

# Constitution

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

*Amended by Student Body – March 2013*

### **Preamble**

Wherein students have both the right and the obligation to guide their university, and in the belief that 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and regulations for the organization, administration, and operation of the university may be promulgated, amended, and repealed by the Board of Trustees upon its own initiative or upon recommendation of the university faculty or the Faculty Council" (Section 3335-1-09, Subsection A. of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: The Legislative Branch**

### The General Assembly

1. The General Assembly shall serve as the undergraduate student body's representative and legislative body made up of elected Senators and presidentially appointed Directors.
    - a. Every College with an Undergraduate major must have representation in the General Assembly.
    - b. Every Living Area must have at least one General Assembly seat on the General Assembly.
    - c. The General Assembly reserves the right to add or subtract other constituencies as it sees fit.
    - d. The President shall appoint up to nine (9) Directors to sit on the General Assembly.
  2. Senators of the General Assembly shall serve as the chief spokespersons and representatives for the undergraduates of their constituencies.
  3. Senators of the General Assembly shall remain accessible and accountable to their constituencies.
- A. Membership on the General Assembly
1. Senators within the General Assembly shall be elected annually by undergraduate students in their respective constituencies.
  2. Cabinet Directors within the General Assembly shall be appointed annually by the President.
  3. A member elected or appointed to the General Assembly shall serve for one year unless they resign or are impeached.
  4. The General Assembly may regulate its membership in any reasonable manner.
- B. Powers of the General Assembly
1. The General Assembly shall retain the sole authority to create, evaluate, and amend bylaws of the Undergraduate Student Government.
    - a. Bylaws may not conflict with this Constitution, the University Code of Student Conduct, or any other relevant rules and regulations.
    - b. 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.
    - c. All members of Undergraduate Student Government and all candidates in an Undergraduate Student Government general election are bound by any bylaws of the Undergraduate Student Government.
    - d. Bylaws may be created or amended with a two-thirds vote of members present.

2. The General Assembly may override a presidential veto with a two-thirds vote of members present.
  3. The General Assembly shall retain the exclusive authority to censure or impeach any member of the Undergraduate Student Government.
    - a. Censure shall require a two-thirds vote of members present.
    - b. 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.
      - i. Impeachment shall require a hearing in front of a general meeting of the General Assembly.
      - ii. Impeachment shall require a two-thirds vote of members present.
      - iii. The Vice President shall be required to invite the candidate for impeachment to attend the hearing.
      - iv. The Chief Justice of the Judicial Panel shall preside over all impeachment or censure proceedings.
  4. The General Assembly may legislate opinion on behalf of the Undergraduate Student Government, subject to approval of the President.
    - a. The President may veto said opinion, in which case it is solely the opinion of the General Assembly.
    - b. 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
1. All members of Undergraduate Student Government are bound by enacted legislation.
    - a. Legislation requires a simple majority vote of members of General Assembly present to be passed, except in cases enumerated herein.
    - b. Legislation shall expire at the end of the General Assembly term in which it is enacted, unless otherwise specified.
  2. The General Assembly shall hold final authority to allocate Undergraduate Student Government funds.
    - a. The General Assembly shall approve the organization's budget by a two-thirds vote of the members present.
  3. The General Assembly shall have an Allocations and Oversight Committee.
  4. All General Assembly standing committees shall ratify and adhere to a committee charter.
    - a. Committee charters shall be amended on a yearly basis and approved by a majority vote of members present at the first committee meeting
    - b. Committee charters shall contain the following sections:
      - i. Purpose
      - ii. Membership Requirements
      - iii. Structure
      - iv. Meeting Procedures
      - v. Record Keeping

- c. Committee charters may be amended at a regular committee meeting by a majority vote of members present and with the advice and consent of the committee's Director
  - d. Committee charters must be initially approved by a majority vote of members present at a meeting of the General Assembly
- D. Legislative powers not enumerated in this article shall be reserved by the General Assembly.

## **Article II: The Executive Branch**

### A. The President

- 1. The President shall serve as the chief executive of the Undergraduate Student Government and spokesperson of the undergraduate student body.
- 2. The President shall be elected annually by the undergraduate student body for a term of one year.

### B. Powers of the President

- 1. Sign or veto approved General Assembly legislation within one academic week of its passage.
  - a. Signed legislation is enacted.
  - b. Vetoed legislation is not enacted, unless over-ridden by the General Assembly.
  - c. Legislation neither signed nor vetoed within one academic week of passage shall be considered enacted.
  - d. Elections bylaws, elections, appointments, and disciplinary action are not subject to presidential veto.
- 2. Appoint an Executive Cabinet to act as an extension of Executive authority.
  - a. The General Assembly may abolish a cabinet office with a two-thirds vote of members present.
  - b. Nominations by the President shall be confirmed or rejected by the sitting members of the General Assembly.
    - i. Recommendations for an appointed position shall first be heard by the Oversight Committee in the form of a resolution
  - c. The President may appoint no more than nine (9) Directors to the Executive Cabinet
  - d. After approval by the General Assembly, the Directors of the Executive Cabinet shall become full members of the General Assembly effective immediately.
    - i. Directors appointed by the President may serve in an interim capacity until approval or rejection.
- 3. Appoint an Operations Team to assist with management of the Undergraduate Student Government
  - a. The Operations Team must consist of the following positions:
    - i. Chief of Staff
    - ii. Chief Financial Officer

- iii. Marketing Director
    - iv. Internal Affairs Director
  - b. The Operations Team may consist of the following positions:
    - i. Deputy Chief of Staff
    - ii. Counselor to the President and Vice President
  - c. All members of the Operations Team shall not serve in nor be members of the General Assembly.
  - d. All members of the Operations Team shall serve at the discretion of the President.
  - e. The Operations Team shall be confirmed or rejected by the General Assembly. Confirmation shall require a majority vote and shall originate in the form of a resolution with the Oversight Committee.
  - f. The President may add additional members to the Operations Team with a majority vote of the General Assembly.
- 4. Attend general meetings of the General Assembly.
- 5. Exercise powers of speech and debate in general Assembly meetings only with the consent of and at the discretion of the Vice President or when directly questioned.
- C. Responsibilities of the President
  - 1. Submit, in the form of legislation, executive appointments to the General Assembly for approval.
  - 2. Submit, in the form of legislation, a budget and budget structure to the General Assembly for approval by the end of the semester in which the President is elected.
  - 3. Ensure that an Executive Report is given at every General Assembly meeting.
  - 4. Ensure that all enacted legislation is carried out.
  - 5. Ensure that all Judicial Panel rulings are enforced.
- D. The Vice President
  - 1. The Vice President shall be elected jointly with the President.
  - 2. The Vice President shall serve as the presiding officer of the General Assembly.
  - 3. For the purposes of a quorum, the Vice President shall not count as a member of the General Assembly.
- E. Responsibilities of the Vice President
  - 1. Cast a tie-breaking vote in the General Assembly.
  - 2. Attend all meetings of the General Assembly.
  - 3. Nominate candidates for executive appointments not filled by the President.
    - a. Nominations by the Vice President shall be confirmed or rejected by the General Assembly.
    - b. Confirmation shall require a two-thirds vote.
  - 4. The Vice President shall be responsible for making appointments to all University committees to which the Undergraduate Student Government has representation.
    - a. Nominations by the Vice President shall be confirmed or rejected by the General Assembly.
    - b. Confirmation shall require a two-thirds vote.

- F. The President and Vice President retain all powers necessary and proper to carry out the duties of their offices.

### **Article III: The Judicial Branch**

- A. The Undergraduate Student Government Judicial Panel
  - 1. 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.
  - 2. The Judicial Panel shall be composed of at least seven but no more than nine justices.
  - 3. Justices shall serve until the termination of their enrollment as an undergraduate student, resignation, or impeachment.
  - 4. Members of the Judicial Panel shall serve lifetime appointment.
  - 5. 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
    - a. Candidates who have previously been affiliated with student government elections shall be highly discouraged from consideration to the Judicial Panel.
  - 6. The Judicial Panel shall have sole jurisdiction of amending the Undergraduate Student Government Elections Bylaws and Procedures.
- B. Responsibilities of the Judicial Panel
  - 1. It is the Executive Branch's responsibility to ensure that the Judicial Panel is fully staffed.
  - 2. 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 his or her undergraduate enrollment, resignation, or impeachment.
    - a. In the event that the Chief Justice vacates his or her office, the justices shall select a new Chief Justice immediately.
  - 3. Judicial Panel Justices shall participate in a training session sponsored by the Office of Student Life before participating in any hearings.
  - 4. The Judicial Panel shall select at least one and no more than three Clerks.
    - a. The responsibilities of the Clerk(s) of Court include those listed in this Constitution and any others enumerated in the Judicial Panel Standing Rules.
    - b. The Judicial Panel Clerk(s) shall advise justices prior to a hearing about the details of the pending hearing.
    - c. The Judicial Panel Clerk(s) shall maintain the Judicial Panel's records in good working order.
    - d. At least one Judicial Panel Clerk must be present at each Judicial Panel hearing.
  - 5. At the beginning of every General Assembly term, the Chief Justice shall submit the Judicial Panel Standing Rules to the General Assembly in the form of legislation.

- a. Approval requires a simple majority of members of General Assembly present.
- b. The Judicial Panel Standing Rules must be in accordance with this Constitution and any Bylaws.

C. Powers of the Judicial Panel

1. The Judicial Panel shall act as the oversight authority for the Undergraduate Student Government general elections.
  - a. The Judicial Panel shall have the responsibility of ensuring the overall operation of fair, valid, and nondiscriminatory elections.
2. The Judicial Panel shall maintain the Undergraduate Student Government Elections Bylaws.
  - a. At the beginning of every General Assembly term, the Chief Justice shall submit the Undergraduate Student Government Elections Bylaws to the General Assembly in the form of legislation.
  - b. Approval requires a simple majority of members of General Assembly present.
  - c. The General Assembly may suggest changes, but may not amend the Undergraduate Student Government Elections Bylaws
  - d. The Undergraduate Student Government Elections Bylaws must be in accordance with this Constitution.

D. Judicial Panel Hearing Process

1. Any undergraduate student may file a claim with a Clerk of Court.
  - a. This claim must state the violation, the petitioner's reasoning, and the person(s) who committed the violation.
  - b. Claims may be brought against the Undergraduate Student Government as a whole. In such cases, the President shall be the respondent.
  - c. The Chief Justice and four Associate Justices shall hear initial claims.
  - d. A Justice shall recuse himself or herself from serving on a Judicial Panel proceeding in any cases in which a conflict of interest arises.
  - e. Every claim is guaranteed a fair and speedy hearing in which the parties to the claim may appear.
2. Parties to a claim may appeal rulings on their initial claim.
  - a. Appeals must be filed with a Clerk of Court.
  - b. Appeals shall be heard by five people:
    - i. Three Associate Justices who did not hear the original claim
    - ii. The Chief Justice, who shall not vote on the appeal.
    - iii. A representative from the Office of Student Life, who shall not vote on the appeal.
3. 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:
  - a. A ruling affirming one or more violations.
  - b. A ruling that no violation has occurred.
  - c. A recommendation that another body hear the claim.

- d. 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.
  - e. Disciplinary action requiring the completion of community service as a condition for continued membership in the Undergraduate Student Government.
  - f. Disciplinary action resulting in the disqualification of one or more candidates for an election violation claim.
  - g. A ruling that results in the voiding of some action taken by the Undergraduate Student Government.
  - h. A ruling that results in the nullification of an action or piece of legislation of Undergraduate Student Government.
  - i. A ruling that results in some action not listed in this Constitution.
- 4. These rulings must be made in consultation with an ex-officio representative from the Office of Student Life.
  - 5. Decisions must consider constitutional provisions, statutory text, and past precedent.
  - 6. 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.
    - a. Hard copies of majority opinions shall contain the signature of the Chief Justice.

## **Article IV: Membership**

- A. Any undergraduate student may actively participate in the Undergraduate Student Government.
- B. The Undergraduate Student Government shall have up to nine (9) 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.
- C. Cabinet Directors, appointed by the President and serving in the General Assembly, shall lead Undergraduate Student Government Committees.
- D. Elected Senators shall serve on at least one (1) Undergraduate Student Government Committee.
- E. 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 V: Regional Campuses**

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

## **Article VI: 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 VII: 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 at least five weeks before the annual election.
  3. An undergraduate student may place an initiative on the ballot via petition.

- a. An undergraduate student must collect a petition containing valid undergraduate student signatures amounting to at least twenty-five (25) percent of the number of undergraduate students who voted in the previous Undergraduate Student Government general election.
    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 members of the General Assembly and Executive Cabinet. There also must be one member who is not and has never been associated with Undergraduate Student Government.
    2. The members shall be appointed by the Vice President and confirmed by the General Assembly.
      - a. Initial appointments to the CBRC shall originate in the form of a resolution with the Oversight Committee of the General Assembly.
    3. The CBRC shall conduct an in-depth review of the Undergraduate Student Government Constitution, the Undergraduate Student Government 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 proposed must be formalized at least five weeks before the Undergraduate Student Government general election to be placed on the annual ballot.
    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 for the Undergraduate Student government term in the year following adoption.
      - b. Members of the CBRC may not hold elected or appointed Undergraduate Student Government office once any proposed changes 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 VIII: Succession of Office**

- A. Succession for the Office of President shall be in the following order:
  - 1. Vice President
  - 2. 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 IX: Records**

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

## **Article X: 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.