

# Constitution

## of the Undergraduate Student Government of The Ohio State University

*Effective with the commencement of the 51st General Assembly*

### **Preamble**

Whereas students have both the right and the obligation to guide their university, and whereas a democratic student government is the best manner through which these obligations are fulfilled, we, the undergraduate students of The Ohio State University, hereby create this government to be called the Undergraduate Student Government of The Ohio State University. With authority derived from the undergraduate student body and existence recognized by the faculty and administration of this university, this student government shall dedicate itself to the betterment of higher education and student life. It shall be accessible to undergraduate students while being attentive to and a voice for undergraduate concerns.

We recognize that certain statutes of the Ohio Revised Code and bylaws of The Ohio State University Board of Trustees govern the administration of The Ohio State University and delineate responsibility and authority in the area of student affairs. Accordingly, we recognize our freedoms with respect to these existing statutes, summarized as follows:

1. The government of The Ohio State University is vested in the OSU Board of Trustees, which may adopt bylaws, rules, and regulations for the governance of the university. The Board of Trustees of any university that receives any state funds in support thereof shall have full power and authority on all matters relative to the administration of said university, as per Ohio Revised Code Statutes 3335.02, 3335.03, and 3335.08 pertaining to The Ohio State University.
2. "Detailed rules and regulations for the organization, administration, and operation of the university may be promulgated, amended, and repealed by the Board of Trustees upon its own initiative or upon recommendation of the university faculty or the Faculty Council" (Section 3335-1-09, Subsection A. of the bylaws of The Ohio State University Board of Trustees).
3. The Ohio State University Board of Trustees is subject to all laws that govern the State of Ohio. Article 1, Section 11 of the Constitution of the State of Ohio provides that "every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right."

This government shall be comprised of a unicameral legislature, an executive, and a judiciary, granted their respective powers and responsibilities enumerated herein:

## **Article I: Authority of the Constitution**

- A. All members of Undergraduate Student Government are bound by this Constitution, and all applicable bylaws and standing rules of the Undergraduate Student Government.

## **Article II: The Legislative Branch**

### The General Assembly

- A. Membership on the General Assembly
  - a. The General Assembly shall serve as the undergraduate student body's representative and legislative body made up of elected Senators
    - i. Every college with an undergraduate major must have representation in the General Assembly.
    - ii. Every living area must have representation in the General Assembly.
    - iii. The General Assembly reserves the right to add or subtract other constituencies as it sees fit.
  - b. Senators of the General Assembly shall serve as the chief spokespersons and representatives for the undergraduates of their constituencies.
  - c. Senators of the General Assembly shall remain accessible and accountable to their constituencies.
  - d. Senators within the General Assembly shall be elected annually by undergraduate students in their respective constituencies.
  - e. A member elected or appointed to the General Assembly shall serve for one year unless they resign or are impeached.
  - f. The General Assembly shall have a speaker, a parliamentarian and a secretary, who are elected from the membership of the General Assembly, by a majority vote.
  - g. The General Assembly may regulate its membership in any reasonable manner.
- B. Powers of the General Assembly
  - a. The General Assembly may not conduct business unless there is a quorum of one half plus one members.
  - b. The General Assembly shall retain the authority to create, evaluate and amend the Organizational Bylaws of the Undergraduate Student Government.
    - i. Bylaws may not conflict with this Constitution, the University Code of Student Conduct, or any other relevant rules and regulations.
    - ii. Bylaws shall become effective when they are passed by the General Assembly and signed by the President and shall remain in effect until they are amended or eliminated.
    - iii. Bylaws may be created or amended with a two-thirds vote of members present.

- c. The General Assembly may override a presidential veto with a two-thirds vote of members present.
  - d. The General Assembly shall retain the exclusive authority to censure or impeach any member of the Undergraduate Student Government.
    - i. Censure shall require a two-thirds vote of members present.
    - ii. Initiation of impeachment proceedings requires a simple majority vote of members present and may only be considered at a general meeting of the General Assembly.
      - 1. Impeachment shall require a hearing in front of a regularly scheduled meeting of the General Assembly.
        - a. Impeachment proceedings shall only be conducted in a regularly scheduled general meeting of the General Assembly.
      - 2. Impeachment shall require a two-thirds vote of members present.
      - 3. The Speaker of the General Assembly shall be required to invite those subject to impeachment to attend the hearing.
      - 4. Those subject to impeachment shall be notified at least seventy-two (72) hours prior to any vote on the resolution of their impeachment
      - 5. The Chief Justice of the Judicial Panel shall preside over all impeachment or censure proceedings, unless there is a conflict of interest.
  - e. The General Assembly may legislate opinion on behalf of the Undergraduate Student Government, subject to approval of the President.
    - i. The President may veto said opinion, in which case it is solely the opinion of the General Assembly.
    - ii. Should the General Assembly override the Presidential veto, the opinion shall be that of the entire Undergraduate Student Government.
- C. Responsibilities of the General Assembly
- a. All members of Undergraduate Student Government are bound by enacted legislation.
    - i. Legislation requires a simple majority vote of members of General Assembly present to be passed, except in cases enumerated herein.
    - ii. Legislation shall expire at the end of the General Assembly term in which it was enacted, unless otherwise specified.
  - b. The General Assembly shall hold final authority to allocate Undergraduate Student Government funds.
  - c. The General Assembly shall have Allocations, Oversight and Steering Committees.
    - i. The Allocations Committee shall approve the distribution of Undergraduate Student Government funds
    - ii. The Oversight Committee shall shall retain original jurisdiction for appointments, censures, impeachment, bylaws, standing rules, and the Constitution and Bylaws Review Commission Appointments
    - iii. The Steering Committee shall be responsible for the direction of legislation and for setting the agenda of the General Assembly
- D. Legislative powers not enumerated in this article shall be reserved by the General Assembly.

## **Article III: The Executive Branch**

### **A. The President and Vice President**

- a. The president and vice president shall be elected annually in tandem by the undergraduate student body for a term of one year.
- b. The president shall be the chief executive officer of the Undergraduate Student Government and shall be the spokesperson of the undergraduate student body.
- c. The president shall retain the authority to:
  - i. Sign or veto approved General Assembly legislation within one academic week of its passage.
    1. Signed legislation is enacted.
    2. Vetoed legislation is not enacted, unless overridden by the General Assembly.
    3. Legislation neither signed nor vetoed within one academic week of passage shall be considered enacted.
    4. Elections bylaws, elections, appointments, and disciplinary action are not subject to presidential veto.
  - ii. Exercise powers of speech and debate in general Assembly meetings only with the consent of and at the discretion of the Speaker or when directly questioned.
- d. The vice president shall retain the authority to:
  - i. Make appointments to the University Senate and all Shared Governance committees to which the Undergraduate Student Government has representation.
- e. The President and Vice President shall jointly retain the authority to:
  - i. Appoint a Senior Staff and Executive Cabinet Directors to act as an extension of executive authority.
    1. Nominations by the President and Vice President shall be confirmed or rejected by the General Assembly by a majority vote and shall originate in the form of a resolution with the Oversight Committee.
    2. Members of Senior Staff and Executive Cabinet Directors shall not alternate nor be voting members of the General Assembly.

### **B. The Senior Staff and Executive Cabinet**

- a. The Senior Staff must include the following positions:
  - i. Chief of Staff
  - ii. Chief Financial Officer
  - iii. Deputy Chief Financial Officer
  - iv. Chair of the Undergraduate Caucus
- b. The Executive Cabinet must include the following positions:
  - i. Directors
- c. The Senior Staff and Executive Cabinet may include positions not enumerated in this Constitution, subject to the approval of the General Assembly.
- d. All members of the Senior Staff and Executive Cabinet shall serve at the discretion of the President and Vice President.

- e. The President and Vice President have the right to set the structure, reporting structure, and organization chart of the Senior Staff and the Executive Cabinet.
- C. Responsibilities of the President
  - a. With the Vice President, submit, in the form of legislation, executive appointments to the General Assembly for approval.
  - b. Submit a presidential budget to the Allocations Committee for approval
  - c. Ensure that an Executive Report is given at every General Assembly meeting.
  - d. Ensure that all enacted legislation is carried out.
  - e. Ensure that all Judicial Panel rulings are enforced.
- D. Responsibilities of the Vice President
  - a. With the President, submit, in the form of legislation, executive appointments to the General Assembly for approval.
  - b. The Vice President shall be responsible for making appointments to all University committees to which the Undergraduate Student Government has representation.
    - i. Nominations by the Vice President shall be confirmed or rejected by the General Assembly.
    - ii. Confirmation shall require a two-thirds vote.
- E. The President and Vice President retain all powers necessary and proper to carry out the duties of their offices.

## **Article IV: The Judicial Branch**

- A. The Undergraduate Student Government Judicial Panel
  - a. The Undergraduate Student Government Judicial Panel shall serve as the organization's judicial branch, with original jurisdiction over all alleged violations of this Constitution and rules extending thereof.
  - b. The Judicial Panel shall be composed of at least seven but no more than nine justices.
  - c. Members of the Judicial Panel shall serve until the termination of their enrollment as an undergraduate student, resignation, or impeachment.
  - d. All vacancies on the Judicial Panel shall be filled through appointment by the Executive Branch and confirmed by two-thirds of the General Assembly via the form of a resolution
    - i. Candidates who have previously been affiliated with Undergraduate Student Government elections shall not be considered to serve on the Judicial Panel.
  - e. The Judicial Panel shall have sole jurisdiction of amending the Undergraduate Student Government Elections Bylaws and Procedures.
- B. Responsibilities of the Judicial Panel
  - a. The Chief Justice of the Judicial Panel shall be selected by the justices in accordance with the Undergraduate Student Government Judicial Panel Standing Rules and shall serve as Chief Justice until the termination of their undergraduate enrollment, resignation, or impeachment.
    - i. In the event that the Chief Justice vacates their office, the justices shall select a new Chief Justice within one week of the vacancy.

- b. Judicial Panel Justices shall participate in a training session sponsored by the Office of Student Life before participating in any hearings.
  - c. The Judicial Panel shall select at least one and no more than three Clerks.
    - i. The responsibilities of the Judicial Panel Clerk(s) include those listed in this Constitution and any others enumerated in the Judicial Panel Standing Rules.
    - ii. The Judicial Panel Clerk(s) shall advise justices prior to a hearing about the details of the pending hearing.
    - iii. The Judicial Panel Clerk(s) shall maintain the Judicial Panel's records in good working order.
    - iv. The Judicial Panel Clerk(s) shall not serve concurrently as a Judicial Panel Justice
    - v. At least one Judicial Panel Clerk must be present at each Judicial Panel hearing.
  - d. The Chief Justice shall submit the Judicial Panel Standing Rules to the General Assembly in the form of legislation no later than the first General Assembly meeting of the Fall Semester
    - i. Approval requires a simple majority of members of General Assembly present.
    - ii. The Judicial Panel Standing Rules must be in accordance with this Constitution and all Bylaws.
- C. Powers of the Judicial Panel
- a. The Judicial Panel shall act as the oversight authority for the Undergraduate Student Government general elections.
    - i. The Judicial Panel shall have the responsibility of ensuring the overall operation of fair, valid, and nondiscriminatory elections.
  - b. The Judicial Panel shall maintain the Undergraduate Student Government Elections Bylaws.
    - i. The Chief Justice shall submit the Undergraduate Student Government Elections Bylaws to the General Assembly in the form of legislation no later than the fourth meeting of the Fall Semester
    - ii. Approval requires a simple majority of members of General Assembly present.
    - iii. The General Assembly may suggest changes, but may not amend the Undergraduate Student Government Elections Bylaws
    - iv. The Undergraduate Student Government Elections Bylaws must be in accordance with this Constitution.
- D. Judicial Panel Hearing Process
- a. Any undergraduate student may file a claim with a Judicial Panel Clerk.
    - i. This claim must state the violation, the petitioner's reasoning, and the person(s) who committed the violation.
    - ii. Claims may be brought against the Undergraduate Student Government as a whole. In such cases, the President shall be the respondent.
    - iii. The Chief Justice and four Associate Justices shall hear initial claims.
    - iv. A Justice shall recuse himself or herself from serving on a Judicial Panel proceeding in any cases in which a conflict of interest arises.

- v. Every claim is guaranteed a fair and speedy hearing in which the parties to the claim may appear.
- b. Parties to a claim may appeal rulings on their initial claim.
  - i. Appeals must be filed with a Judicial Panel Clerk.
  - ii. Appeals shall be heard by five people:
    - 1. Three Associate Justices who did not hear the original claim
    - 2. The Chief Justice, who shall not vote on the appeal, and
    - 3. A representative from the Office of Student Life, who shall not vote on the appeal.
- c. After the initial hearing, the Judicial Panel will render a decision on any claim or appeal within one academic week of the hearing. Decisions must include some combination of the following:
  - i. A ruling affirming one or more violations.
  - ii. A ruling that no violation has occurred.
  - iii. A recommendation that another body hear the claim.
  - iv. An order to one or more members of the Undergraduate Student Government or a candidate in an Undergraduate Student Government general election to comply with or execute existing constitutional or statutory obligations.
  - v. Disciplinary action requiring the completion of community service as a condition for continued membership in the Undergraduate Student Government.
  - vi. Disciplinary action resulting in the disqualification of one or more candidates for an election violation claim.
  - vii. A ruling that results in the voiding of some action taken by the Undergraduate Student Government.
  - viii. A ruling that results in the nullification of an action or piece of legislation of Undergraduate Student Government.
  - ix. A ruling that results in some action not listed in this Constitution.
- d. These rulings must be made in consultation with an ex-officio representative from the Office of Student Life.
- e. Decisions must consider constitutional provisions, statutory text, and past precedent.
- f. The Judicial Panel shall issue a majority opinion to be included in its written records and circulated to each party after a ruling has been made on the claim or appeal.
  - i. Hard copies of majority opinions shall contain the signature of the Chief Justice.

## **Article V: Membership**

- A. Any undergraduate student may actively participate in the Undergraduate Student Government.
- B. Members of the Undergraduate Student Government shall have certain requirements in order maintain membership.
- C. The Undergraduate Student Government shall have Undergraduate Student Government Committees.

1. The Undergraduate Student Government shall maintain the following standing Undergraduate Student Government Committees:
    - a. Academic Affairs
    - b. Diversity and Inclusion
    - c. Governmental Affairs
    - d. Health and Safety
    - e. Sustainability and Environmental Affairs
    - f. Student Affairs
  2. The President may appoint a Cabinet Director for up to two ad hoc Undergraduate Student Government Committees.
- D. Cabinet Directors, appointed by the President shall lead Undergraduate Student Government Committees.
- E. Elected Senators shall serve on at least one (1) Undergraduate Student Government Committee.
- F. Members of the Judicial Panel and their clerks may not be affiliated with Undergraduate Student Government in any way other than their constitutional role.
1. Members of the Judicial Panel and their clerks may not be candidates in an Undergraduate Student Government general election.
  2. Members of the Judicial Panel and their clerks may not be considered for any other position in Undergraduate Student Government.
  3. Appointees to the Judicial Panel shall not have been an elected or appointed member of Undergraduate Student Government in the previous academic year.

## **Article VI: Regional Campuses**

- A. Regional campuses shall be guaranteed representation in the Undergraduate Student Government.

## **Article VII: Oath of Office**

- A. The Oath of Office for the President, Vice President, Senators and Cabinet Directors shall be:  
*I promise to faithfully uphold the Constitution of the Undergraduate Student Government of The Ohio State University and to defend the rights of each individual student to the best of my ability.*
- B. The Oath of Office for Justices of the Undergraduate Student Government Judicial Panel shall be:  
*I promise to faithfully execute the office of Undergraduate Student Government Judicial Panel Justice and to render fair, impartial decisions based on evidence presented.*
- C. The Oath of Office for the Clerks for the Undergraduate Student Government Judicial Panel shall be:  
*I promise to faithfully uphold the Constitution of the Undergraduate Student Government of The Ohio State University and execute all of my duties, outlined*

*herein, to the best of my ability. I further promise to remain independent in the execution of said duties.*

## **Article VIII: Amendment Procedure**

- A. This constitution can only be amended by passage of an initiative or referendum on the official Undergraduate Student Government annual election except in cases listed herein.
  1. A referendum is defined as a proposed change to the Constitution placed on the ballot.
  2. A referendum can be placed on the ballot by resolution through the General Assembly.
    - a. The resolution must be approved by the General Assembly with a two-thirds majority by the fourth General Assembly meeting of the Spring semester
  3. An undergraduate student may place an initiative on the ballot via petition.
    - a. An undergraduate student must collect a petition containing one thousand (1000) valid undergraduate student signatures.
  4. The proposed amendment shall become part of this Constitution if approved by two-thirds of the students voting in the election in which the initiative or referendum appears.
- B. In years ending with two (2) or seven (7), or prematurely under special circumstances, a Constitution and Bylaw Review Commission (CBRC) shall be formed.
  1. The CBRC must consist of at least seven members, one from each of the following areas:
    - a. The General Assembly,
    - b. The Executive Cabinet,
    - c. The Judicial Panel, and
    - d. An undergraduate student who has never been a member of Undergraduate Student Government
  2. The members shall be appointed by the Vice President no later than the third general meeting of the Fall Semester, and confirmed by the General Assembly by a two-thirds vote.
  3. The CBRC shall conduct an in-depth review of the Undergraduate Student Government Constitution, the Undergraduate Student Government Organizational Bylaws, and the Undergraduate Student Government Elections Bylaws.
  4. After completing its review, the CBRC may propose any changes it sees fit to the Undergraduate Student Government Constitution, the Undergraduate Student Government Bylaws, or the Undergraduate Student Government Elections Bylaws.
    - a. Any changes to the Constitution proposed by the CBRC must be submitted to the Judicial Panel by the fourth Monday of the Spring semester.
    - b. Any changes to the Organizational Bylaws and Election Bylaws made by the CBRC must be submitted to General Assembly's Steering Committee prior to the fourth Monday of Spring semester.
  5. Proposed changes are adopted if approved by two-thirds of the students voting in the election in which the proposed changes appear.
    - a. Proposed changes take effect in the following order:
      - i. The Undergraduate Student Government Elections Bylaws shall go into effect immediately upon passage

- ii. The Undergraduate Student Government Constitution and Organizational Bylaws shall go into effect with the inauguration of the president and vice president elected in the next official Undergraduate Student Government election.
  - (ii) E.g. If changes made by the CBRC are passed by the student body in 2017, the Elections Bylaws go into effect in 2017 for the 2018 election. The Constitution and Organization Bylaws go into effect with the inauguration of the president and vice president elected in 2018.
- b. Members of the CBRC may not hold elected or appointed Undergraduate Student Government office once any proposed changes to the Undergraduate Student Government Constitution or Organizational Bylaws take effect.
- 6. If a special circumstance is to occur, the CBRC may be established via legislation proposed either by the President or a member of the General Assembly.
  - a. The Constitution and Bylaws and Review Commission may only be prematurely established with a two-thirds vote of members of the General Assembly.
- C. The General Assembly may make technical changes to this Constitution by a two-thirds vote of members of General Assembly, limited to spelling, grammatical, and formatting errors.
- D. In the case of a change to University rules or regulations with which this Constitution is in conflict, the General Assembly may amend this Constitution to conform only to said changes by a vote of three-fourths of all members of the General Assembly.
- E. Should any referenda be in conflict with one another and both pass during the Undergraduate Student Government general election, the General Assembly shall vote to adopt one (1) by a majority vote of all members of the General Assembly.

## **Article IX: Succession of Office**

- A. Succession for the Office of President shall be in the following order:
  - 1. Vice President
  - 2. Speaker of the General Assembly
  - 3. A member of the General Assembly chosen by a two-thirds vote of members of the General Assembly present.
- B. If the Office of Vice President is vacant, the President shall nominate a new Vice President to be confirmed or rejected by a two-thirds vote of the General Assembly members present.

## **Article X: Records**

- A. Each branch of the Undergraduate Student Government must keep complete, permanent, and written records.
- B. Records of the Undergraduate Student Government shall be kept together in a single location.

## **Article XI: Nondiscrimination Policy**

- A. The Undergraduate Student Government and its members shall not discriminate against any individual(s) for reasons of age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status.