

**The Student Government Association Constitution
Of
The Pennsylvania State University at Erie
The Behrend College**

Preamble

We, the governing body of The Behrend College student population, shall strive to give voice to the student body on opinions of academic and co-curricular affairs; to support such academic and co-curricular activities that contribute to the enhancement of the social and intellectual life of students; to represent the interests of the student body to the administration, faculty and staff; and to support the rights of students in all matters. In pursuit of these goals, we shall be dedicated to the principle of academic freedom and to the realization of the fullest possible education for the Behrend student.

Article I – Name

The name of this body shall be the Student Government Association of Penn State Erie, The Behrend College. The legislative body of this organization shall be called the Student Senate. The abbreviation shall be “SGA.”

Article II – Membership

Membership shall be open to all students of the College. Members shall consist of the Executive Board, elected Senators, council representatives, University Faculty Senate representative, SAF representative, committee directors, and volunteers.

Article III – Function

Section 1

The SGA shall serve as the sole legislative body of the students of the College and the SGA Constitution shall have precedence over any club and/or organization constitution.

Section 2

The SGA shall act as the representative body of the students to the administration, faculty and staff of the College on matters such as the quality and effectiveness of the administration, faculty and staff; co-curricular activities and programs; the promotion of a quality social and intellectual atmosphere at the College; and the general operations, maintenance, and expansion of the College.

Section 3

The SGA shall act as an advisory and consultative body to all registered student organizations and clubs on matters such as fund disbursement, Pennsylvania State University rules and regulations, the management of all financial transactions through the SGA treasury, and as a consultant for club and organization activities, programs, and events.

Section 4

The SGA shall provide and coordinate appropriate services for the students and shall sponsor activities or observances, which encourage and permit the fullest expression of the student opinion on contemporary, social, economic, political, and educational questions and issues.

Section 5

The SGA shall serve as a forum for the exchange of ideas among members of the student body.

Article IV
Officers – Powers and Duties

Section 1

The President of the Student Government Association shall:

- a. Serve as the Chairperson of the Senate and shall vote only to break a tie.
- b. Call and preside over all meetings of the SGA or appoint a Chair Pro-tempore to preside.
- c. Have the responsibility for planning, coordinating, and nurturing the organization's activities.
- d. Be empowered to represent the students in discussions or negotiations with the administration, faculty, and staff of the College and the University.
- e. Be the representative to the media and the community for the SGA.
- f. Have the power to veto any resolution passed by the senate only at the meeting in which the resolution was passed or at the following meeting.
- g. Appoint directors of standing and ad hoc committees in conjunction with the Vice-President.
- h. Have the authority to appoint members to represent the SGA and the Behrend student body on external committees, organizations or boards.
- i. Nominate a Chair pro-tempore for approval by the Senate. Choose a Chair for any meetings that the President will not be in attendance.
- j. Be responsible for submitting to the Senate a budget for the SGA and for the disbursement of funds to student clubs and organizations.
- k. Be a member of the Faculty Council, and appoint student representatives to Faculty Council Committees as requested.
- l. Per University Policy shall co-chair the Student Activity Fee Allocation Committee.
- m. Represent the student body on ceremonial occasions.
- n. Serve as one of the two Penn State Behrend Council Representatives for the Council of Commonwealth Student Governments (CCSG).
- o. Aid in writing the SGA budget.
- p. Serve as an ex officio member of the Council of Fellows and Alumni Society of the College.
- q. Nominate members of the SGA Supreme Court for approval by the Senate.
- r. Serve as the co-chair of the Student Facilities Fee Committee with the Director of Student Affairs.

Section 2

The Vice-President of the Student Government Association shall:

- a. Assist the President in planning, coordinating, and nurturing the organization's activities.
- b. Perform all duties and obligations of the President in the event that the President is unable to perform those duties.
- c. Become the President of the SGA and Chairperson of the Student Senate in the event of the resignation, removal from office, or death of the President.
- d. Serve as Chairperson of the Traffic Appeals Board.
- e. Serve as Director of the Budget Committee.
- f. Be the Vice Chairperson of the Senate.
- g. Be a voting member of the Senate.
- h. Select directors of the standing and ad hoc committees in accordance with the President.
- i. Be responsible for communicating and networking with each of the directors and their committees.
- j. Perform all duties and obligations of a committee director in the event that it cannot be filled.

Section 3

There shall be 12 Upperclass Senators

The elected senators must be of at least second semester standing at the time of election. The duties and responsibilities of the Senators shall be to represent the interests and opinions of the students of the College at meetings of the SGA. The Senator shall also communicate SGA issues and activities to students. SGA Senators will retain their positions until the end of the academic year.

The Senator of the Student Government Association shall:

- a. Serve on at least two standing committees.
- b. Assist in the general operations in the SGA.
- c. Be a voting member of the Senate.
- d. Serve two office hours per week during the academic year outside of committee meetings.
- e. Attend all SGA and appropriate committee meetings.
- f. Encourage students to assist with SGA projects and committees.
- g. Serve as an ex-officio member on a council if appointed by the President.

Section 4

There shall be 5 Freshman Senators

The elected senators must be of first year standing at the time of election. The duties and responsibilities of the freshman senators shall be to represent the interests and opinions of students at meetings of the SGA. The senator shall also communicate SGA issues and activities to students.

The Freshman Senator of the Student Government Association shall:

- a. Serve on at least two standing committees.
- b. Assist in the general operations in the SGA.
- c. Be a voting member of the Senate.
- d. Serve two office hours per week during the academic year outside of committee meetings.
- e. Attend all SGA and appropriate committee meetings.
- f. Encourage freshman students to assist with SGA projects and committees.
- g. Serve as an ex-officio member on a council if appointed by the President.

Section 5

There shall be 6 Council Representatives

One Council Representative for each of the following:

Interfraternity Council (IFC)
Multi-Cultural Council (MCC)
Panhellenic Council (PHC)
Student Athletic Advisory Council (SAAC)
Scholarship and Service Council (SSC)
Student Life and Recreation Council (SLRC)

The Council Representatives of the Student Government Association shall:

- a. Be elected by his or her respective council. The Council Representatives for SSC and SLRC shall be elected by the student body during the SGA Spring Election Process.
- b. Represent the interests and opinions of his/her respective Council.
- c. Communicate SGA issues and activities to his/her respective Council.
- d. Serve on at least one standing SGA committees.

- e. Assist in the general operations of the SGA.
- f. Be voting members of the Senate.
- g. Serve one office hour per week during the academic year.
- h. Attend all SGA and appropriate committee meetings.
- i. Hold Council Meetings a minimum of once per month.
- j. Coordinate with the SGA Treasurer and Vice President to conduct Treasury and Budget Training during a Council Meeting held in the Fall Semester.
- k. Coordinate with the SGA President to hold an information session regarding SGA policies and procedures during a Council meeting held in the Fall Semester.
- l. Be responsible for the distribution, collection, and submission of the following items for the clubs and organizations that fall under their council: Student Club and Organization Resource Manuals, Club and Organization Registration Form, Club and Organization Rosters, Club and Organization Constitutional Updates (when applicable).
- m. Maintain adequate communication between all clubs and organizations that fall under their respective council.
- n. Encourage club and organization networking, collaboration, and co-sponsorships.
- o. Invite relevant speakers to attend Council Meetings. (I.e. inviting a Behrend communications or marketing professor to speak on publicity or marketing tactics.)

*The SAAC Representative shall be exempt from the responsibilities listed in items j-n. SACC council members are not SGA clubs or organizations.

Section 6

Treasurer of the Student Government Association

The Treasurer is an appointed position. The SGA Financial Supervisor, Manager of the RUB Information Desk, Associate Director of Student Activities, the current SGA President, Vice President, and Treasurer shall sit on the committee to appoint the position. In the case that the Treasurer is reapplying for the position then s/he will not sit on the committee to appoint the position.

The Treasurer of the Student Government Association shall:

- a. Maintain the financial accounts for all registered student clubs and organizations.
- b. Be responsible for the strict operation of the SGA budget in accordance with University policy and as prescribed by the Student Senate.
- c. Be prepared to give up-to-date reports on the financial status of the SGA and all student clubs and organizations.
- d. Serve as an ex-officio member on the Senate.
- e. Be responsible for writing the SGA budget along with the President.

Section 7

Secretary of the Student Government Association

The Secretary of the Student Government Association shall:

- I. Be responsible for the accurate recording of the minutes of the SGA meetings.
- II. Assist the President in the general operations of the SGA.
- III. Have a vote on the Senate.
- IV. Attend all SGA and appropriate committee meetings.
- V. Make the minutes available to the Senate at least three days prior to each SGA meeting.
- VI. Be responsible for the training of interim and mid-term elected Senators and Representatives.
- VII. Publish all resolutions passed by SGA in the minutes and forward them to any appropriate administrators.
- VIII. Update mailboxes, Angel including but not limited to the calendar, registration form information, and contact lists as needed for SGA.
- IX. Select and oversee SGA Webmaster.

Section 8

Chair Pro-Tempore of the Student Government Association shall:

The Chair Pro-Tempore shall temporarily preside at SGA meetings when the President relinquishes the gavel. The President may appoint a Chair Pro-Tempore to run all meetings. The Chair is to ensure that meetings are run in accordance with the current edition of Robert's Rules of Order.

Section 9

Student Activity Fee Representative of the Council of Commonwealth Student Governments

In the event that a student of Penn State Behrend is elected as a Representative for the Student Activity Fee Board:

The Student Activity Fee Representative of the Student Government Association shall:

- a. Be responsible for notifying the senate of any relevant business concerning the guidelines and use of the Student Activity Fee.
- b. Have a vote on Senate.
- c. Attend all SGA meetings and appropriate committee meetings.
- d. In the event that the President or Treasurer holds this position, they shall not gain voting privileges.

Section 10

University Faculty Senate Representative of the Student Government Association

The University Faculty Senate Representative is responsible for notifying the Senate of issues and business conducted at the University Faculty Senate meetings concerning the University.

The University Faculty Senate Representative of the Student Government Association shall:

- a. Serve on two SGA standing committees.
- b. Assist in general operations in the Student Government Association.
- c. Be a voting member of the Senate.
- d. Serve two office hours per week during the academic year.
- e. Attend all SGA, UFS, and appropriate committee meetings.

Article V Senate – Powers and Duties

Section 1

The Senate shall serve as the sole legislative body of the students of the College. SGA shall be run in accordance with Robert's Rules of Order. All orders, resolutions, or measures brought before the SGA shall take effect only after the Senate has voted in favor of the order, resolutions, or measure.

- a. A simple majority (50% + 1) of those present is required except where otherwise indicated. Abstentions are counted as non-votes.
- b. A motion will not carry if the majority of voting members that are present abstain.
- c. A voting member is not to abstain unless they can cite a business or person conflict of interest that precludes them from being objective on the vote.

Section 2

The Senate may, with two-thirds (2/3) majority vote, override a veto of an order, resolution, or measure by the President of the SGA.

Section 3

Under the advice of the Budget Committee, the Senate shall approve a budget for the SGA and the disbursement of funds to student clubs and organizations in accordance with University policy.

Section 4

The Senate shall have the power to charter student clubs and organizations as prescribed in Article VII and consistent with University policy.

Section 5

The Senate shall have the authority to confirm appointments to the positions of Chair Pro-Tempore and membership of the Supreme Court.

Section 6

The Senate may call special meetings of the SGA. To call a special meeting a minimum of three voting members of senate must submit a signed request to the President. For the special meeting to take place all voting members of the Senate must be notified verbally over the phone at least twenty-four (24) hours prior to the special meeting, unless otherwise stipulated by a 2/3 majority vote of the Senate. If a voting member cannot be contacted by phone, a letter outlining the time and date of this meeting must be placed in their SGA mailbox at least eight (8) hours prior to such a meeting. The President, on his or her own accord, may call a special meeting without three signed requests provided that the required notifications are made.

Section 7

The Senate shall approve SGA elections campaign guidelines proposed by the Elections Committee one (1) week prior to the deadline for submission of packets in any election.

Article VI Standing Committees

Section 1

The Student Government Association shall have the following standing committees:

- a. **Traffic Appeals Board:** shall hear and make judgment upon any appealed traffic citations. Any student within Behrend College Community shall have the right to bring an appeal before the Board. In consultation with the Police and Safety officer who issued the citation and the person requesting the hearing, the Board shall decide upon the legitimacy of the appeal.

A person receiving a citation that he/she feels is unjustified may contact the Police and Safety Office and file a Traffic Appeals Application Form. The Board shall convene within two weeks of the filing of the form. Within one week prior to the hearing, the Police and Safety Officer shall submit to the Board a written account of the circumstances surrounding the issuance of the citation. The Board will then consider the written arguments and at the discretion of the Board, question the issuing officer or his/her official representative, the person calling for the hearing, and their respective witnesses. By majority opinion of the Board members present, the Board shall decide upon the validity of the appeal and upon a course of action.

All decisions of the Board must fall within guidelines set forth by the University and the College. All decisions shall be binding and final. A quorum for the Board shall be two-thirds (2/3) of the membership of the Board.

The composition of the Traffic Appeals Board shall be the Vice-President of the SGA, who shall act as chairperson of the board, and five student representatives of a diverse nature as appointed by the Vice President of the Student Government Association. The SGA Vice-President shall vote only to break a tie.

- b. **Budget Committee:** shall be responsible for the disbursement of funds to student clubs and organizations. The Committee shall also make decisions on issues pertaining to budget allocations or any spending discrepancies. The Senate makes the final approval. The Committee shall consist of the President, Vice-President, and Treasurer of the SGA. There shall be six additional students appointed by the Vice-President of SGA with the approval of the President. It is recommended that up to two members of the committee be non-voting members of SGA. The Director of Student Affairs, Associate Director of Student Activities, and the SGA Financial Supervisor sit on the committee as non-voting members. The Vice-President shall chair the Budget Committee.
- c. **Elections Committee:** shall be responsible for conducting the elections of the SGA in accordance with the guidelines set forth in this constitution. Membership shall be open to all students of the College. A candidate for office may not be a member of the Committee, unless approved by the President. The director shall be appointed by and report to the President. In the event that the President is running for re-election, the director will report to the Vice-President, followed by the Treasurer, and then the Secretary.
 - I. The Senate shall schedule elections to be held between the first day of week 8 and the last day of week 14 of the spring semester. Ten (10) Upperclass Senators shall be elected in this cycle. The Scholarship and Service council representative and the Student Life and Recreation council representative shall be elected in this cycle. The remaining two (2) Upperclass Senate seats shall be filled in conjunction with the Freshman Senator elections to allow change of assignment and transfer students to run for Senate
 - II. Elections for three (3) Freshman Senate seats and vacant Upper class Senate seats shall be held before the end of the fifth week of the fall semester. The remaining two (2) Freshman Senate seats shall be elected during the first full week of November in an SGA in-house election.
 - III. The council representatives for Interfraternity Council, Multi-Cultural Council, Panhellenic Council, and Student Athletic Advisory Council shall be elected by their respective members.
 - IV. The University Faculty Senate Student Representative shall be elected in accordance with the rules set forth by the University Faculty Senate.
 - V. All elections shall be held on two consecutive days.
 - VI. All currently enrolled students shall be eligible to vote for Senators and SGA officers.
 - VII. SGA election campaign guidelines shall be approved by Senate one (1) week before petitions are due for any election.
 - VIII. All currently enrolled students are allowed to vote in a popular election.
 - IX. A Presidential candidate must run with a Vice-Presidential candidate on the same ticket. They are required to obtain 200 full-time student signatures on their petition. To be a registered candidate in elections of the Senate and Secretarial position, one must meet the requirements of their intended office. All candidates must file a nomination petition prior to the election deadline set by the SGA. These petitions shall include at least fifty (50) full-time student signatures.
 - X. To be eligible to run for the SGA President and Vice-President, each ticket of SGA President and Vice-President must have completed at least one year of Behrend SGA services between the two candidates before beginning their terms. SGA services are defined as having been an elected senator, council representative, UFS Representative, Executive board member, committee director, or committee assistant

director. One year shall be defined as two full semesters with the fall semester beginning after the fifth week of classes. If a Presidential or Vice-Presidential candidate has not completed at least one year of Behrend SGA services, a year of services as the President of an active Behrend club may be substituted as long as the other candidate on the ticket has at least one year of SGA services.

- XI. Any person who has not completed at least one year of Behrend SGA services, but has completed one year of Presidential services of a Behrend club or organization, must complete the following activities prior to taking office:
 - a. Declare his or her intent to run during an SGA meeting
 - b. Attend every SGA meeting after declaring intent to run until the time at which the candidate will take office.
 - c. Attend at least one meeting of a current, active SGA committee.
 - d. Attend at least one SGA Budget Committee meeting.
 - e. Meet with the SGA Advisor.
 - f. Meet with the SGA Financial Advisor.
- XII. In the case that a candidate's completion of section XI is called into question, the Elections Director will verify the candidate's completion of the list. If the candidate has inexcusably and deliberately failed to meet the items set forth in section XI, the Elections Director may disqualify the candidate from the current election. Appeals can be made to the SGA Supreme Court.
- XIII. To be eligible to run for the SGA President or Vice President, both candidates must hold at least a 2.5 cumulative GPA. This GPA must be upheld for the duration of the school-year term. The Director of Student Affairs will verify eligibility within one week of submission of a completed petition.
- XIV. Presidential candidates may not be the president of any other Penn State Behrend club or organization during their term as SGA President. This does not include brief transition periods at the beginning and end of the term. This requirement applies only to the President.
- XV. All elections shall be conducted by secret ballot.
- XVI. A person may run for and hold only one elected office in SGA. A person may run for one elected office and one appointed office simultaneously, but may only hold one of the offices in the event that the person is both elected and appointed to two different positions. A person may also run for one Executive Board seat as well as for any other elected SGA position at the same time, but may only hold one office in the event that the person is elected to both positions. Once the outcome of both the election and/or appointment are confirmed, the person has one (1) calendar week to notify the SGA President as to which position he/she will hold for the next academic year. In the event that the person does not notify the SGA President within one (1) calendar week, the person will not be eligible to hold any position for the next academic year.
- XVII. A minimum of fifty (50) votes is needed to be elected to any SGA office.
- XVIII. The term of office shall begin the day following the last day of scheduled final exams during the Spring semester for those officers elected during the Spring Semester Elections and shall begin immediately following the Freshman Elections for those officers elected at that time. All terms of office shall end on the last day of scheduled final exams during the spring semester

- d. **Constitutional Review Committee:** shall be responsible for reviewing and updating the SGA constitution as deemed appropriate by the President and Senate. It will review and submit any constitutional amendments or changes to the Senate for approval. It will advise the Senate on all matters pertaining to it. It will also be responsible for reviewing each club/organization constitution each year to assure that University Policy is being followed. The Director(s) shall be selected by and report to the Vice-President.
- e. **Public Relations Committee:** shall post any signs submitted to them by Senators or standing committees of SGA, be responsible for promoting a positive public image to the campus and community, and submit notices requested by Senators and committees of SGA to media sources. The Director(s) shall be selected by and report to the Vice-President.
- f. **Academic Affairs Committee:** shall be responsible for improving academic and advising relations between students and faculty at Behrend. It shall also work toward improving academic issues for students at Behrend. The Director(s) shall be selected by and report to the Vice-President.

- g. **Diversity Committee:** shall be responsible for raising awareness and tolerance on campus regarding diversity issues and break down barriers that separate the student body. The Director(s) shall be selected by and report to the Vice-President.
- h. **Governmental Affairs Committee:** shall be responsible for educating the student body and the Senate about local, state, and national governmental concerns. The Director(s) shall be selected by and report to the Vice-President.
- i. **Student Affairs Committee:** shall be responsible for improving student life on and off of campus through student input from commuters and residents, as well as working towards implementation of what students would like to see change in student life. The Director(s) shall be selected by and report to the Vice-President.
- j: **THON Committee:** shall be responsible for organizing, planning, and carrying out fundraising efforts for The Pennsylvania State University IFC/Panhellenic Dance Marathon. The Director(s) shall be selected by and report to the Vice-President.

Section 2

All committee appointments shall terminate on the last day of scheduled final exams during the spring semester unless otherwise authorized by the Senate.

Section 3

All committee directors shall attend the weekly meetings of the SGA or send a report with a committee representative.

Article VII Club and Organization Chartering

Section 1

The sole authority to register student organizations at this campus is the SGA, with the exception of social Greek organizations who register through the Interfraternity and Panhellenic Councils.

Section 2

Registration of student organizations shall not be construed necessarily for the organization goals but only as recognition of the rights of the organization to exist at this campus, subject to the conditions enumerated herein.

Section 3

Procedures for Registration are as follows:

- a. All rules shall be followed as stated in the Pennsylvania State University Policies and Rules Handbook.
- b. An organization must have a minimum of five currently enrolled students as active members at the time registration is sought. In order to retain its registered status, this minimum number of members must be maintained. We do not follow the handbook because of the population of Behrend.
- c. Upon review in accordance with SGA By-Laws, the Student Senate shall vote whether to approve the application. Upon approval, the Student Senate shall determine which Council the newly formed club or organization shall fall under.
- d. Semi-annually, before the fifth week of the fall and spring semester of each academic year, every registered student organization must submit a listing of its: current officers' names, addresses and phone numbers to its respective Council Representative.
- e. Club Presidents and Treasurers are required to attend Treasury Trainings as mandated.
- f. After a period of four (4) consecutive inactive semesters a club will no longer be recognized by SGA. A club must go through the new student organization registration process in order to be recognized again.

- g. A club that has a negative balance in their non-allocated account must submit an action plan stating their efforts and timeline to settle their account to the SGA Treasurer within two weeks of being notified by SGA. The club account will go on hold until it is paid if this is not done. The SGA Treasurer will monitor the progress of the clubs account and report it at SGA meetings. The Senate has the authority to confirm the plan and progress made.
- h. All clubs and organization Presidents must attend the monthly meetings of their Councils as determined by their Council Representatives or Council Presidents. Other members of a club or organization may be required to attend certain Council Meetings as indicated by the Council Representatives (i.e. the club or organization Treasurer shall be required to attend Council Meetings where Treasury or Budget Training are taking place.) If a club or organization President is unable to attend a Council Meeting, it is his or her responsibility to make arrangements with their Council Representative to either send an appropriate replacement or to meet with the Council Representative individually. These arrangements must be made prior to the Council Meeting except in the case of excusable circumstances. The Council Representative reserves the right to determine what absences may be excused.

Section 5

The rights of registered student organizations are stated in the Pennsylvania State University Policies and Rules Handbook and the SGA Fiscal Policy Manual.

Any organization may petition the SGA for a reconsideration of its allocation.

Section 6

The Senate reserves the right to revoke the charter of any student club or organization in accordance with University policy.

Section 7

A club/organization that makes any changes or amendments (excluding up-keep, grammar, and/or spelling amendments) to their constitution must submit it to SGA for approval by either the Constitutional Review Committee or the Senate.

Article VIII Removal from Office

Section 1

Any elected or appointed officer of the Senate may be removed from his/her office on grounds of illegal activity, breach of this constitution, malfeasance of duty or failure to comply with University policy. A two-thirds (2/3) majority vote of all voting members at a specifically designated meeting, is needed for removal.

Section 2

Senators may be removed from office for:

- a. Malfeasance of duty.
- b. Not attending three or more SGA meetings (general or committee) during a semester unless excused.

An excused absence is an absence incurred as a result of unavoidable circumstances including, but not limited to, personal problems, extracurricular and/or co-curricular activities. The SGA President, or in his/her absence the Vice President shall determine if an absence is excused or unexcused. Any appeal of this decision shall be arbitrated by a (2/3) majority decision of the Senate.

Senators will be notified of a hearing of which the removal will take place at least twenty four (24) hours prior to the hearing. They will have the chance to defend themselves and the (2/3) majority vote will then take place whether to remove them or not.

Section 3

Council Representatives may be removed from the Council representative office within SGA for:

- a. Malfeasance of duty.
- b. Not attending three or more SGA meetings (general or committee) during a semester unless excused.

Council Representatives will be notified of a hearing to consider a motion for their removal. They will have the chance to defend themselves. A (2/3) majority vote will then take place to decide whether to remove them or not. Council Representatives may also be removed by their own club or organization per their Constitutions.

Section 4

Should a Senator have three or more unexcused absences during a semester they shall automatically be considered for removal from Senate. The Senator shall be notified by the Secretary that they will be brought up on charges in the next meeting. Senate will also be notified of these proceedings. Charges of malfeasance of duty require a motion for removal from a voting member of Senate.

Article IX Replacement of Officers, Senators, Council Representatives

Section 1

Within three weeks, during regularly scheduled classes, any vacancy for two or fewer weeks on the Senate, the Senate shall vote at a designated meeting to fill the vacancy. Elections shall be conducted by secret ballot.

In the event that three or more Senate seats are vacant, the Senate shall determine the course of action to take for the election of new senators by either holding an open election by the student body or by secret ballot within the Senate.

Section 2

A two-thirds (2/3) majority of the existing members of the Senate in attendance is needed for election. If no two-thirds (2/3) majority is reached on the first ballot, the candidate receiving the fewest votes shall be dropped from the ballot. This procedure shall continue until a candidate is elected.

Section 3

The respective Council shall appoint replacements for Council Representatives. Any Council Representative removed by SGA cannot be reappointed.

Section 4

If a Senator is removed he/she cannot be re-elected to fill the vacant seat until one calendar year from the date they were removed.

Section 5

If the President is removed or resigns from office, the Vice President shall assume the role of President, and shall promptly select their interim Vice President. Students must be notified of this change within one (1) week of appointment. The interim Vice President will be voted on and confirmed by the senate within two (2) weeks after appointment.

If the Vice President is removed or resigns from office, the President shall appoint an interim Vice President. Students must be notified of this change within one (1) week of appointment. The interim Vice President will be voted on and confirmed by the senate within two (2) weeks after appointment.

If the President and Vice President are simultaneously removed or resign from office, students must be notified of this change within one week. The Chair Pro-Tempore (if this position is not filled then the Treasurer will preside) will be the chair of the meeting and the Elections chair will organize the election process. Nominations will begin at the SGA meeting following the week after their removal or resignation. The Elections Chair along with the Senate's confirmation will determine the election dates for the following week after nominations. The President and Vice President will be elected using the Election guidelines in this constitution.

Article X Meetings

Section 1

Meetings of the SGA shall be held regularly and be open to the entire College community. There must be at least 26 SGA meetings convened during the academic year.

Section 2

Quorum shall be defined as one more than half of the voting Senate members. A quorum must be present to conduct a business session.

Section 3

The first meeting of each academic year shall be called within two weeks of the first day of classes. Within the concurrence of the Senate, the President shall set a schedule of meetings for the academic year.

Section 4

The President of the SGA may call special or closed meetings for the sole purpose of discussing and acting upon confidential matters.

Section 5

For special meetings please refer to Article V, Section 6

Article XI Inter-semester Authority

During the periods between the Fall and Spring semesters and the Spring and Fall semesters, the President and Vice-President of the SGA, under the advice of the Director of Student Affairs, may commit up to 15% of unbudgeted SGA funds to any project with the total for all projects not to exceed 25% of the initial amount of unbudgeted funds.

Article XII Amendments

Section 1

Any member of Senate may propose an amendment to this Constitution and/or by-laws by submitting a typed copy to the President with the signatures of at least three (3) voting members of senate. Any amendment to this Constitution shall be reviewed at two consecutive SGA meetings and shall be made public to the campus student newspaper. After the second reviewing, a two-thirds (2/3) majority vote of the voting members present is required for passage.

Section 2

An amendment may be proposed if submitted to the Senate with the supporting signatures of fifteen percent (15%) of the full-time student population. After two consecutive weeks during the semester the student body shall vote upon the amendment. A two-thirds (2/3) majority of those students casting ballots shall be required for the proposed amendment to be adopted. All referendum procedures are subject to review by the Director of Student Affairs.

Section 3

An amendment to this constitution can be presented to the Senate by the SGA President. If the SGA President chooses to present amendments, it shall not require further signatures, however, it will need to be moved and seconded by two (2) different voting members of the Senate before it will come to the table.

Article XIII Statement of Nondiscrimination

The Student Government Association of Penn State Erie, The Behrend College at no time shall discriminate against a person because of that person's race, religion, sex, sexual orientation, color, national origin, ethnic background, age, differential ability, or veteran's status, as in agreement with University Policy.

Article XIV Effective Date of the Constitution

This constitution supersedes any previous Student Government Association Constitution. It was voted and ratified by the Senate on April 29th, 2009. Vote Count:

President: Erin Kennedy

Vice-President: Brad Kovalcik

Chair Pro-Tempore (if applicable): Daniel Frankel

Bylaws

Stipends

In order to ensure that the President, Vice-President, and Treasurer adequately perform the duties of their positions, the positions have been granted stipends. All stipends shall be percentages of in-state tuition rates. The stipends shall be distributed as such: President – 50%, Vice-President – 50%, Treasurer – 33%, Secretary—25%

Allocated Funds

These funds are allocated to SGA from University Park each year. Each club then goes through the budget process to request an amount from this money. Each club is required to prepare an initial budget request stating the funds they need and what they will be using the money for. SGA then holds many budget meetings to divide this money in a fair way that will benefit the most number of students. Once the clubs are approved for a certain amount of this money, it must be transferred into their allocated balance. Throughout the year, the club can use this money only for what it was allocated for. Once this money is gone there is nothing they can do to replace it until the next year's budget requests. If at the end of the year any of this money is leftover, it is

recalled back the undistributed funds of SGA. There are measures to adjust what this money can be spent for. If for example, a student organization spent less money on a certain event than what that event was allocated they may transfer this access over to another event with the approval of SGA. The club must approach the SGA President to ask that their request be put on the minutes for the next SGA meeting. The organization's representative must then attend that meeting and give reasoning as to why they wish to transfer these funds. SGA will then approve or disapprove this transfer. If it is approved, it will be included in the minutes and you must be aware that this transfer of funds was made.

Non-allocated Funds

Non-allocated funds are very different from allocated funds. This is money the clubs have raised themselves from dues, donations and fundraisers. A club may use their non-allocated funds for any activity in accordance with all college and university policies. At the end of the year if there is a balance left in non-allocated funds it is rolled over to the next year and kept in their non-allocated funds. If a club/organization overspends from allocated funds the money will automatically be taken from non-allocated funds.

New Club Constitution Review Policy and Procedure

The following procedure will be followed for the registration of all new Penn State Erie, The Behrend College clubs or organizations, herein after called "new organization":

- 1) Any proposed new organization will submit five (5) copies of its proposed constitution and the "New Club Proposal" form to the SGA Constitutional Review Committee.
- 2) The SGA Constitutional Review Committee will have one (1) week to review the new organization's proposed constitution.
 - a. A representative from the new organization must be present at the SGA Constitutional Review Committee meeting(s) if the Constitutional Review Chair or the Constitutional Review Committee at large deems it necessary.
 - b. It is recommended that the SGA Parliamentarian be present at the SGA Constitutional Review Committee meetings in accordance with Article IV, Section 8 of the SGA Constitution.
- 3) After reviewing the new organization's proposed constitution the SGA Constitutional Review Committee will suggest changes that must be made to the proposed constitution in order to gain SGA Constitutional Review Committee approval.
- 4) After receiving suggested changes from the SGA Constitutional Review Committee the new organization will have a maximum of two (2) weeks to make the suggested changes.
- 5) Once the suggested changes have been made the new organization must submit ten (10) copies of its proposed constitution to the SGA Constitutional Review Committee Chair.
- 6) After the SGA Constitutional Review Committee Chair receives the new organization's amended constitution they will make a motion to approve and table the new organization's constitution within one (1) week at the SGA Meeting.
- 7) The new organization's proposed constitution will be tabled for one (1) week following the motion being made by the Constitutional Review Committee Chair to allow time for SGA members to read the proposed constitution.
- 8) After being tabled for one week the proposed constitution will be voted on by the SGA at large. Approval of the new organization's constitution requires a simple majority (50% + 1).
 - a. A representative from the new organization must be present at this SGA meeting if the Constitutional Review Chair, the SGA President, or the SGA at large deems it necessary.
- 9) If the SGA at large approves the proposed constitution the SGA Constitutional Review Chair will notify the new organization within one (1) week and inform it of any other steps necessary to register a new organization at Penn State Behrend. The SGA Constitutional Review Chair will then file the approved constitution in the SGA office.

- a. The SGA at large may approve the proposed constitution with amendments.
 - b. If amendments are made the SGA Constitutional Review Chair will notify the new organization of these amendments.
 - c. Once notified the new organization will have two (2) weeks to make the necessary changes, gain organization approval, and submit three (3) copies of its approved constitution to the SGA Constitutional Review Chair for filing in the SGA office.
- 10) If the SGA at large defeats the proposed constitution the SGA Constitutional Review Chair will notify the new organization and will return the “New Club Proposal” form to the organization. Once the new organization has been notified and has received back its “New Club Proposal” form it may re-submit in accordance with Section 1 of New Club Constitution Policy and Procedure.
- 11) Appeals may be made by the new organization if its proposed constitution is passed with amendments or defeated. All appeals shall follow procedures set forth by the Pennsylvania State University’s current *Policies and Rules for Student Organizations Handbook*.

Supreme Court

Article I Purpose

The SGA Supreme Court (SC) shall adjudicate any disputes that should arise due to alleged breaches of the SGA Constitution, Policies and Rules for Student Organizations, student organization constitutions, as well as any other University policy or procedure pertaining to student organizations.

Article II Dispute Resolution

The SC has the power to interpret the SGA Constitution and subsequent motions passed by the Senate. The SC has the power to enforce its rulings through actions including, but not limited to:

- Loss or suspension of registration
- Suspension of fund-raising activity
- Assessment of reimbursement and/or community service related to the infraction(s)
- Loss of use or restricted use of University facilities
- Suspension of financial account
- Administrative warning
- Referral of individuals to Judicial Affairs
- Assessment of fines.

Article III Membership

- Section 1 The SC shall consist of five members nominated by the SGA President for a one-year term. The Senate at large must approve all nominations.
- Members of the SC shall be nominated within four weeks of the start of the Fall Semester.
 - Members of the SC must receive basic training by the end of the fifth week of the start of the fall semester.
 - The SC members must also receive additional training, as defined in the training procedures, at least once a month after basic training until the end of the spring semester or the end of their term, whichever may come first.
- Section 2 One of the members of the SC shall be appointed as the Chair and a second member shall be appointed as an Alternate Chair.

- The duties of the Chair are as follows:
 - preside over all hearings
 - shall determine the admissibility of evidence and witnesses based on standards set forth in the most recent edition of *The Judicial Affairs Training and Reference Manual*
 - prepare the “Hearing Summery” at the conclusion of all hearings
 - compile an “End of Term” report to assist with SC transition
- The duties of the Alternate Chair are as follows:
 - preside over all hearings in which the Chair is not present.
 - shall determine the admissibility of evidence and witnesses based on standards set forth in the most recent edition of *The Judicial Affairs Training and Reference Manual* if the Chair is not present.
 - prepare the “Hearing Summery” at the conclusion of all hearings in which the Chair is not present.

Section 3 The five (5) members of the SC shall serve as a pool from which the chair and two (2) members will be convened for all hearings.

Section 4 SC members may only be removed from the SC by breach of the SGA Constitution, University Policy, malfeasance of duty, or by their own resignation.

- A two-thirds (2/3) majority vote of the senate shall be required for removal from the SC.
- Vacancies shall be filled within twenty (20) business days of their occurrence.

Section 5 It is recommended that SC Members not be SGA Senators, Council Representatives, or Executive Board Members.

Section 6 A designee from the Office of Student Activities or the Office of Student Affairs shall serve as a member ex-officio at all hearings.

Article IV Jurisdiction

Section 1 Grievances against a registered student organization may be filed with the SGA by currently enrolled students, currently registered student organizations, currently employed members of the faculty and staff, or by Judicial Affairs.

Section 2 The SGA Executive Board shall determine the legitimacy of all grievances brought forth to the SGA. All sound grievances shall be brought before the SC. If a grievance is denied by the SGA Executive Board the filing student, student organization, member of faculty or staff, or Judicial Affairs may appeal the decision to the Director of Student Affairs.

- Grievances filed against the SGA will be sent directly to the SC.

Section 3 Organizations recognized by the Interfraternity Council or Panhellenic Council are exempt from this process but can be held accountable for their actions by their registering bodies.

Article V Process

Section 1 A SGA Executive Board Member or other appointee of the SGA President will represent the SGA in hearings. The SGA shall be known as “The Prosecution.”

Section 2 The student organization that has been brought up on charges shall be represented by its appointees. The student organization shall be known as “The Defense.”

- Section 3 In the event that the SGA has a grievance filed against it by a student, student organization, member of faculty or staff, or Judicial Affairs, SGA shall be known as "The Defense" and the student, student organization, member of faculty or staff or Judicial Affairs representative shall be known as "The Prosecution." In this instance, the Prosecution shall be represented by its appointees.
- Section 4 SC hearings are administrative proceedings and not legal proceedings, no legal representation shall be present at any hearing.
- Section 5 SC hearings shall be private unless the Defense requests that it be open. In either case the Chair shall determine who will be admitted to the hearing. Under no circumstances shall the hearing be open to more than the normal capacity of the room in which the hearing is being held.
- Section 6 The Defense shall have the right to be assisted by an advisor of its choice. The advisor on request of the Defense may:
- Advise the Defense in the preparation and presentation of its defense.
 - Accompany the Defense at SC hearings.
 - Advise the Defense in preparation of appeals.
- The advisor shall not assume responsibility for conducting the defense of the Defense.
- Section 7 Hearings shall be conducted as follows:
- 1) Prosecution's opening statement
 - 2) Defense's opening statement
 - 3) Prosecution's evidentiary arguments
 - 4) Prosecution's witnesses
 - 5) Defense's cross-examination of the Prosecution's witnesses
 - 6) SC's examination of the Prosecution's witnesses
 - 7) Defense's evidentiary arguments
 - 8) Defense's witnesses
 - 9) Prosecution's cross-examination of the Defense's witnesses
 - 10) SC's examination of the Defense's witnesses
 - 11) SC's evidentiary examinations
 - 12) Prosecution's closing statement
 - 13) Defense's closing statement
 - 14) The SC will retire to determine guilt or innocence
 - 15) If the Defense is found guilty the SC will then determine any sanction(s)
- Section 8 Notice of charges shall be presented to the Defense ten (10) business days prior to the date of the hearing.
- Section 9 All evidence and a witness list must be provided to both parties five (5) business days prior to the date of the hearing.
- Section 10 The organizations shall have the right to call a reasonable number of witnesses on their behalf.
- Section 11 The burden of proof is on the Prosecution to present clear and convincing evidence of a violation of the SGA Constitution, Policies and Rules for Student Organizations, student organization constitutions, as well as any other University policy or procedure pertaining to student organizations to the SC.
- Section 12 From the date of a grievance being filed with the SGA to the time at which the SC files its "Hearing Summary" shall be no more than twenty (20) business days.
- Section 13 The "Hearing Summary" shall be defined as a written report filed with the SGA, to be kept on record, containing: allegations, a case summary, findings, and sanctions at the conclusion of all hearings.

Article VI
Appeals

- Section 1 Appeals may be brought forth by either party after the SC has issued its ruling.
- Section 2 An appeal may be heard on the grounds that the, process was not adhered to, the sanction was unjustified, or a lack of clear and convincing evidence
- Section 3 Appeals must be submitted, in writing, to the Director of Student Affairs within five (5) business days after the SC has filed its "Hearing Summary."
- Section 4 Appeals may be granted by the Director of Student Affairs.