

**CONSTITUTION
OF THE STUDENT GOVERNMENT ASSOCIATION
OF THE UNIVERSITY OF TEXAS AT EL PASO**

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**CONSTITUTION
OF THE STUDENT GOVERNMENT ASSOCIATION
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PREAMBLE

We, the students of The University of Texas at El Paso, in order to establish this Government to Represent all students of this University, to provide the official voice through which student opinion may be expressed, to ensure student participation in the University decision making process, to help defend the rights of each student and to join together to work of the advancement of the University community, do hereby establish this Constitution.

ARTICLE I

NAME

Section 1. There shall exist within the student body of The University of Texas at El Paso a governing body that shall be known as the Student Government Association, herein also referred to as SGA, which shall be organized into three separate but equal branches: the Executive, Legislative, and Judicial Branches.

PURPOSE

Section 2. All students enrolled at The University of Texas at El Paso, herein also referred to as UTEP, as so defined by the Registrar's Office, shall be members of the UTEP student body and shall have equal membership and voting rights for elections and any referenda initiated by SGA.

Section 3. The SGA shall serve as the official voice of the student body, ensuring that students are fully represented at UTEP and on local, state, and national levels.

Section 4. The SGA shall have the responsibility of holding SGA elections and referenda for which members of the UTEP student body have a right to vote.

ARTICLE II

UNIVERSITY COMPLIANCE AND POLICIES

Section 1. Texas Board of Regent's Membership Statement: At the beginning of each academic year, each registered student or group must file with the appropriate institutional officer an affidavit stating that the organization or group does not, and will not during the year, have as a member any person who is not a student or a member of the faculty or staff of the institution.

Section 2. Statement of University Compliance: This organization is a recognized student organization at The University of Texas at El Paso and adheres to all campus policies as set forth in the Handbook of Operating Procedures as outlined by the

Office of the Vice President for Business Affairs and the Registered Student Organization Handbook as outlined by the Student Engagement & Leadership Center at The University of Texas at El Paso.

- Section 3. Non-Discrimination Policy: In accordance with Sec. 6-202(a)(3) of the Institutional Rules on Student Services and Activities and Information on Students' Rights and Responsibilities, this organization may not deny membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression, except that a registered student organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the registered student organization's statement of faith; and a registered student organization may restrict membership based on the provisions of Title IX of the Education Amendments of 1972.
- Section 4. Non-Hazing Policy: Hazing in state educational institutions is prohibited by both state law (Sections 51.936, 37.151 (5) and (6), and 37.155, Texas Education Code) and by the Rules and Regulations of The Board of Regents of The University of Texas System, Series: 50101, Section 2.8). Individuals or organizations engaging in hazing could be subject to fines and charged with criminal offenses. Additionally, the law does not affect or in any way restrict the right of the University to enforce its own rules against hazing.
- Section 5. Title IX of the Education Amendment of 1972: Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities at the university unless such programs and activities are specifically exempt from the law. The university is required to be in compliance with the provisions of Title IX. Therefore, compliance with Title IX is a condition to be a registered student organization at the university. Since passage of this law and the publication of the implementing regulations, the U. S. Department of Education Office of Civil Rights has evolved a rather clear set of criteria for determining when single sex organizations are exempt from the provisions of Title IX. The criteria are as follows: the organization must have tax-exempt status under Section 501 of the Internal Revenue Code; members must be limited to students, staff, or faculty at The University of Texas at El Paso; the organization must be a "social fraternity" as defined by the Department of Education.

ARTICLE III

ELECTION REQUIREMENTS AND CONTINUED ELIGIBILITY

- Section 1. Members of the student body who plan on filing to run for an Executive office, Senator position, or seeking an appointment for a Judicial position must meet the following eligibility requirements:

- A. A minimum of two (2) semesters remaining for degree completion at UTEP at the time of running for office.
- B. Undergraduate students must register for a minimum of twelve (12) undergraduate credit hours and complete no less than nine (9) undergraduate credit hours at UTEP in each long semester during their term in office.
- C. Graduate students must register for a minimum of nine (9) graduate credit hours and complete no less than six (6) graduate credit hours at UTEP in each long semester during their term in office. All graduate students, who have completed their coursework requirements and have their thesis/project work remaining, must be enrolled in at least three (3) credit hours; out of which three (3) credit hours should be towards the thesis/project for the fall and spring long semesters.
- D. Registration verification will occur on census day and when grades are released at the end of each long semester.
- E. All undergraduate students graduating from UTEP and continuing immediately as a graduate student during a single administrative year are exempt from the minimum course load requirements.
- F. Establish and maintain a 2.5 cumulative grade point average at UTEP by the date of filing for election and throughout their term.
- G. Not be on disciplinary or academic probation of any type.

Section 2. Students running for an elected position in SGA must adhere to all requirements of the Election Code. The Election Commission, as appointed by the Senate is authorized to enforce all Election Code regulations.

Section 3. Executive officers and Senators will be elected in the spring semester prior to their prospective terms. The term of office for Executive officers, Senators, and all Judicial appointees, except where otherwise stated, shall be one year commencing on June 1st, or date of appointment (whichever may apply) and ending May 31st.

- A. The offices of SGA President, Vice-President of Internal Affairs, and Vice-President of External Affairs shall be filled by the candidate in each race who obtains the greatest number of votes cast in a general election. Each student shall vote for no more than one (1) candidate for each of these offices.
- B. Senator positions shall be filled by the required number of candidates receiving the greatest number of votes. Each student shall cast no more than three (3) votes for Senator positions. The votes shall consist of one (1) vote for a Collegiate Senator candidate and two (2) votes for Senator At-Large candidates as defined in Art. IV. Sec. 1-3 of the SGA Constitution.

Section 4. Each student duly elected or appointed to office in the SGA shall take the following oath administered by the SGA Advisor or their representative:

“I, (officer repeat full name), solemnly affirm that I will fulfill, defend and further the goals of the Student Government Association of The University of Texas at El Paso, as stated in the Constitution.”

- Section 5. Any Executive officer, Senator, or Judicial appointee, who fails to maintain eligibility requirements during their term of office, shall forfeit their position.

ARTICLE IV **THE EXECUTIVE BRANCH**

- Section 1. The Executive Branch shall consist of a President, a Vice-President of Internal Affairs, and a Vice-President of External Affairs.

- Section 2. The SGA President shall have the following powers and duties:
- A. To act as Chief Executive Officer of the SGA.
 - B. To call the first session of the Senate after a general election if the Senate has not met by the third week of its tenure.
 - C. To call special sessions of the Senate with a minimum of forty-eight (48) hours' notice.
 - D. To sit as a non-voting member of the Senate and any of its committees.
 - E. To represent the student body and SGA to the administration, faculty, staff, and parties outside the University.
 - F. To sponsor or submit legislation to the Senate.
 - G. To nominate or appoint student(s) to serve on Faculty Senate committees and/or boards.
 - H. To serve or send a representative to the committees, boards, and legislative bodies in which the SGA President is a member.
 - I. To veto legislation of the Senate in totality, but not in line item.
 - J. To serve as chairperson of the Executive Cabinet.
 - K. To make interim appointments effective for thirty (30) days. The President may make an interim appointee into a permanent appointee, subject to approval of the Senate by at least two-thirds (2/3) vote.
 - L. To form Ad-Hoc committees as approved by the Executive officers and approved by a Senate majority vote.
 - M. To appoint one (1) Executive Assistant to the President.
 - N. To provide a progress report each long semester that is made available to the student body and all UTEP departments.
 - O. To serve as the UTEP SGA representative at the University of Texas System Student Advisory Council (UTSSAC).
 - P. To act in collaboration with the Senate to enforce: the SGA Constitution, the SGA Bylaws, Supreme Court Procedures, Traffic Court Procedures, Election Code and Operational Guidelines.

- Section 3. The SGA Vice-President of Internal Affairs shall have the following powers and duties:
- A. To preside over sessions of the Senate.
 - B. To serve as interim SGA President if the President is temporarily unable to serve.
 - C. If the office of SGA President is vacated, the Vice-President of Internal Affairs will assume Presidency.
 - D. To call special sessions of the Senate with minimum of forty-eight (48) hours' notice.
 - E. To form Ad Hoc committees approved by the Executive officers and approved by a Senate majority vote.
 - F. To ensure Senate Standing committees and Ad-Hoc committees are performing their prescribed duties as per the SGA Constitution and Bylaws.
 - G. To act in collaboration with the Senate to enforce: the SGA Constitution, the SGA Bylaws, Supreme Court Procedures, Traffic Court Procedures, election Code, and Operational Guidelines.

- Section 4. The SGA Vice-President of External Affairs shall have the following powers and duties:
- A. To act as a liaison between the SGA and local, state, and national governments.
 - B. To act as the coordinator to outside organizations seeking the support of the SGA.
 - C. To preside over sessions of the Senate in the absence of the Vice-President of Internal Affairs.
 - D. To research and advise the SGA on local, state, and national legislation or events which affect the SGA.
 - E. To oversee the appointment of students to Faculty-Senate Standing Committees and act as administrator thereof.
 - F. To approve any and all publicity (advertisements, fliers, PSA's banners, posters, etc.) for any Senate project, Special project, Ad-Hoc project, or Standing committee project before they are completed and released.
 - G. To approve all publicity efforts of the SGA, with oversight of all marketing endeavors within each committee.
 - H. To serve as the UTEP SGA representative at the University of Texas System Student Advisory council (UTSSAC) except when a prior year's representative has been elected to serve as a UTSSAC executive officer.

- Section 5. The Executive Cabinet shall be composed of the SGA President, Vice-President of Internal Affairs, Vice-President of External Affairs, Executive Assistant, Senate Majority Leader, Attorney General, Supreme Court Chief Justice, Traffic Court Chief Justice, SGA Advisor, and the SGA office's Administrative Assistant. The Executive Cabinet shall have the following duties:

- A. To act as an advisory source to the SGA President.
- B. To recommend to the Senate goals and policies for the SGA.
- C. To recommend the removal of Senators from SGA Senate Standing committees, Ad-Hoc committees, and any other Senate Project committees.
- D. To meet at least once a month.

Section 6. The Executive Assistant shall serve as Chief of Staff and shall perform duties as directed by the SGA President. The Executive Assistant must meet the same requirements as any elected member as per the SGA Constitution.

ARTICLE V

THE LEGISLATIVE BRANCH

Section 1. All legislative powers shall be vested in a Student Senate composed of one Senator for each one thousand (1,000) students enrolled. The number of Senators shall be determined by enrollment during the previous fall semester.

Section 2. One Collegiate Senator will be elected to represent each college or school. A Collegiate Senatorial Candidate must be classified within a degree program from the college or school of their major that they are elected to represent during the election and throughout their term of office.

Section 3. At-Large Candidates will be elected to fill remaining position according to the representational requirement stated in this Section. The Senate, in its entirety, shall be elected in a general election of the SGA.

Section 4. A Senate Majority Leader shall be selected by two-thirds (2/3) roll call vote of the Senate.

Section 5. Quorum shall constitute a two-thirds (2/3) majority of Senators serving during the short and long semesters to conduct business.

Section 6. The Senate shall meet at least once a week while University classes are in session. All Senate sessions and committee meetings shall be open.

Section 7. The Senate shall approve all rules and regulations necessary to its expedient and proper operation as per SGA Constitution and Bylaws.

Section 8. Legislation may be initiated by any member of the SGA, but must be seconded by a Senator.

Section 9. No proxy or absentee votes are allowed.

- Section 10. All legislation passed by the Senate and signed by the SGA President shall be bound into law of the SGA. If the SGA President does not sign an act of the Senate within six (6) calendar days of its passage, the act shall be considered vetoed.
- Section 11. A Presidential veto of an act passed by the Senate may be overridden by two-thirds (2/3) roll call vote of the Senate.
- Section 12. On or before its fourth session, the Senate shall establish the following standing committees.
- A. An Appropriations Committee that will be:
 - 1. Responsible for researching the validity of all bill requests for SGA funds; and,
 - 2. Make recommendations to the Senate about bill requests; and,
 - 3. Advise the Senate on status of student appropriation monies.
 - A. A Student Application Review Committee (SARC) to advise and make recommendations to the Senate on applications for all non-elected positions.
 - B. A Document Review Committee (DRC) to review and revise all documents of the SGA. This committee shall consist of (at least) the Vice-President of Internal Affairs, Senate Majority Leader, Supreme Court Chief Justice, and Attorney General.
 - C. With the exception of the Senate Majority Leader, all Senators must serve on one and only one standing committee at a time.
 - D. The Senate may appoint from its membership other Standing and Ad-Hoc committees deemed necessary by a two-thirds (2/3) roll call vote. The Senate may remove committee members on the grounds of excessive absences or misconduct as stated in the SGA Bylaws by a two-thirds (2/3) roll call vote.
- Section 13. The Senate shall appoint from among the student body two (2) or more Public Defenders for students accused of violations of the SGA Constitution, traffic regulations, and legislation of the SGA. The Senate may remove a Public Defender by a two-thirds (2/3) roll call vote.
- Section 14. The Senate shall appoint from among the student body two (2) or more Prosecutors to assist in the prosecution of traffic violations. The Senate may remove a Prosecutor by a two-thirds (2/3) roll call vote.
- Section 15. The Senate shall appoint from among the student body five (5) election commissioners to manage SGA elections as set forth in the SGA Election Code.
- Section 16. The Document Review Committee shall compile an election code to set forth all necessary regulations for SGA elections. The Election Code shall be submitted to

the Senate for approval by a two thirds (2/3) roll call vote by the last Senate session in January.

- Section 17. The Senate may hold a special election if deemed necessary by a majority roll call vote of the Senate.

ARTICLE VI

THE JUDICIAL BRANCH

- Section 1. All judicial powers shall be vested in the Supreme Court and Traffic Court. The Senate shall appoint seven (7) students, whom of applied and are eligible, to the Supreme Court. The Senate shall also appoint five (5) students, whom of applied and are eligible, to the Traffic Court.
- Section 2. Court justices shall commit to at least a two (2) year term barring the student's graduation prior to completion. In the event that their appointment date would cause their term to expire before the conclusion of business in a given semester, a Justice shall serve until the end of said semester, be that December 31st for the Fall or May 31st for the Spring. During this period, they shall continue to receive their monthly service award and be expected to fulfill all their duties and responsibilities.
- Section 3. The Supreme Court shall have original jurisdiction of the SGA, and any other case referred to it by the Senate, as stipulated by the SGA Constitution and/or the Dean of Students. The Traffic Court shall have original jurisdiction over cases involving any student traffic violations, to include moving and non-moving violations. The Election Commission shall have original jurisdiction over cases involving any violations to the Election Code.
- Section 4. The Supreme Court shall have appellate jurisdiction over decisions made by the Traffic Court and the Election Commission as needed.
- Section 5. If any legislation or regulations of the SGA, in part or in their entirety, should be found contrary to the SGA Constitution by the Supreme Court, said legislation and regulations shall be declared null and void.
- Section 6. The Supreme Court and Traffic Court shall, from among its membership, appoint a Chief Justice and a Chief Justice pro tempore by an election as specified in each court's procedural processes.
- Section 7. The SGA President shall appoint, from among the student body, an Attorney General, with a two-thirds (2/3) roll call vote by the Senate. The Attorney General is to advise the SGA in the Judicial system and to prosecute violators of the SGA Constitution, SGA Legislation, and any other regulations within the

jurisdiction of the SGA.

- Section 8. The Attorney General shall be responsible for ensuring that all members of the Student Government Association, in all three branches, are performing their duties as prescribed by the Constitution of Student Government Association. The Attorney General shall have the power to file formal impeachment charges against any member of the SGA, for failure to perform their prescribed duties, to the SGA Senate. The Attorney General represents the SGA in any internal and external disciplinary proceedings.
- Section 9. Majority of Roll Call for the Supreme and Traffic Court shall constitute quorum for the transaction of any University business, to include electronic, written, and/or in-person traffic ticket appeals.

ARTICLE VII

VACANCIES AND SUCCESSION

- Section 1. A vacancy occurs when:
- A. Any member of the SGA forfeits a position due to inability to meet the requirements as stated in Article II, Section 1, of this Constitution.
 - B. Any member accepts another elected or appointed position in the SGA.
 - C. Any member of the SGA resigns their position.
- Section 2. Any Officer, Senator, or appointee of the SGA shall be removed from office upon conviction in an impeachment trial or placement on academic or disciplinary probation.
- Section 3. The Senate shall have the sole power of impeachment by a two-thirds (2/3) roll call vote. Any member of the SGA may initiate impeachment charges. The Supreme Court Chief Justice shall preside over the Senate in an impeachment trial, except in cases involving members of the Judicial Branch, in which case the Vice-President of Internal Affairs shall preside.
- Section 4. Succession.
- A. Executives
 1. Should a vacancy occur in the position of the President, the Vice-President of External Affairs shall assume the office with all rights and responsibilities thereof. If the Vice-President of External Affairs does not wish to assume the position, the Vice-President of Internal Affairs shall assume the office with all rights and responsibilities thereof. Should neither Vice-President wish to assume the office, the position shall be filled by an election held from among the membership of the Senate by a two-thirds (2/3) roll call vote.

2. Should a vacancy occur in the position(s) of Vice-President of Internal Affairs or Vice-President of External Affairs, the position(s) shall be filled by an election held from among the membership of the Senate by a two-thirds (2/3) roll call vote. In the event that no senators wish to assume the position(s), a special election shall be held among the membership of the SGA.
- B. Senators:
1. Should Senatorial positions become vacant, they shall be filled by the At- Large and Collegiate Senatorial Candidates who were not elected, but are listed in the official results.
 2. This list will be ranked according to the number of votes cast for candidates from greatest to least in the most recent SGA election. Only those candidates not elected, but still eligible, shall be able to fill such a vacancy.
 3. In the event that there is no candidate to fill the Senatorial vacancies from the most recent SGA election, the Senate may hold a special election.

ARTICLE VIII

CONSTITUTIONAL AMENDMENTS

- Section 1. An amendment to the Constitution may be initiated by:
- A. Any Senator; or,
 - B. Any UTEP petition bearing at least three hundred and fifty (350) signatures of members of the student body.
- Section 2. If an amendment is proposed to the Senate, the Senate must notify, or have caused to notify, the student body of the scheduled meeting dates and times proposed amendments will be considered by the Senate. All concerned parties shall have an opportunity to be heard at these meetings. Proposed amendments must receive the support of two-thirds (2/3) roll of the Senate in regular session to become an amendment. Proposed amendments must be made available to the student body in full text preceding their presentation to the Senate for vote.
- Section 3. The Document Review Committee shall notify, or have caused to notify, the student body of the scheduled meeting dates and times proposed amendments will be discussed at least one (1) week prior to such meetings. All concerned parties shall have an opportunity to be heard at these meetings. The Document Review Committee shall review the merit of proposed amendments and construct their language.
- Section 4. All amendments to the SGA Constitution shall replace the article and sections for which they are written.

Section 5. An amendment to the SGA Constitution, Bylaws, Supreme Court Procedures, or Traffic Court Procedures may be adopted by the SGA, in accordance with the SGA Constitution and Bylaws. Changes shall not become effective until they are transmitted to, and approved by the Vice President for Student Affairs and the University President.