Student Association Constitution and By-Laws

Amended and Restated – Spring, 2014
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Student Association Constitution

Amended and Restated – Spring, 2014
Article I. Name
The name of the organization shall be the Undergraduate Student Association of the State University of New York at Buffalo (which is also sometimes referred to in this Constitution and By-Laws as “the Student Association” or “SA”).

Article II. Membership
All currently enrolled undergraduate students at the State University of New York at Buffalo shall be members of the Student Association.

Article III. Governance
All currently enrolled undergraduate students at the State University of New York at Buffalo shall be members of the Student Association.

Article IV. Legislative Branch
Section 4.01 Authority
The Legislative authority of the Student Association except as qualified herein, shall be vested in the Assembly and the Senate.

Section 4.02 The Assembly
(a) Membership
(i) Any member of the Student Association except for Justices of the Student-Wide Judiciary, Directors of the Student Association, and members of the Senate (excluding the Speaker of the Assembly), unless otherwise noted in the Constitution or By-Laws, may become a member of the Assembly upon fulfillment of the petition procedure for Assembly membership stated in the Student Association By-Laws.
(ii) Only members of the Student Association may become members of the Assembly.
(iii) Each member of the Assembly shall exercise one and only one vote.
(iv) The term of members of the Assembly shall run from the time such member of the Assembly attains membership until the day before the first day of classes of the following fall semester.
(v) SUNY SA Delegates (except for the SA President) shall also serve as ex-officio non-voting members of the SA Assembly while they serve as SUNY SA Delegates.

(b) Functions – The Assembly may:
(i) Enact resolutions concerning issues of importance to the undergraduate student body in regards to issues of academic policy, student rights and student welfare.
(ii) Create ad hoc positions, agencies, task forces and committees to take action on issues of importance to students.
(iii) Override by a two-thirds (2/3) vote any Presidential veto of action by the Assembly within two (2) meetings after the veto has been announced, whenever the Assembly deems necessary.
(iv) Approve or disapprove all changes to the Elections Rules and Regulations as proposed to the Assembly by the Elections and Credentials Chairperson.
(v) Approve or disapprove all Student Association appointments, except for any appointment wherein the right to approve or disapprove of said appointee is delegated to another body pursuant to the terms of this Constitution or the By-Laws of the Student Association. Prior to any vote to approve or disapprove of an appointee or appointees, the Assembly may duly consider the stipend and duties of each position in addition to each appointee’s qualifications for the position. In accordance with the previous sentence, the Assembly may, during the process of deliberating Student Association appointments, request job descriptions and salary from the appointing officer(s). The Assembly shall not make any decisions based on an appointee’s sex, race, color, religion, sexual orientation, national origin or political viewpoints.
(vi) Call referenda as provided in ARTICLE VIII.
(vii) Override by a two-thirds (2/3) vote, any removal of a Student Association appointee by SA Officers within ten (10) class days of the removal, if the appointee was originally confirmed by the Assembly.
(viii) Initiate recall proceedings involving any Student Association Officer, Director or appointee, as provided in ARTICLE IX.
(ix) Initiate or approve amendments to the By-Laws and/or Constitution of the Student Association as provided in ARTICLES X and XI respectively.
(x) Approve or disapprove all appointments to the Student-Wide Judiciary.

(c) Limitations
(i) The Assembly shall have no authority whatsoever in areas where jurisdiction is granted solely to the Senate.
(ii) Any Assembly-initiated project that requires funding beyond that which has been provided in the annual Student Association Budget must be approved by the Senate or the Emergency Powers Council.

(d) Speaker of the Assembly
(i) Any voting member of the Assembly may run for the Office of Speaker.
(ii) The term of Speaker of the Assembly shall run from the first day after the last day of classes of the spring semester until the following last day of classes of the spring semester. The election of the Speaker of the Assembly shall take place no earlier than April 8th and no later than the last day of classes of the spring semester for the following term. The election shall follow the guidelines outlined in the Student Association By-Laws. The Speaker of the Assembly shall be deemed to automatically be a member of the Assembly throughout his term as Speaker.

(iii) The Speaker may be removed from his/her position as Speaker at any time by vote of a two-thirds (2/3) majority at a duly held meeting of the Assembly. Such removal shall not constitute the Speaker's removal as a member of the Assembly; that person shall continue to be a member of the Assembly until the last day of classes of the spring semester, unless removed as a member of the Assembly pursuant to another provision of this Constitution or the By-Laws of the Student Association.

(iv) In the event of a vacancy in the position of Speaker of the Assembly, a new Speaker of the Assembly shall be elected to fill out the remainder of the vacating Speaker's term, according to any policies or procedures as may be stated in this Constitution or in the By-Laws of the Student Association.

(v) The Speaker shall be accorded the same rights and privileges as an Assembly member, except when he/she assumes the chair. At such time he/she shall be subject to any rules relating to the position of chair as set forth in the SA Constitution, SA By-Laws and SA Assembly Rules of Procedure.

(vi) The Speaker shall inform the President of all Assembly action within forty-eight (48) hours after the conclusion of each Assembly meeting.

(vii) The Speaker shall inform the Assembly of any Presidential veto of an Assembly action at the next Assembly meeting following the veto.

(viii) Duties
1) To represent the Assembly on Assembly matters only, both inside and outside of the University community.
2) To coordinate the activities of the Student Assembly Committees.
3) To place on the Assembly Agenda issues of importance to the Student Association that are within the jurisdiction of the Assembly.
4) To appoint an Assembly secretary and Assembly Parliamentarian.
5) To serve as a non-voting member of the Senate and a voting member of the Emergency Powers Council.
6) To serve as Chairperson of the Assembly Rules Committee.
7) To appoint a proxy to any sessions of the Emergency Powers Council that he/she cannot attend.
8) Shall place Constitutional changes on the agenda right after approval of minutes.

(e) Meetings

(i) Meetings of the Assembly shall be convened by the Speaker:
1) Only when classes are in session.
2) Every second and fourth Wednesday of each month.
3) Whenever he/she deems necessary.
4) Within one week after he/she is presented with a petition containing the signatures of at least two percent (2%) of the membership of the Student Association.
5) Within one week after he/she is presented with a petition containing the signatures of at least one-third (1/3) of the membership of the Assembly.

(ii) All meetings of the Assembly shall be open to the public. There shall be no closed meetings.

(iii) Any person may address the Assembly upon recognition by the chair.

(iv) The Assembly may take action by the majority vote of members present at a duly held meeting of the Assembly, except where otherwise stated in this Constitution or By-Laws of the Student Association.

(v) All Assembly meetings at which voting is to take place must be announced at least five (5) days in advance and in two of the three following:
1) Campus periodical
2) World Wide Web or Internet or Student Association Web Page or Web Page affiliated with Campus periodical
3) Electronic Mail (e-mail) or Listserv to the Assembly Members

(vi) The SA Assembly may set and amend Rules of Procedure for the conduct of its meetings and the meetings of any SA Assembly Committee, by a vote of at least 2/3 of members present at a duly held meeting of the SA Assembly, so long as such rules do not contradict this Constitution, the By-Laws of the Student Association, or any applicable laws or regulations. If the SA Assembly Rules of Procedure, this Constitution and the SA By-Laws are all silent as to a particular procedural issue concerning the conduct of Assembly or Assembly Committee meetings, Robert’s Rules of Order shall apply.
Assembly meetings may not take place during the period beginning on the first day of classes of the fall semester until 4:00p.m. on the fourth (4th) Monday of the fall semester; this clause shall supersede any other clause of this Constitution which would require a meeting to take place during such time, and if a meeting would have been required to take place during such time, such meeting shall take place within one (1) week following the fourth (4th) Monday of the fall semester.

(f) Committees

(i) There shall exist standing committees within the Student Assembly. These shall include, but not limited to: The Rules Committee, the Academic Affairs Committee, and the Student Affairs Committee. The function and membership of these committees shall be described in the By-Laws of the Student Association.

(ii) Additional standing committees may be established by vote of a majority of the Assembly.

(iii) Each Assembly Committee shall have one (1) Chairperson, and one (1) Assistant Chairperson, both being members of and elected by the respective Committee members.

Section 4.03 The Senate

(a) Membership

The membership of the Senate shall consist of the following:

(i) Voting Members/Ex-Officio Non-Voting Members

1) Voting Members
   a) The People of Color Coordinator
   b) The International Affairs Coordinator
   c) The Academic Council Coordinator
   d) The Sport Clubs Council Coordinator
   e) The Special Interest, Service, Hobby Clubs Council Coordinator
   f) The Engineering Council Coordinator

2) Ex-Officio Non-Voting Members
   a) The President
   b) The Speaker of the Assembly
   c) The Vice President
   d) The Treasurer

(ii) Twelve (12) additional voting Senators shall be elected by and from the membership of the Student Association at large. This election (the “Senate Election”) shall take place no later than the fourth week of the fall semester at a time to be determined by the President. Senators must be members of the Student Association and be eligible to run for and hold office according to any eligibility requirements set by the University at Buffalo. The term of Senators shall run from the time at which they are elected (or appointed, if to fill a vacancy) until their successors are chosen in the following Senate Election, except for Ex-Officio Members and Coordinators whose terms as Senators shall coincide with their terms in such other position as entitled them to a position as a Member of the Senate.

(b) Functions - The Senate May:

(i) Allocate the budget of the Student Association as provided in ARTICLE VII.

(ii) Approve or disapprove all budgetary line transfers with Student Association organizations which are proposed following the finalization of the budget.

(iii) Grant or deny Student Association recognition to clubs/organizations which request recognition according to such criteria as the Senate may establish from time to time, so long as such criteria and the decision to grant/deny recognition to a student club or organization is not determined based on the political viewpoints of such student club/organization requesting recognition or its members, or based upon any other legally impermissible criteria.

(iv) Impose sanctions against organizations, which mishandle Student Association funds.

(v) Override by a two-thirds (2/3) vote any Presidential veto of action by the Senate within two (2) meetings after the veto has been announced.

(vi) Review the operations of all organizations recognized and/or funded by the Student Association.

(vii) Approve or disapprove Appointments to the following positions:

1) Directors of Sub-Board I, Inc.
2) Treasurer or Vice President under the Conditions in ARTICLE V, Section 2(A)(xi), and Acting Treasurer under the conditions in ARTICLE V, Section 2(A)(x)
3) Directors of FSA
4) Other positions if explicitly specified in the Constitution and/or By-Laws of the Student Association

(viii) Initiate or approve amendments to the By-Laws and/or Constitution of the Student Association as provided in ARTICLES X and XI respectively.

(ix) Call referenda as provided in ARTICLE VIII.
Override by an absolute two-thirds (2/3) vote removal of any Student Association appointee who was originally confirmed by the Senate (except if such appointee is removed according to the recall provisions of Article IX).

Participate in the recall of any member of the Executive Branch of the Student Association according to the terms of ARTICLE IX.

Approve or disapprove request for funding to projects initiated by the Assembly as provided in ARTICLE IV 2(C)(2).

Impose sanctions against any SA recognized club that violates any rule or policy of the Student Association, the University at Buffalo or any local, state, or federal law or regulation.

Upon recommendation of the President and Treasurer, may approve and amend employment policies, internal controls and financial policies for SA and its clubs.

Upon recommendation of the President, Vice President and Treasurer, may approve and amend other policies for SA Clubs.

Chairperson of the Senate

Any VOTING member of the Senate may run for the Office of Chair of the Senate.

The election for the Chairperson of the Senate shall follow the procedures outlined in the Student Association By-Laws. The term of Chairperson of the Senate shall run from the date on which he/she is elected Chairperson until the following Senate Election.

The Chairperson of the Senate may be removed from his/her position as Chairperson of the Senate at any time by a vote of a two-thirds (2/3) majority of the Senate. Such removal shall not constitute the Chairperson’s removal as a member of the Senate; that person shall continue to be a member of the Senate for the remainder of his/her term, unless removed as a member of the Senate pursuant to another provision of this Constitution or the By-Laws of the Student Association.

In the event of a vacancy in the position of Chairperson of the Senate, a new Chairperson shall be elected by the Senate to fill out the remainder of the vacating Chairperson's term, according to any policies or procedures as may be stated in this Constitution or in the By-Laws of the Student Association.

The Chairperson shall be accorded the same rights and privileges as an Senate member, except when he/she assumes the chair. At such time he/she shall be subject to any rules relating to the position of chair as set forth in the SA Constitution, SA By-Laws and SA Senate Rules of Procedure.

Duties:
1. To serve as the presiding officer of the Senate and shall be subject to any rules relating to the position of chair as set forth in the SA Constitution, SA By-Laws and SA Senate Rules of Procedure.
2. To represent the Senate both inside and outside of the University Community.
3. To coordinate the activities of the Senate Committees.
4. To place on the agenda issues of importance to the Student Association that are within the jurisdictions of the Senate.
5. To appoint a Senate Secretary and Senate Parliamentarian.
6. To serve as a voting member of the Emergency Powers Council. To appoint a proxy to any session of the Emergency Powers Council that he/she cannot attend.

Meetings

Meeting of the Senate shall be convened by the Chairperson.
1. At least once every four (4) weeks during the school year.
2. Whenever he/she deems necessary.
3. Within one week after he/she is presented with a petition containing the signatures of at least two percent (2%) of the membership of the Student Association.
4. Within one week after he/she is presented with a petition containing the signatures of at least one-third (1/3) of the membership of the Senate.

Any person may address the Senate upon recognition by the Chair.

The Senate may take action by the majority vote of members present at a duly held meeting of the Senate, except where otherwise stated in the Constitution or By-Laws of the Student Association.

All Senate meetings at which voting is to take place must be announced at least five (5) days in advance and in at least two of the following forms:
1. Campus periodical
2. World Wide Web or Internet or Student Association Web Page or Web Page affiliated with Campus periodical
3. Electronic Mail (e-mail) or Listserv to the Senate Members
(v) The SA Senate may set and amend Rules of Procedure for the conduct of its meetings and the meetings of any SA Senate Committee, by a vote of at least 2/3 of members present at a duly held meeting of the SA Senate, so long as such rules do not contradict this Constitution, the By-Laws of the Student Association, or any applicable laws or regulations. If the SA Senate Rules of Procedure, this Constitution and the SA By-Laws are all silent as to a particular procedural issue concerning the conduct of Senate or Senate Committee meetings, Robert’s Rules of Order shall apply.

(vi) In the event that the office of Chairperson of the Senate is vacant or in the event that the Senate Chairperson fails to attend a duly held meeting of the Senate, the President (or Vice President, if the President shall so delegate) shall chair any meetings of the Senate during such absence or vacancy.

(e) Committees

(i) There shall exist standing committees within the Senate as provided in the By-Laws of the Student Association. Among these standing committees shall be a Finance Committee, whose membership shall be stated in the By-Laws of the Student Association.

(ii) Additional standing committees shall be established by vote of an absolute majority of the Senate.

(f) Elections

Senate elections will be held in the fall semester as outlined in this Constitution and the By-Laws of the Student Association.

Section 4.04 General Provisions Pertaining to both Senate and Assembly

(a) Quorum

(i) A Quorum for any meeting of the Senate and all Standing Committees of either house shall be fifty percent (50%) of the membership body in question.

(ii) Quorum for the first and second meeting of the Assembly will consist of the number of Assembly Members showing and signing in. Quorum for any other meeting for any following meetings of the Assembly shall be fifty percent (50%) plus one of the Assembly Members present at the previous meeting.

(b) Proxies

Each member of the Assembly/Senate may appoint a person who is a member of the Student Association to act as a proxy in his/her place at a Assembly/Senate meeting which the Assembly/Senate member cannot attend by delivering or causing to be delivered such appointment in writing and signed by the Senate or Assembly member making such appointment to the Speaker of the Assembly (if relating to an Assembly member) or Chairperson of the Senate (if relating to a Senate member). Unless stated otherwise in the written instrument appointing such proxy, the written appointment shall allow such proxy to assume the position of such Assembly or Senate member at dates and times set forth in such instrument only, and such appointment may be revoked at any time by the Senate or Assembly Member who appointed such proxy, in a writing signed by such Senate or Assembly Member and which such Senate or Assembly Member delivers or causes to be delivered to the Speaker of the Assembly (if relating to an Assembly member) or Chairperson of the Senate (if relating to a Senate member). The presence of a proxy at any meeting will be recorded as a meeting attended by the Assembly/Senate member.

(c) Responsibilities

(i) Any Assembly/Senate member who, within a single semester, misses two (2) meetings of the Assembly/Senate may be suspended as a member of the Assembly/Senate and shall lose his/her voting privileges throughout the time he/she is suspended. The Speaker of the Assembly (if relating to an Assembly member) or Chairperson of the Senate (if relating to a Senate member) may send such suspended member a letter or email notifying him/her of his/her suspension, which shall take effect when the Speaker or Chairperson sends such letter or email. In the case of a suspended Assembly Member, such Member may be reinstated for the remainder of his/her term at any time prior to the conclusion of that term by a majority vote of Assembly Rules Committee members present at a duly held meeting of the Assembly Rules Committee. If a person is suspended from the Assembly pursuant to the terms of this paragraph, such Assembly seat shall be deemed vacant until such Assembly member is reinstated. In the case of a suspended Senator, the Senate shall determine by majority vote of those present at a duly held meeting of the Senate whether such suspended Senator shall be removed from the Senate for the remainder of that term or reinstated. During the term of such Senator’s suspension and unless the Senator is removed, such Senate seat shall not be deemed vacant.

(ii) If a member of the Senate or Assembly shall within a single semester miss two (2) meetings of a committee of which he/she is a member, such person may be removed from his/her position on that committee by the Speaker of the Assembly (if the Committee is part of the Assembly) or Chairperson of the Senate (if the Committee is part of the Senate), and such seat on the Committee shall be deemed vacant. The Speaker of the Assembly (if relating to an Assembly member) or Chairperson of the Senate (if relating to a Senate member) may send such suspended committee member a letter or email notifying him/her of his/her removal from such committee, which shall take effect when the Speaker or Chairperson sends such letter or email. The terms of this Section shall apply only to voting members.
Members of the Senate and Assembly must remain members of the Student Association in academic good standing (as shall be defined by the State University of New York at Buffalo) throughout their terms as members of the Senate or Assembly.

(d) Resignation
Any Assembly/Senate member may resign by submitting a letter of resignation to the presiding officer of the Assembly/Senate.

(e) Removal
In addition to any other provisions relating to the removal of a Senate or Assembly member contained in this Constitution, a member of the Assembly may be removed by a vote of two-thirds (2/3) of the voting members of the Assembly, and a voting member of the Senate may be removed by a vote of two-thirds (2/3) of the voting members of the Senate, except that a Coordinator may not be removed from the Senate in such manner and may only be recalled pursuant to the provisions of Article IX of this Constitution or pursuant to provisions allowing for such coordinator’s recall contained in the constitution of the club council such coordinator represents. The terms of this Section shall apply only to voting members.

(f) Replacement
Upon vacancy of a voting representative of the Senate, 2 out of 3 Student Officers (one of whom must be the President) shall appoint a new Senator, subject to approval of the Assembly within two Assembly meetings. Upon the resignation, removal or other vacancy by a member of the Assembly, that Assembly seat shall remain vacant and the Assembly shall be deemed to include one less member for the remainder of that member’s term.

Section 4.05 Emergency Powers Council

(a) Membership
(i) The membership of the Emergency Powers Council shall consist of the following:
   1) The President
   2) The Vice President
   3) The Treasurer
   4) Chairperson of the Senate
   1) The Speaker of the Assembly

(ii) Each member of the Emergency Powers Council shall have one (1) vote and only one vote.

(b) Meetings
(i) Meetings of the Emergency Powers Council shall be called by the President.
   1) Whenever any member of the Emergency Powers Council deems such a meeting necessary.
   2) Within one week after he/she is presented with a petition containing the signatures of one-third of the membership of either the Assembly or Senate.

(ii) All Emergency Powers Council members must be notified of any Emergency Powers Council meeting at least twenty-four (24) hours in advance.

(c) Quorum
A quorum for any meeting of the Emergency Powers Council shall be four (4) members, with the exception of any meeting held between the first day after the last day of classes of the spring semester and August 15, during which time a quorum shall be three (3) members, or if any position(s) comprising the membership of the Emergency Powers Council is unoccupied, quorum shall be one person less than the total number of positions comprising the membership of the Emergency Powers Council which are occupied (except that quorum shall never be less than two (2) members).

(d) Functions
(i) The Emergency Powers Council may enact legislation, approve budgetary line transfers, or approve appointments whose approval is typically the function of the Senate and/or Assembly according to this Constitution (except that the Emergency Powers Council may not confirm a Vice President or Treasurer nominee nominated by the President to fill out the remainder of a vacant term), subject to all of the following conditions:
   1) If a majority of the members present at the Emergency Powers Council meeting shall vote in favor of doing so; and
   2) If a situation exists which requires Assembly or Senate action or approval, and these bodies are unable to meet or the delay of such action or approval would lead to a loss, diminution in value, or loss of opportunity, financial or otherwise, for the Student Association.
   3) All legislation must be reported to, and is subject to review by the appropriate legislative body at its general meeting.
   4) The legislation cannot:
      a) Initiate or approve an amendment to the Constitution or By-Laws of the Student Association.
      b) Withdraw recognition and/or funding from any Student Association recognized organization.
(ii) As provided in ARTICLE VII, in the event that the Senate has not finalized the annual budget of the Student Association for the following fiscal year by the last day of classes of the spring semester, the Emergency Powers Council shall have the power to pass a budget for the following fiscal year. Under such circumstances, such budget shall be final and non-reviewable.

(iii) In the event that the power or authority to approve or ratify a particular action or policy of the Student Association is not specifically designated to any person or group pursuant to this Constitution, applicable law, State University of New York regulations, or a duly passed policy of the Student Association, the authority to approve or ratify such action or policy shall be vested in the Emergency Powers Council, so long as such action or policy is consistent with all applicable laws and State University of New York regulations.

(e) Proxies
Each member of the Emergency Powers Council may appoint a person who is a member of the Student Association to act as a proxy in his/her place at an Emergency Powers Council meeting which the Emergency Powers Council member cannot attend by delivering or causing to be delivered such appointment in writing and signed by the Emergency Powers Council member making such appointment to the President (or if it is the President appointing such a proxy, then to the Vice President). Unless stated otherwise in the written instrument appointing such proxy, the written appointment shall allow such proxy to assume the position of such Emergency Powers Council member at dates and times set forth in such instrument only, and such appointment may be revoked at any time by the Emergency Powers Council Member who appointed such proxy, in a writing signed by such Emergency Powers Council Member and which such Emergency Powers Council Member delivers or causes to be delivered to the President.

Article V. Executive Branch
Section 5.01 Authority
The executive authority of the Student Association shall be vested in the President and his/her cabinet.

Section 5.02 Officers
(a) The President
   (i) Shall be the chief executive officer of the Student Association.
   (ii) Shall have the ultimate responsibility for the enforcement of the Constitution and By-Laws of the Student Association.
   (iii) Shall be the official representative of the Student Association both inside and outside the University Community.
   (iv) Shall be ultimately responsible for coordinating the activities of the Executive Branch.
   (v) Cabinet:
      1) The President shall preside over all meetings of the Cabinet.
      2) The President shall call meetings of the Cabinet.
         a) Whenever he/she deems such a meeting necessary.
         b) Whenever asked to do so in writing by four (4) or more members of the Cabinet.
         c) At least once per month during the spring and fall semesters.
   (vi) Emergency Powers Council:
      1) The President shall preside over all meetings of the Emergency Powers Council.
      2) The President shall vote only to make or break a tie.
   (vii) Shall have the power to call a meeting of the Assembly and/or Senate whenever he/she deems necessary.
   (viii) Shall have the power to sign into effect or veto any action by the Assembly or Senate (except related recall proceedings) within seven (7) days of such body notifying the President of such action. If the President takes no action with respect to an action of the Assembly or Senate within seven (7) school days of such body notifying the President of such Assembly or Senate action, such action shall be deemed approved and take effect automatically.
   (ix) Shall have the power to exercise final authority in the supervision of the office and office staff of the Student Association Government and may give binding direction to any directors, ad hoc appointees, or staff of the Student Association, except that such direction may not require such person to commit any unlawful or dangerous act.
   (x) Upon the creation of a vacancy in the office of Vice President or Treasurer on or after the first day after the last day of classes of the spring semester and prior to or on October 31st, shall call for a new election to fill the vacant post. Upon the creation of a vacancy in the office of Treasurer on or after the first day after the last day of classes of the spring semester and prior to or on October 31st, the President shall appoint an Acting Treasurer to serve until a new Treasurer is elected; while serving as Acting Treasurer, such Acting Treasurer may fulfill any and all duties and obligations of the Treasurer, or use any powers of the Treasurer.
   (xi) Upon the creation of a vacancy in the office of Vice President or Treasurer between October 31 and the following last day of classes of the spring semester, shall appoint a new Vice President or Treasurer within two weeks of the creation of the vacancy to serve out the remainder of such term. Such appointments shall be subject to Senate approval.
(xii) Shall have the power to create ad hoc positions, agencies, and task forces to take action on issues of importance to the Student Association.

(xiii) Shall have the power to place items on the agenda of the Assembly and Senate.

(xiv) Student Association Platform:

1) The President, in conjunction with his/her Cabinet and such other advisers as he/she may wish to consult, shall prepare a platform stating the projects and goals to be pursued by the Student Association during his/her term of office.

2) This platform shall be presented to the Assembly for its consideration at its first meeting of the fall semester.

(xv) Shall, by the invitation of the Speaker of the Assembly and the Chairperson of the Senate, convene a special, joint session of the Senate and Assembly to provide information on the state of the Student Association.

(xvi) Shall set the date of the annual Senate election and annual officer election in accordance with any restrictions established in the By-Laws and the Student Association Constitution.

(b) The Vice President

(i) Shall be a member of the Cabinet.

(ii) Shall be a voting member of the Emergency Powers Council.

(iii) Shall discharge the duties of the President as Acting President whenever the President transmits to all other members of the Emergency Powers Council his written declaration that he is unable to discharge the powers and duties of his office. If such written declaration includes a conclusion date, at which time the President intends to resume the discharge of the powers and duties of his office, the President shall resume the discharge of the powers and duties of his office upon that date. If such written declaration does not include a conclusion date, or if the President desires to begin discharging the powers and duties of his office prior to the written conclusion date, the President may transmit a written declaration to any other member of the Emergency Powers Council of the date at which the President intends to resume the discharge of his powers and duties, upon which time the President shall resume the discharge of his powers and duties, and the Vice President shall cease to act as Acting President. While acting as Acting President, the Vice President may continue to fulfill all of the duties of Vice President, as well, and the Vice President's service as Acting President shall not be deemed to constitute a vacancy in the office of Vice President. While serving as Acting President, the Vice President may fulfill any and all duties or obligations of the President, or use any powers of the President, except that a Vice President serving as Acting President may not appoint a new Treasurer to serve the remainder of a Treasurer's term if the office of Treasurer is vacant.

(iv) Upon the creation of a vacancy in the office of President on or after the first day after the last day of classes of the spring semester and prior to or on October 31, the Vice President shall serve as Acting President until such time as a new President is elected, subject to the same limitations as to the discharge of such duties as is set forth in the paragraph above. Upon the creation of a vacancy in the Office of the President occurring between October 31 and the following last day of classes of the spring semester, the Vice President shall assume the Presidency and serve out his/her term in that office.

(v) Shall be the presiding officer and chair meetings of the Assembly. However, he/she may delegate this responsibility to the Speaker of the Assembly and may later revoke any such delegation. If the position of Speaker of the Assembly shall become vacant, the Vice President may convene Assembly meetings in place of the Speaker until such time as a new Speaker of the Assembly is elected. Any such delegation or revocation of delegation as described in this paragraph must be in writing.

(vi) Shall assist the President in coordinating the operations of the Executive Branch.

(vii) Shall represent the President on occasions designated by the President.

(viii) Shall act as director of student organizations, by overseeing the needs of clubs and other similar student organizations recognized by SA and endeavoring to assist them.

(ix) Shall assist Student Association recognized student organizations in the performance of their operations whenever such assistance is requested.

(x) Shall assist and advise any students desiring to establish a new organization.

(xi) Shall make known to all recognized student organizations the resources and services offered to them by the Student Association.

(xii) Shall make recommendations directly to the Senate regarding sanctions against groups that fail to abide by the policies of the Student Association.

(xiii) Shall make recommendations directly to the Senate, regarding the approval or denial of groups which request Student Association recognition.

(xiv) Shall assist the President in the coordination and administration of the office and staff.

(c) Treasurer

(i) Shall be a member of the President’s Cabinet.

(ii) Shall be a voting member of the Emergency Powers Council.
(iii) Shall be responsible for the disbursement of the Student Association budget, except where otherwise stated in the Constitution or By-Laws of the Student Association.

(iv) Shall be responsible for the disbursement of the Student Association revenue according to the budget of the Student Association.

(v) Shall take all reasonable steps to ensure that the Student Association monies are not mishandled and shall review any Student Association operation wherever he/she determines that such an audit is necessary.

(vi) Shall make recommendations directly to the Senate regarding sanctions for organizations which mishandle Student Association monies.

(vii) Shall have the power to withhold disbursements of Student Association funds subject to approval of the Senate at its next general meeting. If the Senate is not in session, the aforementioned action shall be subject to the approval of the Emergency Powers Council. The Treasurer shall call a meeting of the Emergency Powers Council within fourteen (14) days after taking the aforementioned action.

(viii) Shall make certain that a strict inventory is kept on all furniture, equipment, etc.

(ix) To communicate with Treasurers of all Student Association funded groups to inform them of any significant changes to Student Association fiscal, accounting and/or disbursing policies and procedures.

(x) In case of financial emergency, the Treasurer, with the approval of the Emergency Powers Council, shall have the power to execute budgetary line transfers that are deemed absolutely necessary. This action shall be reported to the Senate at its next general meeting.

(xi) Shall be Chairperson of the Senate Finance Committee.

(xii) Shall be responsible for submitting an annual draft budget, as outlined in ARTICLE VII, Section 1.

(d) Officers – Terms, Vacancies and Elections

(i) The term of Officers shall run from the first day after the last day of classes of the spring semester until the last day of classes of the following spring semester.

(ii) Officers shall be elected annually by the membership of the Student Association. Elections of officers shall take place no earlier than six weeks before to the last day of classes and no later than three weeks before the last day of the spring semester for the term beginning on the first day after the last day of classes of the spring semester and running through the last day of classes of the spring semester. Officers must be fulltime students and members of the Student Association and must remain such throughout their terms in office. The offices of President and Vice President shall be voted on together as one ticket during the above-referenced March elections to fill the terms beginning on the first day after the last day of classes of the spring semester and running through the last day of classes of the spring semester.

(iii) Following the vacancy of any officer position after the start of the Officer’s term and prior to or on October 31st, the Student Association shall conduct an election to fill the position for the remainder of that term no later than three (3) weeks after the vacancy is created. At any time during the year, in the event that the offices of President and Vice President shall be vacant at the same time, an election shall be held within three (3) weeks of the date each position became vacant to fill that vacant position for the remainder of the term.

(iv) Notwithstanding any other provision to the contrary, any election held to fill an officer vacancy may take place only during periods in which classes are in session during the University at Buffalo’s fall or spring semester (excluding final exam periods). Any timeframe that would require an election to take place otherwise shall be extended in order to permit the election to take place while classes are in session during the University at Buffalo’s fall or spring semester. The offices of President and Vice President shall not be voted on together as one ticket during an election to fill a midterm vacancy in either position.

(v) In the event that the offices of President and Vice President shall be vacant at the same time, the Coordinator who has completed the highest amount of undergraduate credits at the State University of New York at Buffalo (transfer credits do not count) shall serve as Acting President until such time as a new President is elected to fill out the remainder of the term. In the event that two (2) or more Coordinators have completed an equal amount of undergraduate credits at the State University of New York at Buffalo, the Emergency Powers Council shall elect an Acting President from among those tying Coordinators to serve until such time as a new President is elected to fill out the remainder of the term. While acting as Acting President, such Coordinator may continue to fulfill all of his/her duties as Coordinator (except for voting during Senate meetings), as well, and such Coordinator’s service as Acting President shall not be deemed to constitute a vacancy in the office of that Coordinator position. While serving as Acting President, such Coordinator may fulfill any and all duties or obligations of the President, or use any powers of the President, except that a Coordinator serving as Acting President may not appoint a new Treasurer to serve the remainder of a Treasurer’s term if the office of Treasurer is vacant or appoint a new Vice President to serve the remainder of a Vice President’s term if the office of Vice President is vacant.

(vi) In the event that the offices of President, Vice President and Treasurer are all simultaneously vacant:

1) The provisions set forth in Article V Section 2 D (4-5) shall still apply, and
2) An election shall be held within three (3) weeks of the date the office of Treasurer became vacant to fill the remainder of that term of Treasurer, according to the same restrictions set forth in Article V Section 2 D (4), and
3) The Acting President shall appoint an Acting Treasurer to serve until a new Treasurer is elected. While serving as Acting Treasurer, such Acting Treasurer may fulfill any and all duties or obligations of the Treasurer, or use any powers of the Treasurer.

(vii) All officer elections shall take place among the membership of the Student Association.

(e) Officers – Authorities Concerning Contracts and Student Activity Fees

(i) A contract may be executed on behalf of the Student Association only if such contract bears the signatures of the Student Association Treasurer or designee appointed by the Treasurer in writing) and either the Student Association President or Vice President.

(ii) In the event that a contract which has been executed and entered into by the Student Association contains a provision which allows the Student Association to terminate, opt out, or otherwise exercise any options under such contract, any decision to terminate, opt out, or otherwise exercise any options under such contract may be exercised only if approved by the Student Association Treasurer and either the Student Association President or Vice President.

(iii) Notwithstanding the foregoing, a contract for the services of an accounting, disbursing and/or fiscal agent may be executed on behalf of the Student Association only if such contract bears the signatures of the Student Association Treasurer and the Student Association President. Any decision to terminate, opt out, or otherwise exercise any option under a contract for the services of an accounting, disbursing and/or fiscal agent shall only be valid if approved by the Student Association Treasurer and the Student Association President. Any decisions concerning the investment of funds shall be consistent with all laws and State University of New York regulations; invested funds may be co-mingled or combined with investments of other campus organizations only if such action is authorized by both the Student Association Treasurer and President. Investments shall be limited to those which guarantee the preservation of principal.

(iv) Except where otherwise stated herein, all Student Association appointments shall be made by 2 out of the 3 Student Association Officers (one of whom must be the President). All appointments to student positions shall expire at 11:59 p.m. on the last day of classes of the spring semester, unless a different term is stated in the SA Constitution or if the appointee ceases to be eligible to hold such position. Appointees may be removed by 2 out of 3 SA Officers (one of whom must be the President). The preceding sentence shall not extend to Officers appointed to fill a vacancy, who may only be removed through the Recall provisions of this Constitution. The Officers may (but are not required to) act via a meeting to appoint or remove appointees; Officers may also act to appoint or remove appointees via written declaration of the SA President and 1 of the 2 other Officers (with no formal notice required for this limited purpose).

Section 5.03 Directors and State University of New York Student Assembly Delegates

(a) Director of Student Affairs

(i) Shall be appointed by 2 out of the 3 Student Association Officers (one of whom must be the President).

(ii) Shall create and/or maintain a mechanism by which the Student Association may effectively respond to the problems of individual students. The Director of Student Affairs shall be responsible for ensuring that this function of his/her office is publicized.

(iii) Shall initiate and execute programs, and act as the student’s advocate in the response to all relevant issues, in the areas of student rights and student welfare.

(iv) Shall serve as a channel of communication in non-academic matters, between the Association and the University administration.

(v) Shall do everything within his/her power to achieve and ensure the optimum amount of student representation and input on all University non-academic policy making.

(vi) Shall promote increase in student involvement in the operations of the Student Association.

(vii) Shall be an Ex-officio non-voting member of the Assembly. Should this position not exist or be vacated, the position will be filled by an equivalent position within the Student Association.

(viii) Shall be Ex-officio non-voting member of the Assembly Student Affairs Committee. Should this position not exist or be vacated, the position will be filled by an equivalent position within the Student Association.

(b) Director of Environmental Affairs

(i) Shall be appointed by 2 out of the 3 Student Association Officers (one of whom must be the President).

(ii) Shall create and/or maintain a mechanism by which the Student Association may effectively respond to issues related to the environment. The Director of Environmental Affairs shall be responsible for ensuring that this function of his/her office is publicized.

(iii) Shall initiate and execute programs, and act as the student’s advocate in the response to all issues related to the natural environment.
(iv) Shall serve as a channel of communication in environment-related matters, between the Association and the University administration.

(v) Shall do everything within his/her power to achieve and ensure the optimum amount of student representation and input with respect to all University environmental-related policy making.

(vi) Shall be an ex-officio non-voting member of the Assembly.

(c) Directors for SUB-Board I, INC.

(i) Of the seats that the Student Association holds on the Sub-Board I, Inc. Board of Directors, all of the individuals serving as Sub-Board I, Inc. Directors from the Student Association shall be appointed by 2 out of the 3 Student Association Officers (one of whom must be the President).

(ii) Shall be a member of the Board of Directors of Sub-Board I, Inc.

(iii) Shall attempt to ensure that the interests of the Student Association membership are properly served by the activities and services provided by Sub-Board I, Inc.

(iv) Shall act as liaison between the Student Association and Sub-Board I, Inc.

(d) Directors of FSA

(i) Shall be appointed by 2 out of the 3 Student Association Officers (one of whom must be the President).

(ii) Shall be members of the Board of Directors of the Faculty-Student Association of State University of New York at Buffalo, Inc. (also sometimes referred to in this Constitution as “FSA”).

(iii) Shall act as a liaison between the Student Association and the FSA.

(iv) Shall be an Ex-officio non-voting member of the Assembly.

(v) Shall attempt to ensure that the interests of the Student Association membership are properly served by the activities and services provided by the FSA.

(e) State University of New York Student Assembly Delegates (SUNY SA)

(i) SUNY SA Delegates represent the needs and concerns of UB students on a statewide level.

(ii) SUNY Student Assembly consists of representatives from all SUNY schools designated by the SUNY Board of Trustees.

(iii) Each SUNY School is allotted one voting member of the SUNY SA for every 4000 full-time equivalent students or fraction thereof, as may be more particularly set forth in the Policies of the State University of New York Board of Trustees. The first representative to the State University of New York Student Assembly shall be the Student Association President. Additional representatives shall be duly appointed by the Student Association President. The term of State University of New York Student Assembly Delegates shall begin on the first day after the last day of classes of the spring semester and end the following last day of classes of the spring semester.

(iv) Each SUNY SA Delegate (except for the President) shall also be an ex-officio non-voting member of the SA Assembly.

(f) Chairman of the Elections and Credentials

(i) Shall be appointed by 2 out of the 3 Student Association Officers (one of whom must be the President).

(ii) Shall govern all Student Association elections proceedings and processes.

(iii) Shall report to the President of the Student Association, except during times of election, which shall be designated as the time when petitions for candidacy are available until the results of the election are known.

(iv) Shall be the chairman of the Elections and Credentials Committee.

(v) Shall make appointments to the Elections and Credentials Committee, which shall be composed of an odd number of undergraduate, full-time University at Buffalo students.

(vi) Shall be, with the assistance of the Committee, the primary executor and implementer of the Elections Rules and Regulations, which shall be approved by the Assembly. The Elections Rules and Regulations shall be in effect and the Chairman and Committee shall have jurisdiction at any time when an election is in process, which includes any time when petitions for office are available.

(vii) Shall be an ex-officio, non-voting member of the Assembly.

Section 5.04 Coordinators

(a) There shall be six (6) Coordinators:

(i) The People of Color Coordinator

(ii) The International Affairs Coordinator

(iii) The Academic Council Coordinator

(iv) The Sport Clubs Council Coordinator

(v) The Special Interest, Service, Hobby Clubs Council Coordinator (SISH)

(vi) The Engineering Council Coordinator

(b) Coordinator Functions and Elections

Will be followed as stated in the By-Laws of the Student Association.
Section 5.05  Cabinet

(a) Membership

Only members of the Student Association are eligible to become an officer or director, except that Justices of the Student-Wide Judiciary, voting members of the Student Senate or Assembly may not become Officers or Directors (except for a Coordinator serving as Acting President pursuant to the relevant provisions of this Constitution). The SA President, Vice President, Treasurer and other persons holding positions in the Student Association Executive Branch are eligible to serve as Directors of FSA and/or Sub-Board I, Inc., if duly appointed to such position, in addition to their other positions in the Student Association Executive Branch.

(i) The President’s Cabinet will consist of the following members besides him/herself:

1) The Vice President
2) The Treasurer
3) Director of Student Affairs
4) Directors of FSA Corporation
5) Directors of Sub-Board I, Inc.
6) Chairman of Elections and Credentials Committee
7) Such other members of the Student Association staff as the President may designate

(b) General Functions

(i) To advise and consult the President on issues of major importance to the membership of the Student Association.

(c) Individual Responsibilities of Cabinet Members Who Are Appointed by the President

(i) To follow the directions of and be accountable and responsible to the Student Association President.
(ii) To prepare programs for presentation and approval by the Student Assembly or Senate.
(iii) To report on a regular basis on their activities in office to the Assembly.
(iv) To report on a regular basis on their activities in office to the President.
(v) To attend meetings of the President’s Cabinet.

(d) Resignation

Any Cabinet members may resign from office by submitting a letter of resignation to the President. In case of the resignation of the President, he/she may submit the letter of resignation to the Vice President.

(e) Appointment

All directors of the Undergraduate Student Association Shall be appointed by 2 out of the 3 Student Association Officers (one of whom must be the President) with approval by the appropriate legislative body, unless otherwise stated in this Constitution.

Article VI.  JUDICIAL BRANCH

Section 6.01  Authority

The judicial authority of the Student Association shall be vested in the Student-Wide Judiciary. It shall have the powers to subpoena, to adjudicate, and to impose penalties, subject to any limitations contained in this Constitution, the Student Association By-Laws or any rules and regulations duly passed by the Senate and Assembly or the Emergency Powers Council. Only Student-Wide Judiciary justices who are Members of SA may participate in the adjudication of any dispute concerning SA. The Student Wide-Judiciary may not compel SA to violate any University at Buffalo rule or policy or any binding law or regulation. Any determination by the Student-Wide Judiciary that contradicts a University at Buffalo rule or policy or any binding law or regulation shall be considered void ab initio. SA Officers, Senators, Assembly Members and employees may rely in good faith on the written advice of a University at Buffalo official as to whether a particular Student-Wide Judiciary ruling contradicts any University at Buffalo rule or policy or any binding law or regulation.

Section 6.02  Membership

(a) The Chief Justice will submit a request for the number of justices needed for the upcoming Academic year on or before the first day of classes in the fall semester.

(b) All Student Association, Student Wide Judiciary applicants shall be selected by 2 out of the 3 Student Association Officers (one of whom must be the President) on or before the second Monday from the beginning of classes in the fall semester.

(c) The Chief Justice upon receiving the selectees from 2 out of the 3 Student Association Officers (one of whom must be the President) will have until the fourth Monday in the fall semester to conduct interviews among the above-referenced applicants selected by 2 out of the 3 Student Association Officers (one of whom must be the President) in accordance with their hiring Procedures. Upon completion of the hiring process, the Justice applicants approved by the Chief Justice will be submitted back to 2 out of the 3 Student Association Officers (one of whom must be the President) for Appointment. 2 out of the 3 Student Association Officers (one of whom must be the President) shall have until the fifth Monday in the fall semester to choose whether he/she will appoint the approved Justice applicants.
(d) After Appointment, the approved Justice applicants may work on an interim basis for the court pending Assembly approval, except that if upon presentation of the approved Justice applicant for consideration by the Assembly, the Assembly does not approve such Justice applicant, such person must cease to work for the Student-Wide Judiciary immediately.

(e) 2 out of the 3 Student Association Officers (one of whom must be the President) shall submit the appointed Justices to the Speaker of the Assembly within two business days from the fifth Monday in the fall semester.

(f) Upon receiving the names of the Appointed Justices, the Speaker of the Assembly shall present the Justices to the Assembly for consideration of approval at the first Assembly meeting to occur following the Speaker's receipt of the names of such appointed and approved Justice applicants.

(g) In the event that Student Wide Judiciary needs more Justice Applicants, the Chief Justice will be responsible for submitting a letter to 2 out of the 3 Student Association Officers (one of whom must be the President) stating the number of positions needed to be filled. 2 out of the 3 Student Association Officers (one of whom must be the President) will have thirty calendar days to select new Justice Applicants upon notice from the Chief Justice.

(h) Justice Applicants become members of the Student Wide Judiciary with full powers upon selection by 2 out of the 3 Student Association Officers (one of whom must be the President), approval by the Chief Justice, appointment by 2 out of the 3 Student Association Officers (one of whom must be the President) and approval by the Assembly. An applicant cannot become a Justice if any one of the steps is not met.

(i) Any member of the Student Association, except for members of the Assembly, the Senate, and the Cabinet, is eligible to become a Justice on the Student-Wide Judiciary. Only members of the Student Association may become Justices on the Student-Wide Judiciary.

**Article VII. Budgetary Process**

**Section 7.01 Budgetary Timeline**

(a) All Student Association organizations recognized with funding must, by the second Friday in February, submit a written line item budget request for the following fiscal year to the Treasurer of the Student Association.

(b) The Treasurer, upon receipt of these aforementioned budget requests, will, within a period of fourteen (14) days, prepare a preliminary draft for said organizations. He/she will then submit this draft to the Finance Committee where it will serve as a base for further deliberations.

(c) The Finance Committee will be allowed a period of seven (7) days, prior to the start of Budgetary Hearings, within which it must meet at least once in order to review the Treasurer’s draft budget.

(d) Budgetary Hearings will be scheduled by the Treasurer with each individual organization. These hearings shall be conducted within eighteen days following the completion of the Finance Committee’s review of the Treasurer’s budgetary draft.

(e) Upon completion of the Budgetary Hearings the Finance Committee will prepare a final budget proposal, which will be recommended to the Senate of the Student Association. This recommendation must be formally submitted to the Senate by the end of the second (2nd) week in April at the latest.

(f) Upon the presentation of the budget by the Senate Finance Committee to the Senate pursuant to Article VII Section 1(E), the compensation of the President, Vice President, and Treasurer shall be discussed and voted upon separately.

(g) The Senate shall have until April 23rd to pass a budget for the following fiscal year.

(h) The Senate shall have the power to grant extension of not more than one (1) week for any budgetary deadline whenever such action is deemed necessary. If any of the steps outlined under Article VII, Section 1(A-F), shall fail to occur, such failure shall not affect or abridge the rights of the Senate or Emergency Powers Council pursuant to Article VII, Section 1(G-I).

(i) If the Senate does not pass a budget for the following fiscal year by the last day of classes of the spring semester, the Emergency Powers Council shall have the power to pass a budget for the following fiscal year.

**Section 7.02 Staff Stipends and Wages**

(a) When passing a budget for the following fiscal year, the body passing said budget shall include an allocation and budget line for SA student staff stipends and wages.

(b) Attached to the budget shall be an itemized list (hereafter defined as the “Staff Stipend List”) of SA staff positions and corresponding stipends/wages for which the individuals holding those positions may be paid, as well as information concerning the increments in which the annual stipends shall be divided and paid.

(c) For the positions of President, Vice President, Treasurer, SUNY Delegates (other than the President), SWJ Chief Justice, Senate Chair, Assembly Speaker and Club Coordinators, the stipends shall be specific amounts.
A line transfer or budgetary change shall proceed in the following manner.

In determining the funding for a recognized student club/organization, the following criteria may be considered:

- the financial needs of that recognized student club/organization and how such club/organization proposes to use any allocated funding;
- length of existence of the recognized student club/organization;
- levels of attendance by Members of the Student Association at meetings and events of the recognized student club/organization;
- whether the club/organization can demonstrate that it has undertaken successful events or activities in the past and the level of student participation and attendance at such past event(s) or activity(ies);
- the extent to which any such recognized student club/organization has submitted a feasible plan for any activities it proposes to conduct, whether such activities comply with all applicable laws and regulations, and whether there are any concerns regarding insurability of or liability due to the activities which the club/organization proposes to conduct;
- the efforts such recognized student club/organization has made to fundraise additional funds from other sources and the results of such efforts;
- the efforts made by such recognized student club/organization to minimize unnecessary costs;
- the participation by such recognized student club/organization in community service and/or community outreach activities;
- the participation by such recognized student club/organization in events and activities conducted by the Student Association;
- the record of attendance by such recognized student club/organization at meetings of its governing clubs council;
- whether such recognized student club/organization participates in inter-collegiate competitions with and/or against other clubs/organizations from other colleges or universities, and the costs of participating in such competitions competitively;
- record of the recognized student club/organization complying with all relevant laws, regulations, rules and policies governing such student club/organization;
(xiii) the financial requests of other recognized student clubs/organizations and the financial requests of the Student Association executive branch for programming conducted by the Student Association executive branch itself, due to the limited and finite nature of funds available.

(b) The weight given to any of the above factors in reaching a funding decision in relation to recognized student clubs/organizations shall be determined by the body making such allocation, which may also choose not to consider any particular factor(s).

(c) All decisions regarding funding for recognized student clubs/organizations must be consistent with applicable law. Funding decisions may not take into account the political viewpoints of clubs/organizations or their members.

Article VIII. Referenda

Section 8.01 Rights
The right of referendum shall be extended to cover all types of regular legislation with the exception financial allocation to student organizations.

Section 8.02 Conducting a General Referendum
Upon initiation of any one of the following actions the Student Association shall conduct a general referendum.

(a) By majority of vote of both the Assembly and the Senate.

(b) By petition of ten percent (10%) of the membership of the Student Association.

Section 8.03 Passing Referendum
A referendum to approve legislation shall be considered valid if and only if adopted by an affirmative vote of a majority of those voting in said general referendum, and providing that at least ten percent (10%) of the Members of Student Association vote on such referendum. A Constitutional Amendment passed by means of referendum will be considered valid if and only if such amendment is approved by at least a three-fifths (3/5) majority of those voting on said referendum, and providing that at least ten percent (10%) of the Members of the Student Association vote on such referendum. The provisions concerning referenda contained in this Constitution shall not govern or extend to referenda concerning whether Student Activity Fees shall be mandatory or voluntary; referenda concerning Student Activity Fees shall follow the policies and procedures for such referenda established by the State University of New York Board of Trustees, as may be amended from time to time. This Constitution shall impose no additional requirements for referenda concerning Student Activity Fees beyond those which have been set by the State University of New York Board of Trustees, except that referenda (whether of a binding or advisory nature) may not concern whether funding shall be awarded to a particular student club or organization or concern the amount of funding to a particular student club or organization or concern particular expenditures or allocations of Student Activity Fee funds (except that referenda may concern whether the Student Activity Fee shall be mandatory or voluntary).

Article IX. Recall

Section 9.01 Causes for Recall
Any member of the Student Association Executive Branch is subject to recall under the following conditions; recall proceedings may be initiated against any member of the Student Association Executive Branch if it is alleged that during his/her term:

(a) He/she has intentionally materially violated the provisions of this Constitution, SA’s Election Rules or Internal Controls, or any State University of New York policy concerning student activity fees, or

(b) He/She has intentionally committed illegal acts while acting or claiming to act or reasonably appearing to act pursuant to his/her position in the Executive Branch, or

(c) He/She has committed any felony, or

(d) He/She has committed physical violence against any other person, or

(e) He/She has committed any act which reflects intentional disregard of or reckless indifference to any person’s safety in a situation which could reasonably result in serious injury, if such act takes place on any SUNY campus or at any SUNY or SA event or is in any way related to SA, or

(f) He/she steals, attempts to steal, defrauds, or attempts to defraud SA, Sub-Board I, Inc., SUNY or any other person, group or entity.

Section 9.02 Initiating Recall
Recall proceedings against any member of the Executive Branch shall be initiated upon fulfillment of one of the following provisions:

(a) Whenever a recall petition containing the signatures of at least ten percent (10%) of the membership of the Student Association, or whatever the number of the people who voted in the last Student Association General Election, whichever number is greater, is received by the Student-Wide Judiciary.

(b) A recall petition containing the signatures of three-fifths (3/5) of the membership of the Student Association Assembly is received by the Speaker of the Assembly.
Section 9.03  Proceedings
Recall proceedings against SA official of the Executive Branch must follow one of the following provisions:

(a)  Student Association Membership Action

(i) If based upon a petition of the membership of the Student Association, within two weeks after receiving a valid recall petition, the Student-Wide Judiciary shall conduct an investigation to determine the validity of the charges against the official. If the charges are found to be valid, the official shall be removed from office immediately and his/her position shall be declared vacant. If the charges are not found to be valid, he/she shall remain in office.

(b)  Student Assembly Action

(i) Upon receipt a valid recall resolution the Speaker of the Assembly shall create an ad hoc investigation committee, whose members shall be subject to the approval of the Assembly. This committee shall be empowered to ascertain the nature and validity of the recall charges, and shall present the Assembly with a report outlining its recommendations at the next Assembly meeting.

(ii) If the recall resolution is passed by a two-thirds (2/3) majority of the Assembly, it shall then be presented to the Senate for consideration at the next Senate meeting. If such recall resolution is then also passed by a two-thirds (2/3) majority of the Senate, it shall then be presented to the Student-Wide Judiciary.

(iii) Within two (2) weeks after receiving a recall resolution passed by both the Senate and Assembly, the Student-Wide Judiciary shall conduct an investigation to determine the validity of the charges against the official. If the charges are found valid, the official shall be removed from office immediately and his/her position shall be declared vacant.

Article X.  Amendments

Section 10.01  Student Body Action

(a) An amendment may be proposed according to the procedure stated in ARTICLE VIII, Section 2(B), at which time it shall be referred to the Assembly Rules Committee who shall review the proposed amendment.

(b) Upon receipt of validation of the petition, the Undergraduate Student Association shall hold, not earlier than two (2) weeks, and no later than four (4) weeks from the date of presentation of the petition, a general referendum of the proposed amendment. Upon passage of the amendment according to the provisions stated in ARTICLE VIII, Section 3, the said Constitutional amendment shall take effect immediately.

(c) The Assembly Rules Committee may publish its recommendations concerning the amendments in a campus periodical of its choice prior to the general referendum.

Section 10.02  Student Assembly Action

(a) A Constitutional amendment may be proposed in the Assembly at which time it shall be referred to the Rules Committee who shall review the proposed document.

(b) The Rules Committee shall submit the amendment along with its recommendations concerning the amendment to the Assembly at the next general meeting of the Assembly following the original proposal of the amendment.

(c) If two-thirds (2/3) of the Members present at a duly held meeting of the Assembly shall vote in favor of said amendment, such amendment will be deemed approved by the Assembly and will then be proposed in the Senate at the next Senate meeting, where discussion concerning it shall be tabled until the following meeting of the Senate.

(d) If, thereafter, an absolute majority of the total voting membership of the Senate shall vote in favor of said amendment, such amendment shall be presented to the President for consideration. If the President approves such amendment, such amendment shall take effect immediately. If the President vetoes such Amendment, such amendment shall not take effect (unless such veto is overridden by a 2/3 majority vote of each the Senate and Assembly). If the President takes no action with respect to such amendment within seven (7) school days of the President being notified of the same, the amendment shall be deemed approved and take effect on the eighth school day following the passage of such amendment by the Senate.

Article XI.  BY-LAWS

Section 11.01  Existence

There shall exists By-Laws of the Student Association

Section 11.02  Amendments to the By-Laws

(a) Student Body Action

(i) A By-Law change may be proposed according to the procedure stated in ARTICLE VIII, Section 2, at which time it shall be referred to the Rules Committee who shall review the proposed change.
(ii) Upon receipt of validation of the petition, the Undergraduate Student Association shall hold, not earlier than two (2) weeks, and no later than four (4) weeks from the date of presentation of the petition, a general referendum. The said general referendum will be considered valid if and only if ten percent (10%) of the membership of the Student Association votes.

(iii) The Assembly Rules Committee may publish its recommendations concerning the changes in a campus periodical of its choice prior to the general referendum.

(b) Assembly Action

(i) A By-Law change may be proposed in the Student Assembly at which time it shall be referred to the Rules Committee who shall review the proposed change.

(ii) The Rules Committee shall submit the By-Law change along with its recommendations to the Assembly at the next general meeting of the Assembly following the original proposal of the By-Law change.

(iii) If a majority of the Members present at a duly held meeting of the Assembly shall vote in favor of said By-Law change, such By-Law change will be deemed approved by the Assembly and will then be proposed in the Senate at the next Senate meeting, where discussion concerning it shall be tabled until the following meeting of the Senate.

(c) Approval

If, thereafter, a majority of the total voting membership of the Senate shall vote in favor of said By-Law change, such By-Law change shall be presented to the President for consideration. If the President approves such By-Law change, such By-Law change shall take effect immediately. If the President vetoes such By-Law change, such By-Law change shall not take effect (unless such veto is overridden by a 2/3 majority vote of each the Senate and Assembly). If the President takes no action with respect to such By-Law change within seven (7) school days of the President being notified of the same, the By-Law change shall be deemed approved and take effect on the eighth school day following the passage of such By-Law change by the Senate.

Article XII. Miscellaneous

(a) This Constitution is intended to comply with applicable federal, state and local laws, as well as any rules and regulations duly enacted by the State University of New York Board of Trustees. In the event that any provision of this Constitution, By-Laws, or any legislation passed by SA should conflict with any applicable federal, state or local law, or the rules and regulations of the State University of New York Board of Trustees, such provision shall be deemed automatically modified so that it no longer conflicts with such law or regulation, and the balance of the document shall still be valid.

(b) No Student Association official shall be required to take any action in violation of federal, state or local laws, or any rules and regulations duly enacted by the State University of New York Board of Trustees.

(c) Any person may waive any notice required to be given to such person in writing. Any person in attendance at any meeting shall waive any objection concerning notice with respect to such meeting.

(d) Except to the extent that it is otherwise stated in this Constitution or in the By-Laws of the Student Association, any action that may be taken by a body may be taken by majority vote of the members present at a duly held meeting of such body.

(e) Except to the extent that it is otherwise stated in this Constitution or in the By-Laws of Student Association, in any election, the candidate with the most votes shall be the winner of such election (without regard to whether such votes constitute a majority).
BY-LAWS OF THE STUDENT ASSOCIATION

Amended and Restated – Spring, 2014
Article I. Legislative Branch

Section 1.01 Assembly

(a) Membership

(i) Members of the Student Association shall become members of the Assembly upon fulfillment of the following procedure:

1) The candidate shall obtain an Assembly Designating Petition from the Student Association office.

2) The candidate shall obtain the signatures of at least forty (40) members of the Student Association and then return his/her petition to the Student Association office for validation by the Elections and Credentials Commission.

3) If the Elections and Credentials Commission finds that the candidate is a member of the Student Association and that he/she successfully obtained the signatures of at least forty (40) other members of the Student Association, then the candidate shall become a member of the Assembly effective as of twelve o’clock noon (12:00pm) the next business day.

(ii) There shall be two periods during which students may submit petitions in order to become members of the Assembly, one during the Fall semester and one during the Spring semester. These periods shall begin on the first day of classes of each semester and end at 4 o’clock (4:00pm) on the fourth (4th) Monday of each semester.

(iii) The terms of this Section shall not apply to non-voting members of the SA Assembly who derive their position as a non-voting member of the Assembly by virtue of holding another position.

(b) Election of Speaker

(i) The Speaker shall be elected by a majority vote of the Assembly. In the event that no candidate receives a majority on the first ballot, the candidate receiving the fewest votes shall be eliminated and another vote shall be conducted. This process shall continue until one candidate does receive a majority.

(ii) Should the office of the Speaker of the Assembly become vacant while classes are in session, the Assembly shall gather no later than two weeks after the vacancy occurs, or should the office of the Speaker of the Assembly become vacant, while classes are not in session, the Assembly shall gather no later than two weeks after classes next resume during the spring or fall semester. At this point nominations and elections of the new chair shall take place.

(c) Rules Committee

(i) Membership

1) The Speaker of the Assembly, who shall serve as Chairperson.

2) Six (6) members elected by majority vote of the Assembly.

(ii) Functions

1) To make recommendations to the Assembly regarding the legality, clarity, and merits of all proposed amendments to the Constitution and/or By-Laws of the Student Association.

2) The Rules Committee shall have the power to reinstate suspended Assembly members upon petition of the members to the Committee.

(d) Academic Affairs Committee

(i) Membership

1) Membership shall consist of any Assemblyperson wishing to sit on the Committee.

(ii) Functions

1) To advise and report to the Assembly on all matters relating to academic policies.

(e) Student Affairs Committee

(i) Membership

1) A chairperson who shall be the Director of Student Affairs.

2) Membership shall consist of any Assemblyperson wishing to sit on the Committee.

(ii) Functions

1) To advise and report to the Assembly on all matters relating to student rights and student welfare.

Section 1.02 Senate

(a) Senate Membership

(b) Members of the Student Association may have their names placed upon the ballot in the annual election of voting Senators upon fulfillment of the following procedures:

(i) The candidate shall obtain a Senate Designation Petition from the Student Association office.

(ii) The candidate shall obtain the signatures of at least forty (40) members of the Student Association and then return his/her petition to the Student Association for validation by the Elections and Credentials Commission.

(iii) If the Elections and Credentials Commission finds that:

1) The candidate is a member of the Student Association;

2) The candidate successfully obtained the signatures of at least forty (40) other members of the Student Association;

(iv) Then the candidate shall be placed on the ballot for the Senate Elections.
(c) Chairperson of the Senate
   (i) The Chairperson of the Senate shall be elected at the first meeting of the Senate after Senate Elections.
   (ii) The Chairperson shall be elected by a majority vote of the Senate. In the event that no candidate receives a majority vote on the first ballot, the candidate receiving the fewest votes shall be eliminated and another vote shall be conducted. This process shall be repeated until one candidate does receive a majority.
   (iii) Should the office of the Chairperson of the Senate become vacant while classes are in session, the Senate shall gather no later than two weeks after the vacancy occurs, or should the office of the Chairperson of the Senate become vacant while classes are not in session, the Senate shall gather no later than two weeks after classes next resume during the spring or fall semester. At this point nominations and elections of the new chair shall take place.

(d) Finance Committee
   (i) The Committee shall consist of seven (7) members.
   (ii) The Treasurer shall be a members and Chairperson of the Finance Committee.
   (iii) The Assistant Treasurer shall be an ex-officio, non-voting member of the Committee. He/she may serve as Chairperson in the Absence of the Treasurer, at which time he/she shall have the voting privileges, assigned to the Chairperson.
   (iv) The Treasurer shall select six (6) senators to serve on the Committee. These appointees shall be approved by the Senate no later than the Second Senate Meeting of the Fall Semester.
   (v) The Chairperson may vote only to make or break a tie.

Section 1.03 SA Committees
(a) Appointment Committee
   (i) There shall exist an Appointment Committee.
   (ii) All appointment decisions must be made in consultation with a committee formed for that expressed purpose. The committee must invite or include a Senator and Assemblyperson elected by their respective house to represent these bodies. If the Assembly shall fail to elect a representative for this purpose or if such representative position shall otherwise be vacant, the Assembly Speaker shall be deemed to be the Assembly's representative on the Appointment Committee until such time as a different representative to the Appointment Committee is elected. If the Senate shall fail to elect a representative for this purpose or such representative position shall otherwise be vacant, the Chairperson of the Senate shall be deemed to be the Senate’s representative on the Appointment Committee until such time as a different representative to the Appointment Committee shall be elected.
   (iii) The president retains the right to appoint other members of this committee, as he/she deems necessary including, but not limited to, members of the Assembly and Senate. All decisions of the Appointment Committee shall be advisory recommendations and non-binding in nature.

Article II. Executive Branch
Section 2.01 The Coordinators
(Coordinators may also sometimes be described as “Chairpersons” of their respective councils.)
(a) Academic Council Coordinator
   (i) Shall be elected by a majority vote of all Academic Council representatives according to the guidelines prescribed in the Academic Council Constitution.
   (ii) Shall represent the undergraduate students in regard to Academic Clubs in the Senate, Executive Committee, and other appropriate university organizations.
   (iii) Shall coordinate all Academic Council Activities.
   (iv) Shall convene meetings of the Academic Council according to any policies or procedures as may be set forth in the Academic Council Constitution.
   (v) Shall serve as a member of the SA Senate.
   (vi) Shall have the authority to create ad hoc committees.
   (vii) Shall vote only to make or break a tie in votes conducted by the Academic Council.

(b) International Affairs Coordinator
   (i) Shall be elected by a majority vote of all International Affairs Council representatives according to the guidelines prescribed in the International Affairs Council Constitution.
   (ii) Shall represent the undergraduate students in regard to International Clubs and issues of concern to international students in the Senate, Executive Committee, and other appropriate university organizations.
   (iii) Shall coordinate all International Affairs Council Activities.
   (iv) Shall convene meetings of the International Affairs Council according to any policies or procedures as may be set forth in the International Affairs Council Constitution.
(v) Shall have the authority to create ad hoc committees.
(vi) Shall vote only to make or break a tie in votes conducted by the International Affairs Council.
(vii) Shall act as liaison between the International Clubs and the Student Association.
(viii) Shall serve as a member of the SA Senate.
(ix) Shall be responsible for promoting understanding among American and International students.

(c) People of Color Coordinator

(i) Shall Chair the People of Color Council according to the guidelines prescribed in the People of Color Council Constitution.
(ii) Shall establish and carry out programs designed to integrate the minority student with university and Community Life.
(iii) Shall be responsible for enacting programs for the benefit of People of Color students.
(iv) Shall be elected by the four People of Color organizations (BSU, PODER, NAPA, AASU), on a rotating base as per the People of Color Council Constitution.
(v) Shall serve as a member of the SA Senate.
(vi) Shall have the authority to create ad hoc committees.

(d) SPORT CLUBS COUNCIL COORDINATOR

(i) Shall Chair the Sport Clubs Council according to the guidelines prescribed in the Sport Clubs Council Constitution.
(ii) Shall act as Chief Organizer of the Sports Clubs Connection as per the Sport Clubs Council Constitution.
(iii) Shall hold monthly meetings of the Sport Clubs Council designated to promote the Sport Clubs Program, distribute information concerning Sport Clubs and the Student Association, and provide an atmosphere for open discussion of problems and concerns.
(iv) Shall serve as a member of the SA Senate.
(v) Shall have the authority to create ad hoc committees.
(vi) Shall vote only to make or break a tie in votes conducted by the Sport Clubs Council.

(e) Special Interest, Service, and Hobby Clubs Council Coordinator (SISH)

(i) Shall be elected by a majority vote of all Special Interest, Service, and Hobby Clubs Council representatives according to the guidelines prescribed in the Special Interest, Service, and Hobby Clubs Council Constitution.
(ii) Shall represent the undergraduate students in regard to Special Interest, Service, and Hobby Clubs in the Senate, Executive Committee, and other appropriate university organizations.
(iii) Shall coordinate all Special Interest, Service, and Hobby Clubs Council Activities.
(iv) Shall convene meetings of the Special Interest, Service, and Hobby Clubs Council according to any policies or procedures as may be set forth in Special Interest, Service, and Hobby Clubs Council Constitution.
(v) Shall serve as a member of the SA Senate.
(vi) Shall have the authority to create ad hoc committees.
(vii) Shall vote only to make or break a tie in votes conducted by the Special Interest, Service, and Hobby Clubs Council.

(f) Engineering Council Coordinator

(i) Shall be elected by a majority vote of all Engineering Council representatives according to the guidelines prescribed in the Engineering Council Constitution.
(ii) Shall represent the undergraduate students in regard to Engineering Clubs in the Senate, Executive Committee, and other appropriate university organizations.
(iii) Shall coordinate all Engineering Council Activities.
(iv) Shall convene meetings of the Engineering Council according to any policies or procedures as may be set forth in Engineering Council Constitution.
(v) Shall serve as a member of the SA Senate.
(vi) Shall have the authority to create ad hoc committees.
(vii) Shall vote only to make or break a tie in votes conducted by the Engineering Council.