon on the day after the last commencement ceremony in May. “Academic years” begin upon the conclusion of spring semesters.
- C. **Rules.** No action by any part of the Student Association may contradict with the Student Association’s rules, all of which are listed here in order of precedence. Subordinate rules are invalid unless in compliance with superior rules.
1. **Corporate Actions** are actions made under the authority of the corporate bylaws but not this Constitution and its subordinate rules.
  2. **This Constitution.** An amendment to this Constitution can only be proposed by a two-thirds vote of Congress with previous notice or a petition of 15% of the Student Association membership. Petitions cannot significantly duplicate failed referendums from the same academic year. A referendum open to the entire Student Association membership must then be held within 20 semester class days of submission of the petition to Congress unless the proposal permits an alternate timeline. A two-thirds majority of those voting is required to enact the amendment. The Judicial Board cannot reject constitutional amendments except for rule violations implementing them.
  3. **Management Policies.** Congress promulgates all management policies. Management policies can regulate any aspect of the Student Association. If no process exists to amend a particular management policy it can be amended by a majority vote of Congress. A two-thirds vote with previous notice of Congress can amend any management policy.
  4. **Management Procedures.** The Executive Board promulgates and executes all management procedures except management procedures regarding the operation of Congress or the Judicial Board which are promulgated and executed by them each respectively.
  5. **Rules of Subsidiary Organizations** (if applicable).
- D. **Due Process.** All Student Association members and all independently operated subsidiary organizations are entitled to due process on all decisions by the Student Association which affect them in particular when they are not acting as an agent of Congress, the Executive Board, or the Judicial Board. No punitive action can be imposed upon them in particular in response to actions either not prohibited at the time of occurrence or which they could not have known with due diligence were prohibited at the time of occurrence.
- E. **Nondiscrimination.** The Student Association cannot have rules or undertake actions which discriminate against, or give preference to, anyone on the basis of academic discipline, age (unless required by law, insurance, or University policy), ancestry, disability, ethnicity, gender, marital status, military affiliation, nationality, political belief, race, religion, or sexual orientation.

- F. **Free Speech.** No part of the Student Association can abridge the freedom of speech of anyone not acting as an agent of that part of the Student Association unless such speech is not protected by the First Amendment to the United States Constitution. The Student Association must be viewpoint neutral when making regulatory or financial decisions.
- G. **Open Events.** All events funded by the Student Association must be open to all Student Association members subject to the following conditions:
1. Attendees can be removed for disrupting the event or failing to dress appropriately.
  2. A commensurate fee can be charged for attendance.
  3. Attendees can be turned away when an event exceeds, or is reasonably expected to exceed, its capacity and for reasons outside the sponsoring party's control the capacity cannot be increased.
  4. Events that meet all of the following criteria are exempt from this section:
    - i. Are solely of an internal organizational leadership capacity or are dedicated to preparing for a larger event or publication which will be open to all Student Association members.
    - ii. Are not advertised in such a way that would lead a reasonable person to believe they are open to any Student Association member.
    - iii. Are only open to a predetermined list of individuals.
- H. **Community Councils.** Each on-campus residential community and off-campus students collectively are represented by their own community council, which is a subsidiary organization that exists to provide localized programming, advocate on community-specific issues, and coordinate with its Congress representatives.
- I. **Activity Fee.** The Activity Fee cannot be raised higher than authorized by a referendum of the entire Student Association membership.
- J. **Minimum Funding.** The following are minimum funding allocations which cannot be reduced except in extenuating circumstances:
1. Off Campus College Transport:
    - i. \$72,000 per academic year.
    - ii. \$20 for every full-time equivalent dues paying Student Association member per semester.
    - iii. \$0.625 per summer credit per Student Association member per summer academic session.
  2. Harpur's Ferry Student Volunteer Ambulance:
    - i. \$6.65 for every full-time equivalent dues paying Student Association member per semester.
  3. The Student Association Programming Board:
    - i. \$13 for every full-time equivalent dues paying Student Association member per semester.
  4. Student Association Community Councils:
    - i. \$7,000 per academic year. Susquehanna and Hillside split one sum proportional to each's relative full-time equivalent dues paying membership.
    - ii. \$5.00 for every full-time equivalent dues paying community member per semester.

## Article II: The Student Association Congress

- A. **Members.** Congress consists only of the following members:
1. 35 representatives who each represent one of the seven constituencies (Newing, Dickinson, College-in-the-Woods, Mountainview, Hinman, apartments, and off-campus). Each constituency has a minimum of three representatives. The remaining representatives are allocated mathematically to create the smallest possible ratio between the maximum students per representative among the constituencies divided by the minimum students per representative.
  2. The Speaker is a full Congress member while all other Executive Board officers are nonvoting ex-officio Congress members.
  3. Other nonvoting ex-officio members if permitted by the management policies.
- B. **Congress Representative Elections.** Congress representatives are directly elected by their respective constituencies within the first 15 fall semester class days through a process coordinated by the Speaker and overseen by a committee with one seat allocated to each community council. Congress representative terms of office continue until the end of the spring semester.
- C. **Congress Representative Removal.** Congress representatives can only be removed by a two-thirds vote of Congress with previous notice or pursuant to their constituency's rules. Congress can adopt a stricter management policy than this clause when dealing with Congress representatives who fail to attend required meetings or which mandates recusals.
- D. **Congress Representative Vacancies.** Vacant Congress representative seats are filled pursuant to their constituency's rules. A Congress representative seat is only vacated if the Congress representative:
1. Is no longer a Student Association member.
  2. Is no longer a member of the consistency they represent.
  3. Did not have a 2.0 overall grade point average during the previous semester.
  4. Obtains another seat in Congress.
  5. Becomes a justice.
  6. Is removed.
  7. Resigns.
- E. **Open Meetings.** All Congress meetings must be open to and advertised as open to the public. Congress meetings can only be closed by entering executive sessions. Entering executive sessions requires a two-thirds vote and excludes all individuals except Congress members and enumerated guests. No final vote to allocate funds can be made in executive session.
- F. **Public Comment.** Anyone can briefly speak at the beginning of Congress meetings. If the public comment period has not concluded after twenty minutes Congress can end it by majority vote. If such a vote fails another cannot be taken for an additional twenty minutes.
- G. **Executive Board Overrides.** Executive Board vetoes and recess authority invocations must be reported to Congress at its next meeting and can only be overridden by Congress within its following two regular meetings. Vetoes require a three-fourths vote to override while recess authority invocations require a majority vote to override.

## Article III: The Student Association Executive Board

- A. **Senior Officers.** In addition to the responsibilities designated elsewhere throughout the rules the senior Executive Board officers, listed in order of rank, each have the following responsibilities:
1. **President:**
    - i. Coordinates, oversees, and chairs the Executive Board.
    - ii. Is the primary representative and spokesperson of the Student Association.

2. **Executive Vice President:**
    - i. Coordinates, supports, and works with subsidiary organizations.
    - ii. Coordinates, facilitates, and promotes the establishment or accession of new subsidiary organizations.
  3. **Vice President for Finance:**
    - i. Implements the financial procedures and recommends necessary changes in the financial policies to Congress.
    - ii. Trains, assists, and coordinates all who deal with the Student Association's finances.
  4. **Vice President for Academic Affairs:**
    - i. Coordinates and oversees the Student Association's advocacy relating to academic matters.
    - ii. Coordinates and oversees Advocates, which counsels and represents any student requesting such representation when accused of violating Binghamton University policy.
  5. **Vice President for Multicultural Affairs:**
    - i. Promotes and facilitates a diverse, equitable, inclusive, and multicultural University community.
    - ii. Coordinates, oversees, and chairs the Intercultural Awareness Committee.
  6. **Vice President for Programming:**
    - i. Coordinates, oversees, and chairs the Programming Board which produces and facilitates large-scale programming.
    - ii. Coordinates and assists the programming efforts of Student Association entities as appropriate.
- B. **Associate Officers.** Associate Executive Board officers are nonvoting ex-officios. The Speaker is an associate Executive Board officer who is elected by Congress before the end of the spring semester to serve on the next academic year's Executive Board and chair Congress. There are no other Executive Board officers apart from any additional associate officers designated by the Executive Board.
- C. **Election.** The senior Executive Board officers are separately elected directly by and from the Student Association membership in an election at least 30 semester class days before the end of the spring semester.
- D. **Election Certification.** Congress must accurately certify by majority vote the results of an Executive Board election at its next regular meeting thereafter. If it fails to do so, or does so inaccurately, the Judicial Board can overrule it by majority vote.
- E. **Election Seniority.** If no candidate is placed on the ballot by the deadline the seniority requirements for that race are nullified and the deadline is extended. No individual can become an Executive Board officer if by the deadline to be placed on the ballot they do not have at least 75 semester class days of experience in each of the following:
1. Being any one of the following:
    - i. A voting Congress member.
    - ii. A voting Executive Board officer.
    - iii. A justice.
    - iv. On the executive board of a subsidiary organization.
    - v. Someone who performs continual services that entitle them to compensation in Student Association funds.
  2. Holding an office that has the authority to access a Student Association financial account, working as a paid assistant to the Vice President for Finance, or being on the Congress committee that allocates the Student Association budget (only for Vice President for Finance candidates).

3. As a Programming Board member (only for Vice President for Programming candidates).
- F. **Transition.** The Executive Board-elect takes office at the conclusion of the spring semester except for the Vice President for Finance who takes office on June 1st exactly. Upon the certification of election results the outgoing Executive Board must integrate its successors into its operations.
- G. **Impeachment.** Executive Board officers can only be impeached by a three-fourths vote of Congress with previous notice or a three-fourths vote with previous notice by three-fourths of the community council executive boards.
- H. **Permanent Vacancies.** An Executive Board office is permanently vacated only if the officer:
1. Ceases to be a Student Association member.
  2. Did not have a 2.0 overall grade point average during the previous semester.
  3. Obtains another seat in Congress.
  4. Becomes a justice.
  5. Resigns.
  6. Is removed from office by the Judicial Board.
- I. **Temporary Vacancies.** Upon ceasing to be an acting Executive Board officer the previous office held by that individual, if any, is reassumed. An Executive Board office is temporarily vacated and can be replaced by an acting officer if the officer:
1. Requests temporary replacement.
  2. Has been impeached but the Judicial Board has not reached a removal verdict and the officer has not successfully petitioned the Judicial Board for temporary reinstatement.
- J. **Recusal.** Notwithstanding the foregoing, Executive Board officers can be recused from a particular matter by the Judicial Board, Congress, the President, or themselves. The Judicial Board can invalidate unnecessary mandated recusals. The temporary succession process can be invoked for recusals at the desecration of the President for vice presidential recusals or the next in the order of succession for others. Such temporary replacements cannot vote if the replacing individual could not already.
- K. **Presidential Succession.** Permanent and temporary presidential vacancies are filled by the highest ranked willing Executive Board officer.
- L. **Vice Presidential Succession.** Permanent and temporary vice presidential vacancies are filled by presidential appointment. Congress must sustain the appointment by a two-thirds vote at its next meeting or postpone the vote until its following meeting for final consideration. If the vote fails the appointment is rescinded and the process repeats until Congress sustains an appointment. Rejected appointees cannot be reappointed.
- M. **Exclusive Jurisdiction.** The Executive Board has exclusive jurisdiction over the following except when it permits otherwise:
1. Direct management of personnel and entities which are not an integral part of Congress or the Judicial Board.
  2. External relationships and representation.
  3. Internal communication.
  4. Matters not assigned to another body by the management policies or superior rules.
- N. **Veto.** A majority vote of the Executive Board can veto any action by Congress except veto overrides before the next regular Congress meeting after the action.
- O. **Recess Authority.** Whenever Congress has not met with a quorum during the previous 21 days or is not scheduled to meet again until more than 21 days after its most recent meeting with a quorum its power reverts to the Executive Board but meetings held with this authority do not count toward required timelines.

## Article IV: The Student Association Judicial Board

- A. **Composition.** The Judicial Board is composed of nine justices who are nominated by the President and confirmed by a two-thirds vote of Congress with previous notice. Terms of office begin immediately upon confirmation and conclude at the end of the fourth semester in office.
- B. **Removal of Justices.** Only a petition of any three justices delivered to Congress or a majority vote of the Executive Board impeaches a justice. A three-fourths vote of Congress with previous notice within 20 semester class days of impeachment is required to remove that justice. A management policy may permit mandated recusals.
- C. **Vacancies.** A justice only vacates office if the justice:
  - 1. Ceases to be a Student Association member.
  - 2. Did not have a 2.0 overall grade point average during the previous semester.
  - 3. Becomes a Congress member.
  - 4. Becomes a candidate for a senior Executive Board office.
  - 5. Resigns.
  - 6. Is removed.
- D. **Grievances.** All Student Association members when participating, personnel, and subsidiary organizations are bound to abide by all applicable Student Association rules as interpreted by supervisors and chairs. Such interpretations can be overruled by superiors and ultimately the Judicial Board in the form a grievance. Any Student Association member can submit a grievance alleging a violation of a rule by a particular action that adversely affected them to the Judicial Board. If the Judicial Board finds that such a violation did occur it can by majority vote take any action it deems necessary to reestablish compliance with the rules.
- E. **Removal Hearings.** Upon the impeachment of an Executive Board officer the Judicial Board must hold a removal hearing within ten semester class days. If the Judicial Board finds with clear and convincing evidence that the accused has committed severe or pervasive malfeasance it can by a two-thirds vote remove the accused from office.
- F. **Legislative Review.** The Judicial Board reviews all final actions taken by Congress for compliance with the rules and can invalidate any final action that is noncompliant by majority vote. With a two-thirds vote the Judicial Board can reject any action taken by Congress that interferes with its independence for any reason even if that action was otherwise in compliance with the rules.