

Constitution of the Student Government Association of the University of Maryland, Baltimore County

Preamble We, the undergraduate students of the University of Maryland, Baltimore County (UMBC), are and wish to be deeply involved in creating the university's academic, co-curricular and community life to ensure a distinctive undergraduate experience. In order to better organize and support our creative contributions, identify and give voice to our hopes and concerns, engage each other in campus activities and decision-making, build mutually beneficial partnerships with individuals and organizations on- and off-campus, and promote and defend our welfare, we hereby establish a Student Government Association (SGA) at UMBC, and adopt this Constitution as its primary governing document.

Article 1. MEMBERSHIP AND GOVERNANCE

1.1 General Membership

SGA's general membership shall consist of all UMBC undergraduate students.

1.2 Officers

SGA shall be governed by officers elected or appointed as outlined in this Constitution. No person shall hold more than one SGA office at a time.

1.3 Guiding Documents

"Guiding Documents" are the documents establishing SGA's rules, policies and processes. Among these guiding documents must be a Budgetary Policy and an Election Policy. This Constitution shall be SGA's supreme Guiding Document, followed in order of precedence by the SGA Bylaws, all other SGA Guiding Documents, and then by all other legislation.

In addition to the text, this Constitution document embodies the laws of the State of Maryland, the United States of America, the rules and regulations of UMBC, and the University of Maryland System as set forth by the Board of Regents of the University of Maryland System or their specifically designated representatives.

Article 2. LEGISLATIVE BRANCH

2.1. Structure

SGA's Legislative Branch shall consist of a Finance Board, a Senate, and their staff assistants.

2.2. Finance Board

2.2.1. -- Composition

The Finance Board shall be composed of nine (9) voting officers. Seven (7) of these voting officers will have the title "Representative," and will be elected by the entire undergraduate student body. The other voting members will be the Vice President for Student Organizations and the Treasurer.

2.2.2. -- Powers

The Finance Board shall have the power to participate in approving SGA's budget in accordance with the Budgetary Policy; allocate funds to student organizations in accordance with SGA's Guiding Documents; and approve allocations to the Vice President for Student Organizations from funds reserved in SGA's budget for those purposes. The Finance Board also shall have the power to override

an SGA President's veto in accordance with the SGA Bylaws.

2.2.3. -- Chair and Staff Assistants

The Finance Board shall elect, and may replace, any one of the seven Representatives as Chair. The Chair shall preside over the Finance Board and shall have the power to appoint a Secretary and other Finance Board staff assistants (subject to Finance Board approval).

2.2.4. -- Committees

The Finance Board may create and disband committees as outlined in the Bylaws.

2.3. Senate

2.3.1. -- Composition

The Senate shall be composed of 11 voting officers with the title of "Senator," who shall be elected by the entire undergraduate student body in accordance with the election policy.

2.3.2. -- Powers

The Senate shall have the power to adopt legislation and initiate action relating to any matter, including the policies and practices of UMBC, the University System of Maryland, the state of Maryland and the United States relating to curriculum, academic requirements, financial aid, facilities, student and residential life, student conduct, campus services, budgets, tuition and fees, and any other matter affecting UMBC undergraduates; and relationships between any SGA member(s) and UMBC's faculty and staff, except when legislation or action would be inconsistent with other officers' powers as set forth in this Constitution. The Senate also shall have the power to approve, reject, or amend the SGA fiscal year budget; allocate and approve certain SGA funds in accordance with the Budgetary Policy; approve certain Executive Branch appointments; and override an SGA President's veto in accordance with the SGA Bylaws.

2.3.3. -- Speaker, Assistant Speaker, and Staff Assistants

The Senate shall elect, and may replace, any one of its voting members as Speaker and another voting member as Assistant Speaker. The Speaker of the Senate shall preside over the Senate and shall have the power to appoint a Secretary and other staff assistants (subject to Senate approval).

2.3.4. -- Committees

The Senate may create and disband committees as outlined in the Bylaws.

2.4. Establishment and Amendment of Guiding Documents Other than the Constitution

The Senate may establish and amend SGA Guiding Documents excluding the Constitution, SGA Bylaws, SGA Budgetary Policy and the rules governing the Finance Board's legislative process by a two-thirds vote of the entire body membership, and may amend the Constitution subject to ratification as set forth in Article 8. The Senate and Finance Board together may establish and amend the SGA Bylaws and SGA Budgetary Policy by a two-thirds vote of each body's entire body membership. The Finance Board may establish and amend rules governing its legislative processes by a two-thirds vote of entire body membership. Legislation establishing or amending Guiding Documents shall not be subject to veto.

Article 3. EXECUTIVE BRANCH

3.1. Structure

SGA's Executive Branch shall consist of a President, an Executive Vice President, a Vice President for Student Organizations, a Treasurer, other Cabinet officers and staff officers.

3.2. President

The President shall have the power to represent the SGA and its members in any forum; create Cabinet positions; appoint students to serve as SGA officers and representatives in accordance with the Guiding Documents (appointments are subject to approval by the Senate or Finance Board as specified in the SGA Bylaws); remove any of their appointees to staff, Cabinet and committee positions at will; veto any Finance Board, Senate or joint legislation, other than legislation establishing or amending Guiding Documents or initiating impeachment, subject to override as explained in the SGA Bylaws; and initiate and implement programs, services and advocacy campaigns for the benefit of UMBC undergraduates. The President shall be a nonvoting member of the Finance Board, the Senate and their respective committees.

3.3. Executive Vice President

The Executive Vice President will have powers and duties as determined by the President and consistent with this Constitution and the SGA Bylaws. The Executive Vice President will assume the office of President if for any reason the President cannot fulfill their duties. The Executive Vice President shall be a non-voting member of the Finance Board, the Senate and their respective committees.

3.4. Vice President for Student Organizations

The Vice President for Student Organizations will have the power to promote and support UMBC's student organizations through programs, services and work with campus partners. The Vice President for Student Organizations shall serve as a member of the Finance Board.

3.5. Treasurer

The Treasurer will have the power and responsibility to manage SGA's funds and financial processes in a manner consistent with SGA's Guiding Documents and the best interests of the undergraduate student body. The Treasurer shall serve as a member of the Finance Board.

3.6. Cabinet

The Cabinet shall consist of the President, the Executive Vice President, the Vice President for Student Organizations, the Treasurer, and the holders of any other Cabinet offices created or sustained by the incumbent President. Each Cabinet officer will have powers and duties as determined by the President and consistent with this Constitution and the SGA Bylaws.

3.7. Staff Officers

Each Cabinet officer, including the President, Executive Vice President and Vice President for Student Organizations, may create a staff structure to help in fulfilling their responsibilities, and may appoint students to their staff. Each staff officer will have powers and duties as determined by the appointing Cabinet officer and consistent with this Constitution and the SGA Bylaws. Staff officer positions shall

exist only as long as the appointing Cabinet member remains in office.

Article 4. JUDICIAL BRANCH

4.1. Structure

The Judicial Branch shall consist of the Appeals Board and the Election Board.

4.2. The Appeals Board

The Appeals Board shall consist of five voting members: three students from the Student Judicial Programs office and two students from the SGA. Appeals Board members from the Student Judicial Programs office shall be determined by an internal selection process. Appeals Board members from the SGA will be nominated by the Nominating Committee and confirmed with joint legislation. The Appeals Board determines all cases where an SGA officer is accused of violating any material provision or principle of an SGA Guiding Document, where a candidate for elected SGA office alleges that they have been wrongly disqualified by the Election Board, or other matters as stated in the SGA Bylaws.

4.2.1. -- Powers

The Appeals Board has all powers necessary to adjudicate to resolution the following, as more specifically provided in the SGA Bylaws:

- Reject or uphold candidate disqualification decisions of the Election Board;
- Determine the final stipend if an SGA officer appeals the stipend awarded;
- Resolve accusations that an SGA officer has violated a material provision or principle of the SGA Guiding Documents.

4.2.2. The Convener

The Convener shall be an ex-officio member of the Appeals Board, and is a UMBC staff and/or faculty person. The Convener will be selected by the Director of Campus Life by October 1st of the current academic year. They will serve as the Convener until at least September 30th the following year, and until a new Convener has been determined by the Director of Campus Life. The Director of Campus Life shall promptly fill any vacancy of the position of Convener.

4.2.3. Judicial Appeal

The Appeals Board shall handle all cases with fundamental fairness. Decisions made by the Appeals Board are final and not subject to appeal.

4.3. The Election Board

The Election Board shall consist of an Election Board Chair, and six or more additional members, all subject to approval by both legislative bodies. All Election Board members, including the Chair, shall be nominated for Senate and Finance Board confirmation by the Nominating Committee, as described in the SGA Bylaws. The Election Board shall administer all SGA elections, with the exception of in-house elections.

4.3.1. -- Powers

The Election Board may disqualify or impose campaign restrictions on any candidate, ticket, or group of

candidates for an elected SGA office or related SGA election.

4.3.2. -- Election Appeal

Decisions of candidate disqualification by the Election Board are only subject to review by the Appeals Board. This Appeals Board process is specified in the SGA Bylaws.

Article 5. OFFICER SELECTION AND REMOVAL

5.2. Officer Selection

5.2.1. -- General Elections

All Representatives, Senators, the President and the Executive Vice President, the Vice President for Student Organizations and the Treasurer will be elected annually during the spring semester as outlined in the Election Policy. The President and Executive Vice President shall be elected as a ticket; all other officials shall be elected individually.

5.2.2. -- In-House Elections

The Senate and Finance Board may elect new members to fill vacancies as set forth in the SGA Bylaws.

5.2.3. -- Appointments

Cabinet officers (other than the President, Executive Vice President and Treasurer) shall be appointed by the President, subject to Senate approval as specified in the SGA Bylaws. The SGA-selected Appeals Board members shall be nominated by the Nominating Committee and confirmed by the Senate and Finance Board as outlined in the SGA Bylaws. Election Board members, including the Chair, shall be nominated by the Nominating Committee and confirmed by the Senate and Finance Board as outlined in the SGA Bylaws. In the event of a mid-term vacancy in any elected or appointed Cabinet office, the President shall appoint a replacement, subject to the following approvals: Presidential appointments to fill vacancies in the offices of Executive Vice President, Vice President for Student Organizations, and Treasurer will be subject to approval by the Senate and Finance Board as specified in the SGA Bylaws. Presidential appointments to fill vacancies in other elected or appointed Cabinet offices will be subject to approval by the Senate as specified in the SGA Bylaws.

SGA staff officers may be appointed at any time by the Cabinet officer for whom they will work. The Finance Board and Senate shall appoint their staff in accordance with their respective bodies' procedural rules.

5.3. Eligibility Requirements

In order to be eligible to seek or hold an elected or appointed SGA office for which a stipend is provided by the Student Activity fee, an individual must meet all the following criteria:

1. Be a UMBC undergraduate student enrolled in at least 3 credits at UMBC;
2. Have at least a cumulative 2.25 GPA; Maintain at least a semesterly 2.25 GPA during both the Fall and Spring semester while in office; and
3. Neither be on academic probation nor under disciplinary suspension (whether in effect, imposed for a future time period or held in abeyance).

In order to be eligible to seek or hold the offices of President, Executive Vice President, Vice President for Student Organizations and Treasurer, an individual must meet all the criteria listed above and the following criteria:

1. Have at least a cumulative 2.5 GPA;
2. Maintain at least a semesterly 2.5 GPA during both the Fall and Spring semester while in office; and
3. Have completed 24 total credits, and have completed at least 12 of those credits at UMBC.

Additionally, all Senators and Finance Board Representatives must adhere to the attendance requirements determined by their respective legislative body as outlined in each respective body's procedural rules to maintain eligibility.

If an officer fails to meet any of the above requirements as stated, the officer shall be removed from their office effective immediately, and shall not be eligible to seek or hold office the subsequent Fall or Spring semester.

5.4. Terms of Office

The terms of SGA officers elected shall commence at 6:00 p.m. local time on May 15th in the year of their election. The terms of all appointed SGA officers shall commence immediately upon approval of their appointments by the appropriate legislative body as specified in the SGA Bylaws. All SGA officers' terms shall end at 6:00 p.m. local time each May 15th.

5.5. Oath of Office

All elected or appointed SGA officers (excluding Executive staff officers) must take the following oath before taking office: "I do solemnly affirm that I will faithfully execute the office of {title} of the UMBC Student Government Association, and will, to the best of my ability, promote and defend the interests and well-being of UMBC's undergraduate students." The Senate Speaker, Finance Board Chair, SGA President, SGA Advisor, UMBC President or any designees thereof may administer this oath.

5.6. Removal

5.6.1. -- Ineligibility

The SGA Advisor shall periodically check university records to verify SGA officers' academic and disciplinary eligibility. Any officer who ceases to meet the eligibility requirements set forth above shall be considered to have vacated their office upon being informed of their ineligibility in writing by the SGA Advisor. An officer found to be ineligible may appeal the SGA Advisor's determination to the Appeals Board within 48 hours of their notification by the SGA Advisor. During those 48 hours, and while an appeal is pending, no permanent replacement may be appointed to the vacated position. If the Appeals Board decides that the SGA Advisor's determination of ineligibility was in error, the officer shall be considered to have been reinstated to their position.

5.6.2. -- Permanent Incapacity

Any office shall become vacant in the event of the incumbent's death. Any officer unable to serve the remainder of their term due to serious injury or illness may be removed from office through legislation adopted by the Senate. The vote necessary to pass such legislation in each body shall be 2/3 of members

present at a meeting.

5.6.3. -- Resignation

Any officer may remove him or herself from office by submitting a signed letter of resignation to the President. Senators, Representatives and Election Board members also may remove themselves from office by submitting a signed letter of resignation to the Senate Speaker, Finance Board Chair, Vice President for Student Organizations, or Election Board Chair, respectively).

5.6.4. -- Termination

Officers serving in appointed Executive Branch offices may be removed from office at any time, with or without cause, in the following manner: Staff Officers may be removed by the Cabinet member they work for; Cabinet members other than the Executive Vice President, Vice President for Student Organizations and Treasurer may be removed by the President; the appointed officers of the Finance Board and Senate may be removed by the Chair and Speaker, respectively, or a majority vote of the body for which they work; and Election Board members may be removed by the Election Board Chair, with a simple majority vote of the Senate. No officer shall be terminated because of race, creed, color, religion, sex, gender, pregnancy, ancestry, age, gender identity or expression, national origin, veterans status, marital status, sexual orientation, physical or mental disability, or genetic information.

All terminations shall be effective upon signature of a Notice of Termination by any officer with the constitutional authority to remove the addressee from office or issuance of a Court Order declaring termination. Upon termination, all rights, privileges and access of the forfeited office shall be denied the former officer. Any continued use of the above benefits by the terminated officer shall subject the removed officer to charges of violating the UMBC Student Code of Conduct.

Notices of Termination shall be any document stating the date and time of cancellation of an SGA officer's access to the responsibilities and benefits of their office before the completion of the office's natural term. A Notice of Termination is valid only when completed by an officer with authority to remove the addressed officer from their office.

5.6.5. -- Impeachment

Any SGA officer may be removed from office through impeachment and conviction on the following grounds:

- failure to exercise the powers of their office in a manner reasonably calculated to advance objectives identified in the Preamble to this Constitution;
- intentional or reckless conduct in violation of SGA's Guiding Documents, or of any applicable law or UMBC policy;
- intentional or reckless misrepresentation of SGA legislation, policy or officers' views;
- intentional or reckless behavior that brings dishonor or disgrace upon SGA and/or harm to UMBC undergraduates.

An impeachment may be initiated by:

- either legislative body by a vote of 2/3 of its members present at a meeting; in which case the non-initiating legislative body shall conduct a hearing of the accused, and can remove the accused by a vote of 2/3 of members present at a meeting; or
- a petition for impeachment signed by at least 5% of all UMBC undergraduates; in which case the Senate shall conduct a hearing of the accused, and can remove the accused by a 2/3 vote of Senators present at a meeting.

In impeachment hearings, votes of abstention are prohibited. An officer against whom an impeachment has been initiated is entitled to be notified within five (5) business days of the passage of the charges and disclosure of the evidence supporting impeachment, as well as at least ten (10) business days after passage of the charges in which to prepare a defense before trial.

5.7. Presidential Succession

In the event of the President's removal by any method outlined in this Constitution, the holder of the lowest-numbered non-vacant office on the following list shall become President: 1. Executive Vice President; 2. Vice President for Student Organizations; 3. Speaker of the Senate; 4. Chair of the Finance Board. In the event that all of the listed offices are vacant, an interim President shall be elected by a majority vote of the Senate, and a special election shall be held within 30 days (excluding summer and winter semesters) to elect a new President. Any officer who becomes President pursuant to this section shall be considered to have resigned from the office he or she held before becoming President.

Article 6. MEMBER RIGHTS

6.1. Right to Participate

All UMBC undergraduates shall have the right to vote in all campus-wide SGA elections (excludes "in-house" elections), and to run or apply for any SGA office for which they are eligible.

6.2. Right to Petition

All UMBC undergraduates shall have the right to initiate and sign petitions requesting that SGA take any or all of the following actions:

- impeach any of its officers;
- formally consider any legislation or resolution;
- place yes-or-no questions on the ballot in the next Election, except when the election is scheduled to take place less than 21 days from the petition's submission.

The SGA shall take the requested action in response to any petition signed by 5% of all UMBC undergraduates, provided that the petition's content and the process of its submission do not violate any provision of SGA's Guiding Documents.

6.3. Right to Reconsideration

All UMBC undergraduates shall have the right to submit complaints before any elected or appointed SGA officer, SGA advisor, or appropriate designee.

6.4. Right against Discrimination

No UMBC undergraduate shall be excluded from any SGA forum or activity, or be granted or denied any benefit, on account of race, creed, color, religion, sex, gender, pregnancy, ancestry, age, gender identity or expression, national origin, veterans status, marital status, sexual orientation, physical or mental disability, or genetic information.

6.5. Right to Majority Rule

No SGA policy shall provide for adoption of any legislation or resolution by less than a majority of the officers casting votes at a meeting of either the Finance Board or the Senate.

Article 7. RATIFICATION AND AMENDMENT

Ratification of this Constitution, and amendments thereto, require a two-thirds vote of the entire membership of the Senate and the Finance Board, or the proper submission of a petition signed by 5% of UMBC undergraduates. All such proposals shall go to a referendum of the UMBC undergraduates, requiring more votes cast for than votes cast against for passage. Actions to ratify or amend this Constitution are not subject to veto.