



# Student Association Constitution

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**Amended and Restated – Spring, 2016**

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## 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 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

The Government of the Student Association shall consist of a Legislative Branch and an Executive Branch.

## 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, may become a member of the Assembly.
- (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) Eligible Members of the Student Association shall become members of the Assembly upon fulfillment of the following procedures:
  - a) There shall be two periods during which students may submit petitions in order to become members of the Assembly. These periods shall begin six (6) weeks before the end of each semester for the next semester and shall end at 4 o'clock (4:00 p.m.) on the fourth (4<sup>th</sup>) Monday of each semester.
  - b) The candidate shall obtain an Assembly Designating Petition from the Student Association.
  - c) 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 review and, if appropriate, approval by the Elections and Credentials Committee.
  - d) So long as the candidate is eligible and s/he 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 following approval by the Elections and Credentials Committee. However, if a candidate submits his/her petition prior to the start of a semester, the earliest date the candidate may become a Member of the Assembly is the first day of the semester.

#### (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) Call referenda as provided in ARTICLE VIII.
- (vi) Initiate recall proceedings involving any Student Association Officer, as provided in ARTICLE IX.
- (vii) Initiate or approve amendments to the Constitution of the Student Association as provided in ARTICLE X.

**(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 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.
- (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.
- (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 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) Election of Speaker: The Speaker shall be elected by a majority vote of Assembly Members present at a duly held meeting 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 is elected by a majority of Assembly Members present.
- (ix) 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.

#### **(e) Meetings**

- (i) Meetings of the Assembly shall be convened by the Speaker:
  - 1) Only when classes are in session.
  - 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 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.
- (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 or any applicable laws or regulations. If the SA Assembly Rules of Procedure and this Constitution are both silent as to a particular procedural issue concerning the conduct of Assembly or Assembly Committee meetings, Robert's Rules of Order shall apply.

#### **(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, the Student Affairs Committee and the Environmental Affairs Committee.
- (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.

#### **(g) 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.
- 2) The Rules Committee shall have the power to reinstate suspended Assembly members upon petition of the members to the Committee.

**(h) 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.

**(i) 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.

**(j) Environmental Affairs Committee**

- (i) Membership
  - 1) A chairperson who shall be the Director of Environmental 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 environmental initiatives.

**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
    - (i) The Academic Council Coordinator
    - (ii) The Engineering Council Coordinator
    - (iii) The Hobby Council Coordinator
    - (iv) The International Council Coordinator
    - (v) The People of Color Council Coordinator
    - (vi) The Special Interest Council Coordinator
    - (vii) The Sports Council Coordinator
  - 2) Ex-Officio Non-Voting Members
    - (i) The President
    - (ii) The Speaker of the Assembly
    - (iii) The Vice President
    - (iv) 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. No employee of SA may be a candidate in the Senate

Election. 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. Members of the Student Association may have their names placed upon the ballot in the annual Senate election upon fulfillment of the following procedures:

- a) The candidate shall obtain a Senate Designation Petition from the Student Association.
- b) The candidate shall obtain the signatures of at least one hundred (100) Members of the Student Association and then return his/her petition to the Student Association for review and, if appropriate, approval by the Elections and Credentials Committee. The petition must be returned by any date set in or according to SA's election rules, or if none, then by any date set by the Emergency Powers Council.

**(b) Functions - The Senate May:**

- (i) Allocate the budget of the Student Association as provided in ARTICLE VII.
- (ii) Approve or disapprove budgetary line transfers as provided in Section 7.03.
- (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) Initiate or approve amendments to the Constitution of the Student Association as provided in ARTICLE X.
- (viii) Call referenda as provided in ARTICLE VIII.
- (ix) Participate in the recall of any Officer of the Student Association according to the terms of ARTICLE IX.
- (x) Approve or disapprove request for funding to projects initiated by the Assembly as provided in ARTICLE IV 2(C)(2).
- (xi) 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.
- (xii) Upon recommendation of the President and Treasurer, may approve and amend employment policies, internal controls and financial policies for SA and its clubs.
- (xiii) Upon recommendation of the President, Vice President and Treasurer, may approve and amend other policies for SA Clubs.

**(c) Chairperson of the Senate**

- (i) Any VOTING member of the Senate (excluding Coordinators) may run for the Office of Chairperson of the Senate.
- (ii) The term of Chairperson of the Senate shall run from the date on which he/she is elected Chairperson until conclusion of the following Senate Election. The Chairperson of the Senate shall be elected at the first meeting of the Senate after the annual Senate Election. Should the office of the Chairperson of the Senate become vacant, the Senate shall elect a new Chairperson for the remainder of the term. In any vote for Chairperson, the Chairperson shall be elected by a majority of the voting Senators present at a duly held meeting 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) 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.
- (iv) 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 and SA Senate Rules of Procedure.
- (v) 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 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.

#### **(d) Meetings**

- (i) 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.
- (ii) Any person may address the Senate upon recognition by the Chair.
- (iii) 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.
- (iv) 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 three 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 or any applicable laws or regulations. If the SA Senate Rules of Procedure and this Constitution are both 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) Finance Committee
  - 1) The Committee shall consist of seven (7) Members of the Senate.
  - 2) The Treasurer shall be a Member and Chairperson of the Finance Committee.
  - 3) The Treasurer shall select six (6) Senators to serve on the Committee, subject to approval by the Senate.
  - 4) The Treasurer may vote only to make or break a tie on the Finance Committee.
- (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.

**Section 4.04. General Provisions Pertaining to Senate and/or Assembly**

**(a) Quorum**

Quorum for the first and second meetings of the Assembly will consist of the number of Assembly Members showing and signing in. Quorum for all following meetings of the Assembly, any meeting of the Senate, or any Assembly or Senate committee meeting shall be fifty percent (50%) of the membership of such body (excluding vacant positions). Quorum for the Senate shall never be less than 6.

**(b) Proxies**

An Assembly Member may appoint another member of the Student Association to act as a proxy in his/her place at any meeting of the Assembly or any Assembly committee. A Senator may appoint another member of the Student Association to act as a proxy in his/her place at any meeting of the Senate or any Senate committee. Any proxy appointment must be in writing, signed by the person making such appointment, and delivered to the chair of the relevant body; alternatively, a proxy appointment may be made by email from the person making such appointment (from his/her email address ending in buffalo.edu) to the chair of the relevant body. Any such proxy shall be valid on that date(s) set forth in the written appointment instrument only. The proxy may be revoked at any time by the person who made the appointment, upon written notice to the chair of the relevant body. The presence of a proxy at a Assembly/Senate meeting will be recorded as a meeting attended by the Assembly Member/Senator.

**(c) Responsibilities**

If a member of the Assembly, Senate, or any Assembly or Senate committee, misses 2 or more meetings of the relevant body in a single semester, the chair of that body may suspend that person from such body, upon written notice. However, the preceding sentence shall not apply to any ex officio member. The Assembly Rules Committee may reinstate any suspended Assembly Member. An Assembly Member's seat shall be deemed vacant during the Assembly Member's suspension. The Senate may reinstate any suspended Senator or remove the Senator from his/her seat on the body from which the Senator was suspended. A suspended Senator's seat shall not be deemed vacant, unless the Senate removes that person.

**(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 (excluding Coordinators), 2 out of 3 Student Association Officers (one of whom must be the President) shall appoint a new Senator, subject to approval of the Assembly within two Assembly meetings; that new Senator shall not be an employee of SA. 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
  - 5) 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 in 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 policy and approve budgetary changes (including line transfers), 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 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. Any proxy appointment must be in writing, signed by the person making such appointment, and delivered to the President (or if it is the President appointing such proxy, then to the Vice President); alternatively, a proxy appointment may be made by email from the person making such appointment (from his/her email address ending in buffalo.edu) to the required notice recipient. Any such proxy shall be valid on that date(s) set forth in the written appointment instrument only. The proxy may be revoked at any time by the person who made the appointment, upon written notice to the President (or if it is the President revoking such proxy, then to the Vice President).

**Article V. Executive Branch**

**Section 5.01. Authority**

The executive authority of the Student Association shall be vested in the Officers.

**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 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) 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.
- (vi) Shall have the power to call a meeting of the Assembly and/or Senate whenever he/she deems necessary.
- (vii) Shall have the power to sign into effect or veto any action by the Assembly or Senate (except related recall proceedings) within seven (7) school 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.
- (viii) 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.
- (ix) Shall have the power to create ad hoc positions, agencies, and task forces to take action on issues of importance to the Student Association.
- (x) Shall have the power to place items on the agenda of the Assembly and Senate.
- (xi) Student Association Platform:
  - 1) The President, in conjunction with such 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.
- (xii) 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.
- (xiii) Shall set the date of the annual Senate election and annual officer election in accordance with any restrictions established in the Student Association Constitution.

**(b) The Vice President**

- (i) Shall be a voting member of the Emergency Powers Council.
- (ii) Shall discharge the duties of the President as Acting President upon written authorization from the President; the President may revoke such authorization at any time upon notice to the Vice President.
- (iii) 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.
- (iv) Shall assist the President in coordinating the operations of the Executive Branch.
- (v) Shall represent the President on occasions designated by the President.
- (vi) 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.
- (vii) Shall assist Student Association recognized student organizations in the performance of their operations whenever such assistance is requested.
- (viii) Shall assist and advise any students desiring to establish a new organization.
- (ix) Shall make known to all recognized student organizations the resources and services offered to them by the Student Association.
- (x) Shall make recommendations directly to the Senate regarding sanctions against groups that fail to abide by the policies of the Student Association.

- (xi) Shall make recommendations directly to the Senate, regarding the approval or denial of groups which request Student Association recognition.
- (xii) Shall assist the president in the coordination and administration of the office and staff.
- (xiii) Shall have the power to grant temporary recognition to new clubs, and to derecognize and/or impose sanctions on temporary clubs, following approval for such action by the relevant clubs council coordinator and subject to any rules included in any duly adopted SA clubs policy.

#### **(c) Treasurer**

- (i) Shall be a voting member of the Emergency Powers Council.
- (ii) Shall be responsible for the disbursement of the Student Association budget, except where otherwise stated in the Constitution of the Student Association.
- (iii) Shall be responsible for the disbursement of the Student Association revenue according to the budget of the Student Association.
- (iv) Shall take all reasonable steps to ensure that the Student Association monies are not mishandled and that all SA assets are safeguarded and accounted for according to SUNY policies and all applicable laws and regulations, and shall review any Student Association operation wherever he/she determines that such an audit is necessary.
- (v) Shall make recommendations directly to the Senate regarding sanctions for organizations which mishandle Student Association monies or assets.
- (vi) Shall have the power to withhold disbursements of Student Association funds .
- (vii) Shall make certain that a strict inventory is kept on all furniture, equipment, etc.
- (viii) 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.
- (ix) 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.
- (x) Shall be Chairperson of the Senate Finance Committee.
- (xi) Shall oversee all financial transactions and monitor the budget.
- (xii) Shall ensure SA's internal controls and financial policies are followed.

#### **(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. Officers must be fulltime students. Annual officer elections for the following term shall take place in the spring semester upon date(s) determined by the SA President and publicly announced (which may be on SA's website) at least 30 days in advance of the election. If the SA President does not set the annual spring election date(s) by February 1, the SA Senate may set the election date(s). The offices of President and Vice President shall be voted on together as one ticket during the annual spring officer election for the following term.
- (iii) Following a vacancy in any officer position on or after the start of a term and prior to or on October 31, SA shall conduct an election among its members to fill the position for the remainder of that term within twenty-eight (28) days; provided, however, that only days during periods in which classes are in session during the University at Buffalo's fall semester shall be counted.
- (iv) If there is a vacancy in the Presidency created prior to or on October 31, the Vice President shall serve as Acting President until a new President is elected.

- (v) If a vacancy in the Presidency is created after October 31 and before the end of the term, the Vice President shall assume the Presidency and serve until the end of the term. If a vacancy in the Presidency is created after October 31 and before the end of the term, and there is no Vice President, then an election shall be held among the members of SA within twenty-eight (28) days of the date on which the Presidency became vacant to fill the Presidency for the remainder of the term; provided, however, that only days during periods in which classes are in session during the University at Buffalo's fall or spring semester shall be counted.
- (vi) If the positions of President and Vice President are both vacant at the same time, the Senate may elect an Acting President to serve until a new President is elected.
- (vii) If there is a vacancy in the position of Treasurer created prior to or on October 31, the President may appoint an Acting Treasurer to serve until a new Treasurer is elected, subject to approval by the Senate.
- (viii) If there is a vacancy in the Vice President position created after October 31 and before end of the term, the President may appoint a Vice President to serve until the end of the term, subject to approval by the Senate. If there is a vacancy in the Treasurer position created after October 31 and before the end of the term, the President may appoint a Treasurer to serve until the end of the term, subject to approval by the Senate.
- (ix) A person serving as an acting officer shall have all of the full rights and responsibilities of that officer position. A Vice President's service as Acting President shall not be deemed to create a vacancy in the position of Vice President. A Vice President serving as Acting President shall count only once in calculating quorum and attendance for any body of which both the President and Vice President are members, and shall only have the voting rights of the President at any meeting of any such body.
- (x) The date(s) for any election to fill a mid-term vacancy in any officer position for the remainder of the term shall be determined by the Elections and Credentials Chairman, or if there is no Elections and Credentials Chairman, then by the Emergency Powers Council.
- (xi) The offices of President and Vice President shall not be voted on together as one ticket during an election to fill a mid-term vacancy in either position.

**(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 is executed by 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 is executed by 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
- (viii) Shall be Ex-officio non-voting member of the Assembly Student Affairs Committee.

#### **(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) 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, subject to any SUNY and SUNY SA rules related to eligibility to serve in such positions.

**(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. The Elections and Credentials Chairman and any Elections and Credentials Committee Member may attend any occasion(s) or process(es) related to any SA or club election as he/she deems appropriate. The Chairman and Committee shall only be required to be personally present on any occasion if and to the extent stated in SA’s election rules.
- (vii) Shall be an ex-officio, non-voting member of the Assembly.

**Section 5.04. Coordinators**

**(a) There shall be seven (7) Clubs Council Coordinators (the “Coordinators”):**

- (i) The Academic Council Coordinator
- (ii) The Engineering Council Coordinator
- (iii) The Hobby Council Coordinator
- (iv) The International Council Coordinator

- (v) The People of Color Council Coordinator
- (vi) The Special Interest Council Coordinator
- (vii) The Sports Council Coordinator

## **(b) Coordinator Functions and Elections**

### **Each Coordinator:**

- (i) Shall be chosen by, and may be removed by, the clubs in each respective clubs council, according to any lawful rules established by that council.
- (ii) Shall represent the clubs of his/her council.
- (iii) Shall coordinate all activities of his/her council.
- (iv) Shall convene meetings of the applicable council.
- (v) Shall serve as a member of the SA Senate.
- (vi) Shall have the authority to create ad hoc committees related to his/her council.

## **Article VI. Judicial Branch**

### **Section 6.01. Authority**

The judicial authority of the Student Association shall be vested in the Student-Wide Judiciary. UB's Student-Wide Judiciary is a legally separate and unrelated student group, which shall have jurisdiction/authority to hear non-financial disputes between SA and its Members, subject to any limitations contained in SA's Constitution or policies. It shall have the powers to subpoena, to adjudicate, and to impose penalties, subject to any limitations contained in this Constitution 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.

## **Article VII. Budgetary Process**

### **Section 7.01. Budgetary Timeline**

- (a) All Student Association organizations recognized with funding must submit a written line item budget request for the following fiscal year to the Treasurer of the Student Association. The Senate Finance Committee shall establish a date by which such budget requests must be submitted to the SA Treasurer for the following fiscal year, which shall not be later than the last day of February. If the Senate Finance Committee fails to set such date by the conclusion of the fall semester, the Treasurer may set such date.
- (b) The SA Treasurer will prepare a preliminary recommended budget for SA, including each club/recognized organization and present that to the SA Senate Finance Committee. The SA Senate Finance Committee will then determine a recommended budget for each club/recognized organization. Club officers may obtain a copy of their club's recommended budget in the SA Office. Any club that desires to dispute the recommended budget may set up a Budgetary Review Meeting

with the SA Senate Finance Committee, which shall be conducted according to any rules and/or timelines established by the SA Senate Finance Committee.

- (c) Budgetary Review Meetings will be scheduled by the Treasurer, according to any timeline (if any) for such Budgetary Review Meetings established by the Senate Finance Committee.
- (d) Upon completion of the Budgetary Review Meetings, the Finance Committee will prepare a final budget proposal, which will be recommended to the Senate of the Student Association. The Senate may establish a date by which this recommendation must be formally submitted.
- (e) The Senate shall have until the last day of classes of the spring semester to pass a budget for the following fiscal year.
- (f) The compensation of the President, Vice President, and Treasurer shall be voted upon separately from the rest of the budget.
- (g) 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.
- (h) If any of the steps outlined under Section 7.01(a)-Section 7.01(d) shall fail to occur, such failure shall not affect or abridge the rights of the Senate or Emergency Powers Council pursuant to Section 7.01(e) or Section 7.01(g).

## **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.
- (d) For any other position for which a stipend shall be paid, a range for a potential stipend shall be set, with a specific amount within that range to be determined by the President and Treasurer together in writing before that staff member begins work. If the President and Treasurer cannot agree as to an amount within the range, the Emergency Powers Council shall decide.
- (e) For any staff members who receive hourly wages, a specific hourly wage should be set.
- (f) In determining the SA Staff Stipend List, the body passing the budget shall consider input as to an appropriate list of staff positions and corresponding stipends and/or wages from both the then-sitting SA Officers and also from any persons who have been duly elected as SA Officers for the following term but who have not yet begun their terms (hereafter defined as the "Incoming SA Officers"). The Senate shall determine, and the Senate Chairperson shall relay to both the then-sitting SA Officers and the Incoming SA Officers, a method and timeframe for them to submit their input regarding the SA Staff Stipend List.
- (g) The SA Staff Stipend List shall be considered part of the SA Budget.
- (h) If the SA President and SA Treasurer both desire to pay any student holding a staff position more or less than the allocated range set forth for his/her position on the SA Staff Stipend List, or to add a position in addition to those included on the SA Staff Stipend List, or to give a bonus to any student staff member, the SA President and SA Treasurer together may propose the same in writing with an explanation of the reasons for which the President and Treasurer believe the adjustment is warranted, for review and determination by (i) the SA Senate, if on or between October 1 and the following last day of classes of the spring semester, or (ii) by the Emergency Powers Council, if on or

between the first day after the last day of classes of the spring semester and September 30. However, the SA Senate shall reserve the right to veto any adjustment to the SA Staff Stipend List made by the Emergency Powers Council, to the extent that it effects any payments which have not yet been made. (The intent of this paragraph is not to discourage alterations to the SA Staff Stipend List, but rather to provide a mechanism for oversight concerning potential alterations.)

- (i) The fact that a particular SA staff position with a corresponding stipend is included on the SA Staff Stipend List shall not be deemed to mean that the SA Officers must appoint someone to any position.

### **Section 7.03. Budgetary Changes**

- (a) Clubs may submit written requests for budgetary change(s) and/or line transfer(s) to the SA Treasurer.
- (b) The SA Treasurer may make/submit requests for line transfer(s) and/or budgetary change(s) to the SA Senate.
- (c) Following request by the SA Treasurer, the Senate may approve or disapprove proposed budgetary change(s) and/or line transfer(s).

### **Section 7.04. Criteria for Determining Club Funding**

- (a) In determining the funding for a recognized student club/organization, the following criteria may be considered:
  - (i) the financial needs of that recognized student club/organization and how such club/organization proposes to use any allocated funding;
  - (ii) length of existence of the recognized student club/organization;
  - (iii) levels of attendance by Members of the Student Association at meetings and events of the recognized student club/organization;
  - (iv) 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);
  - (v) 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;
  - (vi) the efforts such recognized student club/organization has made to fundraise additional funds from other sources and the results of such efforts;
  - (vii) the efforts made by such recognized student club/organization to minimize unnecessary costs;
  - (viii) the participation by such recognized student club/organization in community service and/or community outreach activities;
  - (ix) the participation by such recognized student club/organization in events and activities conducted by the Student Association;
  - (x) the record of attendance by such recognized student club/organization at meetings of its governing clubs council;
  - (xi) 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;
  - (xii) 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.
- (d) As used in this Constitution, the terms “club” and “student organization” shall be interchangeable. A club is a group of Members of SA acting as a group of Members; clubs shall not be separate legal entities from SA. Recognized clubs/student organizations may not have any accounts or financial activities outside of SA. Recognized clubs/student organizations may not enter into contracts, take legal actions, commence litigation or undertake legal obligations; only SA itself may enter into contracts, take legal actions, commence litigation and/or undertake legal obligations.
- (e) All clubs and student organizations that are recognized by the Student Association (regardless of whether they receive funding) must follow all Student Association and University at Buffalo rules and policies, and all local, state and federal laws and regulations.
- (f) Recognized clubs must allow all Members of SA the opportunity to participate as members of the club with full rights (including but not limited to the right to participate in all club activities, the right to vote at club meetings, and the right to run for and hold club officer positions), subject to any University eligibility requirements. Notwithstanding the foregoing, clubs may set a minimum period of participation and/or other quantifiable non-subjective activity participation requirements for a club member before such person has the right to vote at club meetings or hold office; however, such minimum period and/or other requirements must be consistent for all members of the club.

## **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.

## **Article IX. Recall**

### **Section 9.01. Causes for Recall**

Any SA Officer is subject to recall under the following conditions; recall proceedings may be initiated against any SA Officer 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 SA Officer 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 any SA Officer 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 and Senate Action

An amendment to the SA Constitution shall be adopted if approved by a 2/3 majority vote of the Assembly and a 2/3 majority vote of the Senate. The President must receive written notice of the exact text of any amendment that will be voted on at least 5 business days before the Senate or Assembly may vote on that amendment.

## Article XI. Miscellaneous

- (a) Non-Discrimination. All SA officials, bodies and clubs shall make determinations regarding employment and provide access to services, programs, and activities without regard to an individual's race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, sexual orientation, predisposing genetic characteristics, marital status, veteran status, military status, domestic violence victim status, ex-offender status or political viewpoints.
- (b) Eligibility. In addition to any other requirements stated in this SA Constitution, a student must be a member of the Student Association and in academic good standing (as determined by the University at Buffalo) in order to serve in any SA appointed office, to serve on the Assembly, to be a candidate for any SA elected office, or to serve throughout one's elected or appointed term.
- (c) Severability. No Student Association official shall be required to take any action in violation of any applicable federal, state or local law, or any University at Buffalo or State University of New York policy or rule. The invalidity or unenforceability of any provision of the SA Constitution shall not affect the validity or enforceability of any other provision. Any invalid or unenforceable provision shall be deemed severed from the SA Constitution to the extent of its invalidity or unenforceability only, and the SA Constitution shall be construed and enforced as if the SA Constitution did not contain that particular provision to the extent of its invalidity or unenforceability.

- (d) Waiver of Notice. Any person may waive any notice required to be given to such person in writing, including by electronic mail to the chair of the body required to provide such notice. Any person in attendance at any meeting shall by his/her attendance waive any objection concerning notice with respect to such meeting.
- (e) Notice by Electronic Mail. Except where another means of notice is specified in this Constitution, any notice (including written notice) required by this Constitution may be provided by electronic mail. Whenever notice may be provided via electronic mail, the recipient's electronic mail address shall be his/her official University at Buffalo email address ending in buffalo.edu.
- (f) Action by Senate, Assembly and Committees Generally (Excluding Elections). 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, except where otherwise stated in this Constitution. Where in the SA Constitution there shall be reference to a vote by a larger majority (such as, for example and without limitation, 2/3 majority) that shall refer to that fraction of members present at a duly held meeting of such body.
- (g) Election Voting. The candidate with the most votes shall be the winner of any SA election, without regard to whether such votes constitute a majority, except where otherwise stated in this Constitution. If a winner cannot be determined due to a tie, the tying candidates shall participate in a run-off election according to such procedures as may be included in the election rules, or if there are no such provisions included in the election rules, according to procedures established by 2/3 majority vote of the Elections and Credentials Committee.
- (h) Construction. In this SA Constitution, whenever the context requires: (i) the singular number shall include the plural, and vice versa; and (ii) all words shall be construed in the masculine, feminine or neuter as the sense requires, regardless of the gender of such person. The words "include" and "including", and variations thereof, shall not be deemed to be terms of limitation, but rather shall be deemed to be followed by the words "without limitation". Any reference in this SA Constitution to "the University," "the University at Buffalo" or "UB" shall be deemed to refer to the State University of New York at Buffalo. Any reference in this SA Constitution to dates on the academic calendar shall be deemed to refer to the academic calendar of the University. As used herein, the "SA Office" shall refer to SA's main office located at 350 Student Union, UB North Campus, Amherst, NY 14260. The captions used in this document are for convenience of reference only and will not be interpreted to enlarge, contract or alter the terms and/or provisions of this document.