

**Agendum
Oakland University
Board of Trustees Formal Session
August 12, 2021**

**REVISED OAKLAND UNIVERSITY STUDENT CONGRESS CONSTITUTION
Recommendation**

1. **Division and Department:** Student Affairs & Diversity
2. **Introduction:** The Oakland University Student Congress (OUSC) is recognized by the Board of Trustees (Board) as an organization to advise the President in regard to policies and programs relating to student life. Pursuant to the Board's Bylaws, the OUSC shall be organized and shall function in accordance with such Constitution of the OUSC as may be approved or amended by Board resolution.

The OUSC is the representative body of the students at Oakland University. The OUSC Constitution and Bylaws are the governing documents, and over the course of time the needs of the student body have changed.

There have been changes to the Judicial Branch of the Constitution. Currently under the Judicial Branch, the Congressional Court has enumerated powers to hear and decide on any judicial matters brought forth. It does not clearly specify the responsibilities of the Congressional Court and Judiciary Committee.

To ensure a clearer judicial procedure for Congress, it has been voted on and approved to give distinctions between the responsibilities entrusted to the Congressional Court and the Judiciary Committee.

The Judiciary Chair oversees both the Congressional Court and the Judiciary Committee. The Congressional Court will interpret the constitutionality of the bylaws and Constitution. The Judiciary Committee will assist the Judiciary Chair with his/her responsibilities that are outlined in the bylaws.

3. **Previous Board Action:** The Board of Trustees approved the Student Congress Constitution on June 16, 1994, and approved amendments on April 11, 1996, April 5, 2006, September 12, 2007, April 1, 2015, October 16, 2017, and October 14, 2019.
4. **Budget Implications:** None.
5. **Educational Implications:** None.
6. **Personnel Implications:** None.

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7. **University Reviews/Approvals:** This recommendation was reviewed by the Senior Vice President for Student Affairs & Chief Diversity Officer and the Office of Legal Affairs.

8. **Recommendation:**

WHEREAS, the Oakland University Board of Trustees recognizes the Oakland University Student Congress as an organization to advise the President in regard to policies and programs relating to student life; and

WHEREAS, the Oakland University Student Congress is organized and functions in accordance with such Constitution of the Oakland University Student Congress as may be approved or amended by resolution of the Oakland University Board of Trustees; and

WHEREAS, over the course of time the needs of the Oakland University Student Body have changed; and

WHEREAS, the needs, therefore, of the Oakland University Student Congress have likewise changed to effectively and efficiently represent the student body; and

WHEREAS, there is need for updated policies and procedures; and

WHEREAS, the Constitution now clearly states the eligibility for executive board membership, appointed agents, legislative branch, standing committees, and judicial branch; and

WHEREAS, the Constitution now clearly states procedure due to vacancies in the executive board, and legislative positions; and

WHEREAS, during the Fall 2020 semester, the student body of Oakland University voted to approve amendments to the Constitution of the Oakland University Student Congress by attaining a margin of 80%; now, therefore, be it

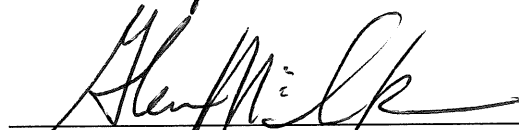
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RESOLVED, that notwithstanding any provision contained in the proposed Constitution of the Oakland University Student Congress or the Bylaws of the Oakland University Student Congress referenced therein, the Oakland University Board of Trustees reconfirms and retains its legal authority to grant, modify and rescind constitutions of Oakland University internal governance bodies when the Board of Trustees determines such action to be in the interest of Oakland University or required to comply with its legal obligations; and, be it further

RESOLVED, that the Oakland University Board of Trustees under the conditions set forth above, authorizes the immediate implementation of the amended Oakland University Student Congress Constitution attached as Attachment B to this agendum item.

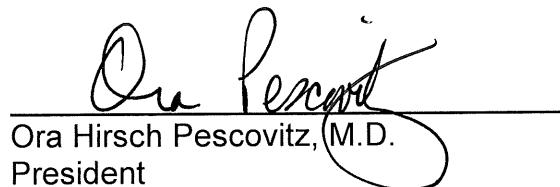
9. **Attachments:** A. Current Student Congress Constitution – Redline
 B. Proposed Student Congress Constitution – Clean Version

Submitted to the University President
on 22 July, 2021 by

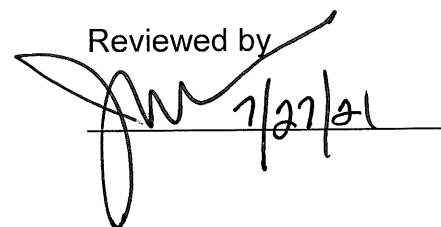


Glenn McIntosh
Senior Vice President for Student Affairs
and Chief Diversity Officer

Recommended on 7/27, 2021
to the Board for approval by



Ora Hirsch Pescovitz, M.D.
President

Reviewed by

7/27/21

ATTACHMENT A

Oakland University Student Congress Constitution

We, the students of Oakland University, in order to provide a central student government responsive to the needs of the students, bring forth to the Board of Trustees of Oakland University, the following Oakland University Student Congress Constitution. The University Student Congress, in accordance with the rules and regulations set forth in this Constitution and the Bylaws of the Oakland University Student Congress, shall maintain the integrity and individuality of students, advocate policies which shall best serve students, protect and defend the rights of students, and provide an official vote and voice for all Oakland University students.

Article I. Congressional Elections and Eligibility Legislative Branch

- ~~A. Any enrolled student with good academic and disciplinary standing shall be eligible to seek and maintain membership or position in the Legislative, Executive, or Judicial Branches. To maintain such membership or position a student need not be enrolled during Summer semester.~~
- ~~A. Elections for the student-elected positions within the Legislative and Executive Branches of University Student Congress shall be held every Winter semester.~~
- ~~B. Each student enrolled at the time of any election shall have the right to cast one vote for a Presidential/Vice Presidential ticket and up to twenty-five votes for Legislators. D. The term of office for elected members shall begin with the second legislative body meeting prior to the end of Winter semester. The new Congress must hold two (2) meetings before the end of Winter semester.~~
- C. Composition
1. To be eligible for membership in the Legislative Branch, an individual must meet the following requirements:
 - a. Be enrolled as a student at Oakland University during the Fall and Winter semesters.
 - b. Maintain good academic and disciplinary standing.
 2. The Legislative Branch of University Student Congress shall be composed of voting members as follows:
 - a. Twenty-three members elected at-large by the student body.
 - b. All members must maintain good academic and disciplinary standing. c. An elected member of Residence Hall Association (RHA) shall serve as a voting member.
 - d. An elected member of Greek Council shall serve as a voting member. e. An elected member of the Athletics student government shall serve as a voting member.
 4. The University President or his/her designee shall serve as an ex-officio and non-voting member of University Student Congress.
 - a. "Ex officio" in this document is understood to mean "by virtue of office." D.
- The rights and responsibilities of the Legislative Branch shall be to:
1. Initiate proposals or make recommendations on all matters relevant to the general welfare of the student body and University.
 2. Recommend University policy in areas of concern to students as well as communicate information regarding University policies to students.
 3. Share with the University Senate the responsibility for consideration of University policy in areas which involve both academic and student life concerns.
 4. Pass resolutions to comment on any actions and issues that affect academic and student life concerns.

5. Have the right to override a presidential veto by a two-thirds affirmative vote of those members present and voting. This vote must take place at the next Congress meeting following the exercise of that veto.
6. Establish and maintain policies and procedures for the effective operation of all aspects of the University Student Congress.
7. Conduct business in accordance with the regulations, procedures, and duties outlined in this Constitution, the University Student Congress Bylaws, and Oath of Office.
8. Assemble and maintain committees.
 - a. Standing Committees.
 - i. Student Activities Funding Board (SAFB).
 - ii. Student Services Committee (SSC).
 - iii. Civic Affairs Committee (CAC).
 - iv. Elections Commission (EC).
 - v. Steering Committee.
 - vi. Judiciary Committee.
 - vii. Research and Review Committee.
 - viii. Scholarship Committee.
 - b. Composition and duties of standing committees.
 - i. The SAFB, SSC, CAC, and EC shall be chaired by a member of the Executive Board and need not be exclusively composed of members of the Legislature.
 - ii. The Legislature shall elect Steering, Judiciary, Research and Review, and Scholarship Chairpersons. The chairpersons must be members of the Legislative Branch of University Student Congress and shall be non-voting members of the committees respective to the chair position. The committees shall be exclusively composed of up to five (5) Legislators.
 - iii. The duties of the committee members are defined in the Bylaws of the University Student Congress and each committee member is required to comply with the duties of the position within the respective committee.
 - c. Non-Legislative Body committee chairpersons may introduce legislation or make motions which:
 - i. Add members to the committee(s) respective to the chairperson.
 - ii. Amend the operating guidelines to which the committee adheres.
 - d. Additional committees under University Student Congress jurisdiction may be formed in accordance with the University Student Congress Bylaws.

E. Termination of office.

1. Removal due to absence.
 - a. Any Legislator who accumulates three (3) unexcused absences from meetings of University Student Congress during the term of office shall automatically be brought to the Judiciary Committee for removal by the Judiciary Committee Chair.
 - b. The Judiciary Committee Chair shall file a formal grievance against the Legislator to the Judiciary Committee, and the Judicial Procedure outlined in Article V shall then be followed.
2. Impeachment.
 - a. Any Legislator may be impeached based on charges of violation of this Constitution or its Bylaws. The charges must be presented to the

Judiciary Committee, which will proceed according to its own guidelines as outlined in the Bylaws.

3. Resignation.

- a. Any resignation written by a member of University Student Congress shall take effect immediately, unless otherwise stipulated by the resignation letter.

F. Vacancies

1. When a Legislative position becomes vacant due to resignation or removal, the Research and Review Committee shall submit candidates who have applied to Student Congress to fill those vacancies. Candidates who have fulfilled the requirements outlined in the University Student Congress Bylaws shall be approved by majority vote of the Legislature.

Article II. Executive Branch

A. Composition

1. The Executive Branch of University Student Congress shall consist of: a. One Student Body President and one Student Body Vice President, elected as a ticket by a plurality vote of the students voting in the election and upon validations.
- b. An Executive Board, appointed by the Student Body President, consisting of:
- i. Administrative Assistant.
 - ii. Student Activities Funding Board Chairperson.
 - iii. Financial Affairs Director.
 - iii. Student Services Director.
 - iv. Legislative Affairs Director.
 - v. Diversity and Inclusion Director.
 - vi. Marketing Director.
- c. The Student Body President may appoint any number of additional Executive Board positions. The University Student Congress Bylaws shall name their positions and their subsequent duties.
- i. Any Executive Board position appointed by the Student Body President must be approved by the Legislature.
2. Individuals appointed to an Executive Board position must be approved by the Legislative branch.
- ~~3. Executive Board members are to be appointed pursuant to the procedures outlined in the University Student Congress Bylaws. An Executive Board member must be an enrolled student with an minimum of six (6) credits in Fall and Winter semesters for undergraduates, four (4) credits for Fall and Winter semesters for graduates, meet eligibility of student organization officers in Center for Student Activity's policies and be in good disciplinary standing. The duties of Executive Board members are defined in the University Student Congress Bylaws and each Executive Board member is required to comply with the duties of his or her position.~~
3. To be eligible for membership in the Executive Branch, an individual must meet the following requirements:
- a. Be enrolled as a student at Oakland University during the Fall and Winter semesters during which they hold office with a minimum of six (6) credits per semester if an undergraduate, or four (4) credits per semester if a graduate student.
 - b. Be in good disciplinary and academic standing.
 - c. Meet all eligibility requirements for student organization officers as determined by the Office for Student Involvement.

B. Elected officers

1. Student Body President.

- a. Shall serve as the primary representative of the student body of Oakland University.
- b. Shall carry out the policies and measures of the University Student Congress in accordance with the Constitution, the Bylaws and Oath of Office.
- c. Shall make recommendations to the Legislative Branch of the University Student Congress.
- d. May break tie votes in the Student Congress Legislative Body meetings. e. May veto any Congressional legislation. Vetoes must be presented in writing to the Steering Chairperson within one week of the Congress' approval of the legislation.
- f. Shall present individuals to fill all Executive Board positions and submit them to the University Student Congress Legislature for approval.
- g. Shall retain non-voting status on all Congressional committees.
- h. Shall oversee and report on the fiscal solvency of the University Student Congress.
- i. Shall represent the University Student Congress and the student body at all appropriate forums and functions, including, but not limited to, all Board of Trustees meetings.
- j. Shall appoint, select or otherwise elect student members to every University governance body and standing ad-hoc committee which provides for student representation as needed.
- k. Shall advise the University President on all issues, matters and/or concerns he/she wishes to bring before the University Student Congress. l. Shall select a new Vice President in the event that the position of Vice President becomes vacant.

2. Student Body Vice President.

- a. Shall assist the President in carrying out policies and measures of the University Student Congress.
- b. Shall assume the office of University Student Body President in the event that the position of President becomes vacant.
- c. Shall serve as chairperson of all University Student Congress meetings. d. Shall represent University Student Congress in conjunction with the President when representing the student body of Oakland University.
- e. May represent the President in his or her absence.
- f. Shall retain non-voting status on all congressional committees.
- g. May serve as an ex-officio member of ad-hoc congressional court.

C. Impeachment of Executive Branch Members

1. Any Executive Branch member may be impeached based on charges of violation of this Constitution or its Bylaws to be handled by the Congressional Court.

D. Appointed Agents

1. The Student Body President may appoint any number of Appointed Agents, who shall hold positions that are not considered part of the Legislative or Executive Branches. The University Student Congress Bylaws shall name appointed agent positions and their subsequent duties.
2. All appointed agents must meet the same eligibility requirements as the executive branch.

A. Vacancies

1. Executive Board vacancies shall remain vacant until a permanent replacement can be nominated by the Student Body President and confirmed by the Legislature.

2. Should the positions of President and Vice President become vacant, the Steering Committee Chair shall assume the position of President until a special election is held.

Article III. Legislative Branch Judicial Branch

A. Composition

~~3. The Legislative Branch of University Student Congress shall be composed of voting members as follows:~~

~~a. Twenty three members elected at large by the student body.~~

~~d. An elected member of Greek Council shall serve as a voting member. e. An elected member of the Athletics student government shall serve as a voting member.~~

~~4. The University President or his/her designee shall serve as an ex-officio and non-voting member of University Student Congress.~~

~~a. "Ex-officio" in this document is understood to mean "by virtue of office." B.~~

~~The rights and responsibilities of the Legislative Branch shall be to:~~

~~1. Initiate proposals or make recommendations on all matters relevant to the general welfare of the student body and University.~~

~~2. Recommend University policy in areas of concern to students as well as communicate information regarding University policies to students.~~

~~3. Share with the University Senate the responsibility for consideration of University policy in areas which involve both academic and student life concerns.~~

~~4. Pass resolutions to comment on any actions and issues that affect academic and student life concerns.~~

~~5. Have the right to override a presidential veto by a two-thirds affirmative vote of those members present and voting. This vote must take place at the next Congress meeting following the exercise of that veto.~~

~~6. Establish and maintain policies and procedures for the effective operation of all aspects of the University Student Congress.~~

~~7. Conduct business in accordance with the regulations, procedures, and duties outlined in this Constitution, the University Student Congress Bylaws, and Oath of Office.~~

C. Termination of office:

~~1. Removal due to absence:~~

~~a. Any Legislator who accumulates three (3) unexcused absences from meetings of University Student Congress during the term of office shall automatically be brought to the Judiciary Committee for removal by the Judiciary Committee Chair.~~

~~b. The Judiciary Committee Chair shall file a formal grievance against the Legislator to the Judiciary Committee, and the Judicial Procedure outlined in Article V shall then be followed.~~

~~2. Impeachment:~~

~~a. Any Legislator may be impeached based on charges of violation of this Constitution or its Bylaws. The charges must be presented to the Judiciary Committee, which will proceed according to its own guidelines as outlined in the Bylaws.~~

~~3. Resignation:~~

~~a. Any resignation written by a member of University Student Congress shall take effect immediately, unless otherwise stipulated by the resignation letter.~~

A. The Judicial Branch of the University Student Congress shall consist of a standing Judiciary Committee and an ad-hoc Congressional Court ("Court"), each headed by an

ex-officio Judiciary Committee Chair, elected from among the Oakland University Student Congress Legislature's membership.

1. To be eligible for membership in the Judicial Branch, an individual must meet the following requirements:

- a. Be enrolled as a student at Oakland University during the Fall and Winter semesters.
- b. Maintain good academic and disciplinary standing.

B. Composition of the Judiciary Committee

1. Appointment Procedure and Confirmation Process

- a. The Judiciary Committee shall be composed of the following members:
 - i. Five (5) members of the Judiciary Committee, who are current undergraduate or graduate students at Oakland University.
 - ii. One (1) ex-officio, non-voting chairperson, the Judiciary Committee Chair.

b. The appointment procedure for the Judiciary Committee shall be as follows:

- i. The Judiciary Committee Chair nominates students to the Judiciary Committee; these nominations shall be submitted to the Oakland University Student Congress Legislature.
- ii. Upon receiving the nominations of the Judiciary Committee Chair, the University Student Congress Legislature shall debate the nominations during (1) of its public meetings.
- iii. Nominees must garner a two-thirds ($\frac{2}{3}$) vote of the Legislators present for approval.

c. The Judiciary Chair shall serve as the non-voting, ex-officio chairperson of the Judiciary Committee, except as otherwise written in this Constitution. 2. Responsibilities and Enumerated Powers

- a. The Judiciary Committee shall assist the Judiciary Committee Chair in administration of Judiciary Committee Chair responsibilities as outlined in the Oakland University Student Congress Bylaws.
- b. The Judiciary Committee shall hold initial judicial power in the Constitutionality of Student Congress action or legislation, and of impeachment of select University Student Congress members, as outlined in Article V. Section D. Judicial Procedure.

3. Dissolution

- a. Members of the Judiciary Committee may be removed based on charges of violation of this Constitution or its Bylaws following the process described in Article V. Section D. Judicial Procedure.
 - i. Any Judiciary Committee Member that is the target of a grievance must recuse himself or herself from decisions regarding said grievance.
- b. The members of the Judiciary Committee vacate their positions at the end of the Spring Semester of the corresponding academic year.

C. Composition of the Court

1. Appointment Procedure and Confirmation Process

- a. The Court shall be composed of the following members:
 - i. Five (5) members of the Court ("Justices"), who are current undergraduate or graduate students at Oakland University, and who have no other current involvement in the Oakland University Student Congress.
 - ii. One (1) ex-officio, non-voting chairperson, the Judiciary Committee Chair, who shall act as Chief Justice.

2. Responsibilities and Enumerated Powers

- a. The Court shall have the final, interpretive power over the Constitutionality of all bills, resolutions, rules, policies, and procedures of the University Student Congress based upon their adherence to the Constitution and Bylaws of the Oakland University Student Congress.
- b. The Court must issue, publish, and transmit to the Congressional Archives its opinions regarding challenges heard by the Court.
 - c. It is recommended, but not required, that Court members not attend meetings of the University Student Congress Legislature; should a Court member elect to attend a meeting of the Legislature, they should not under any circumstances address the Legislature regarding any business which may be brought before the Court.
- d. The Court shall only have authority over the elections of the University Student Congress insofar as the members of the various committees involved in the electoral process may appeal disciplinary action taken against them to the Court. The Court will not decide the outcome of any election.
- e. The Court may decide the constitutionality of ballot initiative questions. f. The Court may not rule on any issue which lies outside the jurisdiction of the University Student Congress.

3. Dissolution

- a. Following the issuance of a decision and presentation thereof to the Legislature, the members of the Court ("Justices") vacate their positions. Justices may not serve for more than one decision during the same Congressional session.
- b. The Court's Justices are not subject to impeachment as outlined in Article V. Section D. Judicial Procedure; however, individual Justices may be removed by two-thirds majority vote of the Legislature at a General Body Meeting prior to the issuance of a Court decision.

D. Judicial Procedure

1. The Judiciary Committee Chair shall have temporary interpretive power over the Oakland University Student Congress Constitution and Bylaws in a General Body Meeting of the Legislature.
 - a. The interpretive opinions of the Judiciary Committee Chair on the Constitutionality of a University Student Congress matter may be overturned by a two-thirds (2/3) majority vote of the Legislature.
2. Challenges to the Constitutionality of any Student Congress matter, action, or interpretation thereof may be submitted in writing by any Oakland University student to the Judiciary Committee Chair.
 - a. The Judiciary Committee Chair shall bring the appeal to the Judiciary Committee at the next regularly scheduled Judiciary Committee meeting, or within two (2) weeks, whichever is earlier.
 - i. The meeting must be advertised and open to the public.
 - b. The Judiciary Committee may vote on the Constitutionality of the matter at the meeting by roll-call vote.
 - i. A majority roll-call vote of the members of the Judiciary Committee present is required to decide to overturn or alter the Constitutionality of a matter, action, or interpretation.

- ii. A tie vote fails.
 - iii. A failure to vote to overturn or alter the Constitutionality of a matter, action, or interpretation results in a decision of no changes to the matter, action, or interpretation in question.
 - c. The Judiciary Committee Chair must announce the decision of the Committee at the next regularly scheduled General Body Meeting of the University Student Congress.
 - d. Any student may appeal the decision of the Judiciary Committee within two (2) weeks of the announcement of the Judiciary Committee decision at the Oakland University Student Congress meeting.
 - e. If an appeal of the Judiciary Committee decision is submitted to the Judiciary Committee Chair, the members of the Court ("Justices") shall be selected by the Judiciary Committee Chair subject to two-thirds (2/3) approval of the University Student Congress Legislature in the manner described in Article V. Section B. Composition of the Court.
 - f. The Judiciary Committee Chair shall bring the appeal to the Court within two (2) weeks of the selection of members by the Oakland University Student Congress Legislature.
 - i. The meeting must be advertised and open to the public.
 - g. The Court may deliberate the matter at the meeting and may vote to overturn the Judiciary Committee's decision on the matter of Constitutionality at the Court's proceedings.
 - i. A majority roll-call vote of Justices present is required to vote to overturn the Judiciary Committee's decision.
 - ii. A tie vote fails.
 - iii. A failure to vote to overturn the Judiciary Committee's decision results in a decision of no changes to the Judiciary Committee's decision.
- 3. Grievances may be submitted by any Oakland University student, faculty, staff member, or alumni regarding actions taken by a member of the Oakland University Student Congress to the Judiciary Committee Chair.
 - a. Grievance Submissions
 - i. Grievances that accuse the Judiciary Committee Chair shall be submitted to the Judiciary Committee directly; the Judiciary Committee Chair shall be recused from their judicial duties on the matter of the grievance. The Judiciary Committee shall elect a temporary chair from among its membership for the matter of the grievance. The temporary chair shall act as the Judiciary Committee Chair in handling the grievance directed at the Judiciary Committee Chair.
 - ii. Grievances that accuse a member of the Judiciary Committee who is not the Judiciary Committee Chair shall be submitted to the Judiciary Committee Chair. The member of the Judiciary Committee who is the target of the grievance shall be recused from their judicial duties on the matter of the grievance.
 - 1. A tie vote results in neither determination of guilt nor action to be taken against the member who is the target of the grievance.
 - iii. Grievances that accuse a member of the Oakland University Student

- Congress who is neither the Judiciary Committee Chair nor a member of the Judiciary Committee shall be submitted to the Judiciary Committee Chair.
- iv. Any grievances that are submitted must be submitted using a form approved and made publicly available by the Judiciary Committee.
 - b. The Judiciary Committee Chair shall bring a submitted grievance to the Judiciary Committee at the next regularly scheduled Judiciary Committee meeting, or within two (2) weeks, whichever is earlier.
 - i. The meeting must include a hearing, where the issuer of the grievance (“accuser”) and the target of the grievance (“accused”) may speak.
 - ii. The accuser and the accused must be invited to join the meeting’s proceedings, and must be allowed to speak at a hearing portion of the meeting, but may waive their right to attend and/or speak at the hearing.
 - iii. The meeting must be open to the public, unless the accused party requests a closed hearing.
 - c. The Judiciary Committee shall vote on the guilt of the accused member at the meeting, and the recommended sanction (if a guilty vote is determined) of the accused member by separate roll-call votes.
 - i. A majority roll-call vote of Judiciary Committee members present is required to assign guilt.
 - ii. A majority roll-call vote of Judiciary Committee members is required to assign a sanction.
 - iii. A failure to vote affirmatively to assign guilt results in a decision of no determination of guilt.
 - iv. A failure to vote affirmatively to assign a sanction results in a decision of no assignment of sanction.
 - v. A tie vote fails.
 - vi. The Committee may vote affirmatively on guilt of the accused party and then decide no sanction is necessary.
 - vii. The Committee may not fail to vote affirmatively on the guilt of the accused party and then vote affirmatively on a sanction.
 - d. The Judiciary Committee Chair must announce the decision(s) of the Committee at the next regularly scheduled General Body Meeting of the Oakland University Student Congress.
 - e. Any party may appeal the decision of the Judiciary Committee, or any part thereof, to the Constitutional Court within two (2) weeks of the announcement of the Judiciary Committee decision at the Oakland University Student Congress meeting.
 - f. If the Judiciary Committee decision is appealed to the Judiciary Committee Chair, the members of the Court (“Justices”) shall be selected by the Judiciary Committee Chair subject to two-thirds (2/3) approval of the University Student Congress Legislature in the manner described in Article V. Section D. Composition of the Court.
 - i. The accuser and accused each hold the power to remove any one Justice or the Judiciary Committee Chair from a Court decision on suspicion of bias within three (3) business days of the approval of the

Justices by the University Student Congress Legislature.

- g. In the case that either the accuser or accused invokes this power against an approved Justice, the University Student Congress Legislature shall follow the process outlined in Article V. Section B. Composition of the Court for appointing new members.
 - h. In the case that either the accuser or the accused invokes this power against the Judiciary Committee Chair, the Judiciary Committee Chair must recuse himself or herself from Court proceedings. The Judiciary Committee shall then elect a new, temporary Judiciary Committee Chair from among its leadership for Court proceedings.
 - i. The Judiciary Committee Chair shall bring the appeal to the Court within two (2) weeks of the approval of members by the Oakland University Student Congress Legislature.
 - i. The meeting must include a hearing, where the accuser and the accused may speak.
 - ii. The accuser and the accused must be invited to join the meeting's proceedings, and must be allowed to speak at times designated by the Court, but may waive their right to attend and/or speak at the hearing.
 - iii. The meeting must be open to the public.
 - j. The Court may deliberate and may vote to overturn the Judiciary Committee's decision regarding guilt of the accused member at the meeting, and the Court may deliberate and may vote to overturn the Judiciary Committee's sanction (if the Judiciary Committee voted affirmatively on guilt) of the accused member by separate roll-call votes.
 - i. A majority roll-call vote to overturn a Judiciary Committee decision by all Justices present is required to overturn a Judiciary Committee decision.
 - ii. A failure to vote to overturn a Judiciary Committee decision results in a decision of no changes to the Judiciary Committee decision.
 - iii. A tie vote fails.
 - iv. The Court may rule as to assign no sanction against the accused member if the accused is found guilty.
 - v. The Court may not rule as to cause a sanction against the accused member if the accused is not found guilty.
 - k. The Judiciary Committee Chair must announce the decision(s) of the Court at the next regularly scheduled General Body Meeting of the Oakland University Student Congress.
 - l. The Court's decision is final during a Congressional session and overrules that of the Judiciary Committee. An appeal on the same matter may not be considered by the Court on two occasions during the same Congressional session.
4. Sanctions may include any of the following: an order to stop or reverse the action in question, a disciplinary meeting, or a temporary suspension from Oakland University Student Congress (or a particular role thereof), the duration of which shall not exceed the end of the current Congressional Session.
- a. In order for a sanction of suspension of a Student Congress member to be

issued by either the Committee or the Court, the respective judicial body must determine that the accused committed serious misconduct or direct dereliction of duty. Therefore, a sanction of suspension must not be decided for a frivolous or minor matter that may be reasonably corrected with another (or no) sanction.

b. In cases where suspension of a Student Congress member is the sanction placed by the Court, the target of the sanction may appeal to the Legislature within two (2) weeks of the report of the decision to the Legislature. The Legislature may overturn a suspension with a 3/4 majority roll call vote in favor of overturning the suspension.

E. Operational Guidelines

1. Operational guidelines shall be created for the Judiciary Committee and the Court by the Judiciary Committee Chair, subject to the approval of the Legislature, detailing any items not covered in this Constitution; such guidelines shall be made a part of the University Student Congress Bylaws.
2. Amendments to the operational guidelines may be presented as a congressional bill; such bills require two readings for approval.

Article IV. Appointed Agents

- ~~A. The Student Body President may appoint any number of Appointed Agents, who shall hold positions that are not considered part of the Legislative or Executive Branches. The University Student Congress Bylaws shall name appointed agent positions and their subsequent duties.~~
- ~~B. All members must maintain good academic and disciplinary standing.~~

Article V. Judicial Branch Article IV. Congressional Election

- ~~A. The Judicial Branch of the University Student Congress shall consist of a standing Judiciary Committee and an ad hoc Congressional Court ("Court"), each headed by an ex-officio Judiciary Committee Chair, elected from among the Oakland University Student Congress Legislature's membership.~~
- ~~2. To be eligible for membership in the Judicial Branch, an individual must meet the following requirements:~~
- ~~a. Be enrolled as a student at Oakland University during the Fall and Winter semesters.~~
 - ~~b. Maintain good academic and disciplinary standing.~~
- ~~B. Composition of the Judiciary Committee~~
- ~~1. Appointment Procedure and Confirmation Process~~
 - ~~a. The Judiciary Committee shall be composed of the following members: i. Five (5) members of the Judiciary Committee, who are current undergraduate or graduate students at Oakland University.~~
 - ~~ii. One (1) ex-officio, non-voting chairperson, the Judiciary Committee Chair.~~
 - ~~b. The appointment procedure for the Judiciary Committee shall be as follows:~~
 - ~~i. The Judiciary Committee Chair nominates students to the Judiciary Committee; these nominations shall be submitted to the Oakland University Student Congress Legislature.~~
 - ~~ii. Upon receiving the nominations of the Judiciary Committee Chair,~~

~~the University Student Congress Legislature shall debate the nominations during (1) of its public meetings.~~

~~iii. Nominees must garner a two-thirds (2/3) vote of the Legislators present for approval.~~

~~c. The Judiciary Chair shall serve as the non-voting, ex-officio chairperson of the Judiciary Committee, except as otherwise written in this Constitution. 2. Responsibilities and Enumerated Powers~~

~~a. The Judiciary Committee shall assist the Judiciary Committee Chair in administration of Judiciary Committee Chair responsibilities as outlined in the Oakland University Student Congress Bylaws.~~

~~b. The Judiciary Committee shall hold initial judicial power in the Constitutionality of Student Congress action or legislation, and of impeachment of select University Student Congress members, as outlined in *Article V. Section D. Judicial Procedure*.~~

~~3. Dissolution~~

~~a. Members of the Judiciary Committee may be removed based on charges of violation of this Constitution or its Bylaws following the process described in *Article V. Section D. Judicial Procedure*.~~

~~i. Any Judiciary Committee Member that is the target of a grievance must recuse himself or herself from decisions regarding said grievance.~~

~~b. The members of the Judiciary Committee vacate their positions at the end of the Spring Semester of the corresponding academic year.~~

~~C. Composition of the Court~~

~~1. Appointment Procedure and Confirmation Process~~

~~a. The Court shall be composed of the following members:~~

~~i. Five (5) members of the Court ("Justices"), who are current undergraduate or graduate students at Oakland University, and who have no other current involvement in the Oakland University Student Congress.~~

~~ii. One (1) ex-officio, non-voting chairperson, the Judiciary Committee Chair, who shall act as Chief Justice.~~

~~2. Responsibilities and Enumerated Powers~~

~~a. The Court shall have the final, interpretive power over the Constitutionality of all bills, resolutions, rules, policies, and procedures of the University Student Congress based upon their adherence to the Constitution and Bylaws of the Oakland University Student Congress.~~

~~b. The Court must issue, publish, and transmit to the Congressional Archives its opinions regarding challenges heard by the Court.~~

~~c. It is recommended, but not required, that Court members not attend meetings of the University Student Congress Legislature; should a Court member elect to attend a meeting of the Legislature, they should not under any circumstances address the Legislature regarding any business which may be brought before the Court.~~

~~d. The Court shall only have authority over the elections of the University Student Congress insofar as the members of the various committees involved in the electoral process may appeal disciplinary action taken against them to the Court. The Court will not decide the outcome of any election.~~

~~e. The Court may decide the constitutionality of ballot initiative questions. f. The Court may not rule on any issue which lies outside the jurisdiction of the~~

~~University Student Congress.~~

~~3. Dissolution~~

- ~~a. Following the issuance of a decision and presentation thereof to the Legislature, the members of the Court ("Justices") vacate their positions. Justices may not serve for more than one decision during the same Congressional session.~~
- ~~b. The Court's Justices are not subject to impeachment as outlined in *Article V, Section D. Judicial Procedure*; however, individual Justices may be removed by two-thirds majority vote of the Legislature at a General Body Meeting prior to the issuance of a Court decision.~~

~~D. Judicial Procedure~~

- ~~1. The Judiciary Committee Chair shall have temporary interpretive power over the Oakland University Student Congress Constitution and Bylaws in a General Body Meeting of the Legislature.~~
 - ~~a. The interpretive opinions of the Judiciary Committee Chair on the Constitutionality of a University Student Congress matter may be overturned by a two-thirds (2/3) majority vote of the Legislature.~~
- ~~2. Challenges to the Constitutionality of any Student Congress matter, action, or interpretation thereof may be submitted in writing by any Oakland University student to the Judiciary Committee Chair.~~
 - ~~a. The Judiciary Committee Chair shall bring the appeal to the Judiciary Committee at the next regularly scheduled Judiciary Committee meeting, or within two (2) weeks, whichever is earlier.~~
 - ~~i. The meeting must be advertised and open to the public.~~
 - ~~b. The Judiciary Committee may vote on the Constitutionality of the matter at the meeting by roll-call vote.~~
 - ~~i. A majority roll-call vote of the members of the Judiciary Committee present is required to decide to overturn or alter the Constitutionality of a matter, action, or interpretation.~~
 - ~~ii. A tie vote fails.~~
 - ~~iii. A failure to vote to overturn or alter the Constitutionality of a matter, action, or interpretation results in a decision of no changes to the matter, action, or interpretation in question.~~
 - ~~c. The Judiciary Committee Chair must announce the decision of the Committee at the next regularly scheduled General Body Meeting of the University Student Congress.~~
 - ~~d. Any student may appeal the decision of the Judiciary Committee within two (2) weeks of the announcement of the Judiciary Committee decision at the Oakland University Student Congress meeting.~~
 - ~~e. If an appeal of the Judiciary Committee decision is submitted to the Judiciary Committee Chair, the members of the Court ("Justices") shall be selected by the Judiciary Committee Chair subject to two-thirds (2/3) approval of the University Student Congress Legislature in the manner described in *Article V, Section B. Composition of the Court*.~~
 - ~~f. The Judiciary Committee Chair shall bring the appeal to the Court within two (2) weeks of the selection of members by the Oakland University Student Congress Legislature.~~
 - ~~i. The meeting must be advertised and open to the public.~~

- accused member by separate roll-call votes.
- i. A majority roll-call vote of Judiciary Committee members present is required to assign guilt.
 - ii. A majority roll-call vote of Judiciary Committee members is required to assign a sanction.
 - iii. A failure to vote affirmatively to assign guilt results in a decision of no determination of guilt.
 - iv. A failure to vote affirmatively to assign a sanction results in a decision of no assignment of sanction.
 - v. A tie vote fails.
 - vi. The Committee may vote affirmatively on guilt of the accused party and then decide no sanction is necessary.
 - vii. The Committee may not fail to vote affirmatively on the guilt of the accused party and then vote affirmatively on a sanction.
- d. The Judiciary Committee Chair must announce the decision(s) of the Committee at the next regularly scheduled General Body Meeting of the Oakland University Student Congress.
- e. Any party may appeal the decision of the Judiciary Committee, or any part thereof, to the Constitutional Court within two (2) weeks of the announcement of the Judiciary Committee decision at the Oakland University Student Congress meeting.
- f. If the Judiciary Committee decision is appealed to the Judiciary Committee Chair, the members of the Court ("Justices") shall be selected by the Judiciary Committee Chair subject to two-thirds (2/3) approval of the University Student Congress Legislature in the manner described in *Article V, Section D, Composition of the Court*.
- i. The accuser and accused each hold the power to remove any one Justice or the Judiciary Committee Chair from a Court decision on suspicion of bias within three (3) business days of the approval of the Justices by the University Student Congress Legislature.
- g. In the case that either the accuser or accused invokes this power against an approved Justice, the University Student Congress Legislature shall follow the process outlined in *Article V, Section B, Composition of the Court* for appointing new members.
- h. In the case that either the accuser or the accused invokes this power against the Judiciary Committee Chair, the Judiciary Committee Chair must recuse himself or herself from Court proceedings. The Judiciary Committee shall then elect a new, temporary Judiciary Committee Chair from among its leadership for Court proceedings.
- i. The Judiciary Committee Chair shall bring the appeal to the Court within two (2) weeks of the approval of members by the Oakland University Student Congress Legislature.
- i. The meeting must include a hearing, where the accuser and the accused may speak.
 - ii. The accuser and the accused must be invited to join the meeting's proceedings, and must be allowed to speak at times designated by the Court, but may waive their right to attend and/or speak at the hearing.

- iii. The meeting must be open to the public.
 - j. The Court may deliberate and may vote to overturn the Judiciary Committee's decision regarding guilt of the accused member at the meeting, and the Court may deliberate and may vote to overturn the Judiciary Committee's sanction (if the Judiciary Committee voted affirmatively on guilt) of the accused member by separate roll-call votes.
 - i. A majority roll-call vote to overturn a Judiciary Committee decision by all Justices present is required to overturn a Judiciary Committee decision.
 - ii. A failure to vote to overturn a Judiciary Committee decision results in a decision of no changes to the Judiciary Committee decision.
 - iii. A tie vote fails.
 - iv. The Court may rule as to assign no sanction against the accused member if the accused is found guilty.
 - v. The Court may not rule as to cause a sanction against the accused member if the accused is not found guilty.
 - k. The Judiciary Committee Chair must announce the decision(s) of the Court at the next regularly scheduled General Body Meeting of the Oakland University Student Congress.
 - l. The Court's decision is final during a Congressional session and overrules that of the Judiciary Committee. An appeal on the same matter may not be considered by the Court on two occasions during the same Congressional session.
 - 4. Sanctions may include any of the following: an order to stop or reverse the action in question, a disciplinary meeting, or a temporary suspension from Oakland University Student Congress (or a particular role thereof), the duration of which shall not exceed the end of the current Congressional Session.
 - a. In order for a sanction of suspension of a Student Congress member to be issued by either the Committee or the Court, the respective judicial body must determine that the accused committed serious misconduct or direct dereliction of duty. Therefore, a sanction of suspension must not be decided for a frivolous or minor matter that may be reasonably corrected with another (or no) sanction.
 - b. In cases where suspension of a Student Congress member is the sanction placed by the Court, the target of the sanction may appeal to the Legislature within two (2) weeks of the report of the decision to the Legislature. The Legislature may overturn a suspension with a 3/4 majority roll-call vote in favor of overturning the suspension.
- E. Operational Guidelines
- 1. Operational guidelines shall be created for the Judiciary Committee and the Court by the Judiciary Committee Chair, subject to the approval of the Legislature, detailing any items not covered in this Constitution; such guidelines shall be made a part of the University Student Congress Bylaws.
 - 2. Amendments to the operational guidelines may be presented as a congressional bill; such bills require two readings for approval.
- A. Elections for the student-elected positions within the Legislative and Executive Branches of University Student Congress shall be held every Winter semester.

- B. Each student enrolled at the time of any election shall have the right to cast one vote for a Presidential/Vice Presidential ticket and up to twenty-five votes for Legislators. D. The term of office for elected members shall begin with the second legislative body meeting prior to the end of Winter semester. The new Congress must hold two (2) meetings before the end of Winter semester.

Article VI. University Senate

- A. The University Student Congress shall be responsible for appointing students, who may or may not be University Student Congress legislators, to fill seats on the University Senate and its committees that are reserved for student representation. The University Student Congress Bylaws shall name the procedures that will be followed to determine these appointments.

Article VII. Committees

A. Standing Committees:

1. Student Activities Funding Board (SAFB).
2. Student Services Committee (SSC).
3. Legislative Affairs Committee (LAC).
4. Elections Commission (EC).
5. Steering Committee.
6. Judiciary Committee.
7. Research and Review Committee.
8. Scholarship Committee.
9. Graduate Council (GC).

B. Composition and Duties of Standing Committees:

1. The SAFB, SSC, LAC, and EC shall be chaired by a member of the Executive Board and need not be exclusively composed of members of the Legislature.
2. The Legislature shall elect Steering, Judiciary, Research and Review, Scholarship, and Graduate Council Chairpersons. The chairpersons must be members of the Legislative Branch of University Student Congress and shall be non-voting members of their respective committees.
3. The duties of the committee members are defined in the Bylaws of the University Student Congress and each committee member is required to comply with the duties of his or her position.

C. Non-Legislative Body committee chairpersons may introduce legislation or make motions which:

1. Add members to their committees.
2. Amend the operating guidelines to which the committee adheres.

D. Additional committees under University Student Congress jurisdiction may be formed in accordance with the University Student Congress Bylaws.

Article VIII. Meeting Procedures Article V. Meeting Procedures

A. Quorum and absences.

1. The quorum requirement for meetings of the Legislature shall be satisfied when a simple majority of seated Legislators, exclusive of any ex-officio members, are present.
2. If quorum is not established within thirty minutes of a scheduled meeting time, those members not present shall be charged with an absence. All members

- present will be counted as present and dismissed.
3. If quorum is established at the roll call, Legislators shall be charged with an absence if they are not present fifteen (15) minutes after the completion of the roll call.
 4. Legislators shall be charged with a tardy if they arrive after the completion of the roll call, but before the fifteen minute time limit. Two (2) tardies will be considered an absence.
- B. Conduct of Congress meetings.
1. Congress meetings shall be conducted in accordance with the most recent official edition of Robert's Rules of Order, except as this Constitution or its Bylaws may provide.
 2. The Student Body Vice President shall preside over all meetings of Student Congress, and be charged with interpreting and enforcing orderly parliamentary procedure. The Steering Chair shall assume the powers and duties of chairperson in the absence of the Vice President, while retaining all the duties and powers of a Legislator.
 3. Unless otherwise stipulated by this Constitution or its Bylaws, all votes of the Legislature shall require majority approval of those members present and voting.
- C. Submission and approval of business.
1. All business to be placed on the agenda must be submitted, in writing, to the Steering Chairperson prior to the approval of the agenda.
 2. All items concerning Congressional finances or the Bylaws shall have two readings, at least seven days apart, before being put up for a final vote by the Legislature.
- D. Special meetings.
1. A special meeting of the University Student Congress may be called by the Steering Committee for one stated purpose, and must be given at least two (2) days public notice.

Article IX. Vacancies

- ~~A. When a Legislative position becomes vacant due to resignation or removal, the Research and Review Committee shall submit candidates who have applied to Student Congress to fill those vacancies. Candidates who have fulfilled the requirements outlined in the University Student Congress Bylaws shall be approved by majority vote of the Legislature.~~
- ~~B. Executive Board vacancies shall remain vacant until a permanent replacement can be nominated by the Student Body President and confirmed by the Legislature.~~
- ~~C. Should the positions of President and Vice President become vacant, the Steering Committee Chair shall assume the position of President until a special election is held.~~

Article X. Referenda

- A. University Student Congress shall hold a campus-wide referendum following authorization by the Legislature. The referendum question shall have two readings at least seven days apart before being submitted for a final vote by the Legislature; a majority vote of the Legislature is needed to approve the creation of the referendum question.
- B. The student body may initiate a referendum, to be carried out by University Student Congress, by filing a petition to University Student Congress, totaling at least 1,000 currently enrolled Oakland University students.
- C. The referendum shall be adopted by University Student Congress if approved by a simple majority of those voting on the referendum.
- D. Any referendum to appear on a ballot must be promoted by at least one publicized campus-wide Open Forum.

Article XI. Amendment Procedure

- A. Amendments to this Constitution may be enacted by:
 - 1. The University Student Congress:
 - a. Conducting a first and second reading of the proposed amendment at publicly announced meetings of the University Student Congress at least seven days apart.
 - b. An affirmative vote of two-thirds of the Legislature.
 - c. A majority vote of those students voting in a student referendum.
 - d. Obtaining ratification by the Board of Trustees.
 - 2. The student body:
 - a. The collection of petition signatures totaling two-thirds of the total number of votes cast in the previous presidential election.
 - b. A majority vote of those students voting in a student referendum.
 - c. Obtaining ratification by the Board of Trustees
- B. Amendments to this Constitution's Bylaws may be enacted by:
 - 1. A first and second reading of the proposed Bylaws or amendment at publicly announced meetings of the University Student Congress at least seven days apart.
 - 2. An affirmative vote of two-thirds of the University Student Congress Legislature.
 - 3. Introducing legislation altering SAFB guidelines. These may be introduced for approval only by Legislators who are committee members or the committee's chairperson.
- C. Any amendment to the Bylaws must be written within the scope of authority set forth in this Constitution.
- ~~D. Amendments which change or remove any position within Congress will not take effect until such time as that position becomes vacant, or the current Congressional session ends.~~

ATTACHMENT B

Oakland University Student Congress Constitution

We, the students of Oakland University, in order to provide a central student government responsive to the needs of the students, bring forth to the Board of Trustees of Oakland University, the following Oakland University Student Congress Constitution. The University Student Congress, in accordance with the rules and regulations set forth in this Constitution and the Bylaws of the Oakland University Student Congress, shall maintain the integrity and individuality of students, advocate policies which shall best serve students, protect and defend the rights of students, and provide an official vote and voice for all Oakland University students.

Article I. Legislative Branch

A. Composition

1. To be eligible for membership in the Legislative Branch, an individual must meet the following requirements:
 - a. Be enrolled as a student at Oakland University during the Fall and Winter semesters.
 - b. Maintain good academic and disciplinary standing.
2. The Legislative Branch of University Student Congress shall be composed of voting members as follows:
 - a. Twenty-three members elected at-large by the student body.
 - b. An elected member of Greek Council shall serve as a voting member.
 - c. An elected member of the Athletics student government shall serve as a voting member.
4. The University President or his/her designee shall serve as an ex-officio and non-voting member of University Student Congress.
 - a. "Ex officio" in this document is understood to mean "by virtue of office." B.

The rights and responsibilities of the Legislative Branch shall be to:

1. Initiate proposals or make recommendations on all matters relevant to the general welfare of the student body and University.
2. Recommend University policy in areas of concern to students as well as communicate information regarding University policies to students.
3. Share with the University Senate the responsibility for consideration of University policy in areas which involve both academic and student life concerns.
4. Pass resolutions to comment on any actions and issues that affect academic and student life concerns.
5. Have the right to override a presidential veto by a two-thirds affirmative vote of those members present and voting. This vote must take place at the next Congress meeting following the exercise of that veto.
6. Establish and maintain policies and procedures for the effective operation of all aspects of the University Student Congress.
7. Conduct business in accordance with the regulations, procedures, and duties outlined in this Constitution, the University Student Congress Bylaws, and Oath of Office.
8. Assemble and maintain committees.
 - a. Standing Committees.
 - i. Student Activities Funding Board (SAFB).
 - ii. Student Services Committee (SSC).
 - iii. Civic Affairs Committee (CAC).

- iv. Elections Commission (EC).
 - v. Steering Committee.
 - vi. Judiciary Committee.
 - vii. Research and Review Committee.
 - viii. Scholarship Committee.
- b. Composition and duties of standing committees.
- i. The SAFB, SSC, CAC, and EC shall be chaired by a member of the Executive Board and need not be exclusively composed of members of the Legislature.
 - ii. The Legislature shall elect Steering, Judiciary, Research and Review, and Scholarship Chairpersons. The chairpersons must be members of the Legislative Branch of University Student Congress and shall be non-voting members of the committees respective to the chair position. The committees shall be exclusively composed of up to five (5) Legislators.
 - iii. The duties of the committee members are defined in the Bylaws of the University Student Congress and each committee member is required to comply with the duties of the position within the respective committee.
- c. Non-Legislative Body committee chairpersons may introduce legislation or make motions which:
- i. Add members to the committee(s) respective to the chairperson.
 - ii. Amend the operating guidelines to which the committee adheres.
- d. Additional committees under University Student Congress jurisdiction may be formed in accordance with the University Student Congress Bylaws.

C. Termination of office.

1. Removal due to absence.

- a. Any Legislator who accumulates three (3) unexcused absences from meetings of University Student Congress during the term of office shall automatically be brought to the Judiciary Committee for removal by the Judiciary Committee Chair.
- b. The Judiciary Committee Chair shall file a formal grievance against the Legislator to the Judiciary Committee, and the Judicial Procedure outlined in Article V shall then be followed.

2. Impeachment.

- a. Any Legislator may be impeached based on charges of violation of this Constitution or its Bylaws. The charges must be presented to the Judiciary Committee, which will proceed according to its own guidelines as outlined in the Bylaws.

3. Resignation.

- a. Any resignation written by a member of University Student Congress shall take effect immediately, unless otherwise stipulated by the resignation letter.

D. Vacancies

- 1. When a Legislative position becomes vacant due to resignation or removal, the Research and Review Committee shall submit candidates who have applied to Student Congress to fill those vacancies. Candidates who have fulfilled the requirements outlined in the University Student Congress Bylaws shall be approved by majority vote of the Legislature.

Article II. Executive Branch

A. Composition

1. The Executive Branch of University Student Congress shall consist of: a. One Student Body President and one Student Body Vice President, elected as a ticket by a plurality vote of the students voting in the election and upon validations.
 - a. An Executive Board, appointed by the Student Body President, consisting of:
 - i. Administrative Assistant.
 - ii. Student Activities Funding Board Chairperson.
 - iii. Financial Affairs Director.
 - iv. Student Services Director.
 - v. Legislative Affairs Director.
 - vi. Diversity and Inclusion Director.
 - vii. Marketing Director.
 - b. The Student Body President may appoint any number of additional Executive Board positions. The University Student Congress Bylaws shall name their positions and their subsequent duties.
 - i. Any Executive Board position appointed by the Student Body President must be approved by the Legislature.
2. Individuals appointed to an Executive Board position must be approved by the Legislative branch.
3. To be eligible for membership in the Executive Branch, an individual must meet the following requirements:
 - a. Be enrolled as a student at Oakland University during the Fall and Winter semesters during which they hold office with a minimum of six (6) credits per semester if an undergraduate, or four (4) credits per semester if a graduate student.
 - b. Be in good disciplinary and academic standing.
 - c. Meet all eligibility requirements for student organization officers as determined by the Office for Student Involvement.

B. Elected officers

1. Student Body President.
 - a. Shall serve as the primary representative of the student body of Oakland University.
 - b. Shall carry out the policies and measures of the University Student Congress in accordance with the Constitution, the Bylaws and Oath of Office.
 - c. Shall make recommendations to the Legislative Branch of the University Student Congress.
 - d. May break tie votes in the Student Congress Legislative Body meetings.
 - e. May veto any Congressional legislation. Vetoes must be presented in writing to the Steering Chairperson within one week of the Congress' approval of the legislation.
 - f. Shall present individuals to fill all Executive Board positions and submit them to the University Student Congress Legislature for approval.
 - g. Shall retain non-voting status on all Congressional committees.
 - h. Shall oversee and report on the fiscal solvency of the University Student Congress.
 - i. Shall represent the University Student Congress and the student body at all appropriate forums and functions, including, but not limited to, all Board of Trustees meetings.
 - j. Shall appoint, select or otherwise elect student members to every University governance body and standing ad-hoc committee which provides for student representation as needed.
 - k. Shall advise the University President on all issues, matters and/or concerns

he/she wishes to bring before the University Student Congress. I. Shall select a new Vice President in the event that the position of Vice President becomes vacant.

2. Student Body Vice President.

- a. Shall assist the President in carrying out policies and measures of the University Student Congress.
- b. Shall assume the office of University Student Body President in the event that the position of President becomes vacant.
- c. Shall serve as chairperson of all University Student Congress meetings. d. Shall represent University Student Congress in conjunction with the President when representing the student body of Oakland University.
- e. May represent the President in his or her absence.
- f. Shall retain non-voting status on all congressional committees.
- g. May serve as an ex-officio member of ad-hoc congressional court.

C. Impeachment of Executive Branch Members

1. Any Executive Branch member may be impeached based on charges of violation of this Constitution or its Bylaws to be handled by the Congressional Court.

D. Appointed Agents

1. The Student Body President may appoint any number of Appointed Agents, who shall hold positions that are not considered part of the Legislative or Executive Branches. The University Student Congress Bylaws shall name appointed agent positions and their subsequent duties.
2. All appointed agents must meet the same eligibility requirements as the executive branch.

E. Vacancies

1. Executive Board vacancies shall remain vacant until a permanent replacement can be nominated by the Student Body President and confirmed by the Legislature.
2. Should the positions of President and Vice President become vacant, the Steering Committee Chair shall assume the position of President until a special election is held.

Article III. Judicial Branch

A. The Judicial Branch of the University Student Congress shall consist of a standing Judiciary Committee and an ad-hoc Congressional Court ("Court"), each headed by an ex-officio Judiciary Committee Chair, elected from among the Oakland University Student Congress Legislature's membership.

1. To be eligible for membership in the Judicial Branch, an individual must meet the following requirements:
 - a. Be enrolled as a student at Oakland University during the Fall and Winter semesters.
 - b. Maintain good academic and disciplinary standing.

B. Composition of the Judiciary Committee

1. Appointment Procedure and Confirmation Process

- a. The Judiciary Committee shall be composed of the following members:
 1. Five (5) members of the Judiciary Committee, who are current undergraduate or graduate students at Oakland University.
 - ii. One (1) ex-officio, non-voting chairperson, the Judiciary Committee Chair.
- b. The appointment procedure for the Judiciary Committee shall be as follows:
 - i. The Judiciary Committee Chair nominates students to the Judiciary Committee; these nominations shall be submitted to the Oakland

- University Student Congress Legislature.
 - ii. Upon receiving the nominations of the Judiciary Committee Chair, the University Student Congress Legislature shall debate the nominations during (1) of its public meetings.
 - iii. Nominees must garner a two-thirds ($\frac{2}{3}$) vote of the Legislators present for approval.
 - c. The Judiciary Chair shall serve as the non-voting, ex-officio chairperson of the Judiciary Committee, except as otherwise written in this Constitution.
 - 2. Responsibilities and Enumerated Powers
 - a. The Judiciary Committee shall assist the Judiciary Committee Chair in administration of Judiciary Committee Chair responsibilities as outlined in the Oakland University Student Congress Bylaws.
 - b. The Judiciary Committee shall hold initial judicial power in the Constitutionality of Student Congress action or legislation, and of impeachment of select University Student Congress members, as outlined in Article V. Section D. Judicial Procedure.
 - 3. Dissolution
 - a. Members of the Judiciary Committee may be removed based on charges of violation of this Constitution or its Bylaws following the process described in Article V. Section D. Judicial Procedure.
 - i. Any Judiciary Committee Member that is the target of a grievance must recuse himself or herself from decisions regarding said grievance.
 - b. The members of the Judiciary Committee vacate their positions at the end of the Spring Semester of the corresponding academic year.
- C. Composition of the Court
- 1. Appointment Procedure and Confirmation Process
 - a. The Court shall be composed of the following members:
 - i. Five (5) members of the Court (“Justices”), who are current undergraduate or graduate students at Oakland University, and who have no other current involvement in the Oakland University Student Congress.
 - ii. One (1) ex-officio, non-voting chairperson, the Judiciary Committee Chair, who shall act as Chief Justice.
 - 2. Responsibilities and Enumerated Powers
 - a. The Court shall have the final, interpretive power over the Constitutionality of all bills, resolutions, rules, policies, and procedures of the University Student Congress based upon their adherence to the Constitution and Bylaws of the Oakland University Student Congress.
 - b. The Court must issue, publish, and transmit to the Congressional Archives its opinions regarding challenges heard by the Court.
 - c. It is recommended, but not required, that Court members not attend meetings of the University Student Congress Legislature; should a Court member elect to attend a meeting of the Legislature, they should not under any circumstances address the Legislature regarding any business which may be brought before the Court.
 - d. The Court shall only have authority over the elections of the University Student Congress insofar as the members of the various committees involved in the electoral process may appeal disciplinary action taken against them to the Court. The Court will not decide the outcome of any election.
 - e. The Court may decide the constitutionality of ballot initiative questions. f.

The Court may not rule on any issue which lies outside the jurisdiction of the University Student Congress.

3. Dissolution

- a. Following the issuance of a decision and presentation thereof to the Legislature, the members of the Court ("Justices") vacate their positions. Justices may not serve for more than one decision during the same Congressional session.
- b. The Court's Justices are not subject to impeachment as outlined in Article V. Section D. Judicial Procedure; however, individual Justices may be removed by two-thirds majority vote of the Legislature at a General Body Meeting prior to the issuance of a Court decision.

D. Judicial Procedure

1. The Judiciary Committee Chair shall have temporary interpretive power over the Oakland University Student Congress Constitution and Bylaws in a General Body Meeting of the Legislature.
 - a. The interpretive opinions of the Judiciary Committee Chair on the Constitutionality of a University Student Congress matter may be overturned by a two-thirds (2/3) majority vote of the Legislature.
2. Challenges to the Constitutionality of any Student Congress matter, action, or interpretation thereof may be submitted in writing by any Oakland University student to the Judiciary Committee Chair.
 - a. The Judiciary Committee Chair shall bring the appeal to the Judiciary Committee at the next regularly scheduled Judiciary Committee meeting, or within two (2) weeks, whichever is earlier.
 - i. The meeting must be advertised and open to the public.
 - b. The Judiciary Committee may vote on the Constitutionality of the matter at the meeting by roll-call vote.
 - i. A majority roll-call vote of the members of the Judiciary Committee present is required to decide to overturn or alter the Constitutionality of a matter, action, or interpretation.
 - ii. A tie vote fails.
 - iii. A failure to vote to overturn or alter the Constitutionality of a matter, action, or interpretation results in a decision of no changes to the matter, action, or interpretation in question.
 - c. The Judiciary Committee Chair must announce the decision of the Committee at the next regularly scheduled General Body Meeting of the University Student Congress.
 - d. Any student may appeal the decision of the Judiciary Committee within two (2) weeks of the announcement of the Judiciary Committee decision at the Oakland University Student Congress meeting.
 - e. If an appeal of the Judiciary Committee decision is submitted to the Judiciary Committee Chair, the members of the Court ("Justices") shall be selected by the Judiciary Committee Chair subject to two-thirds (2/3) approval of the University Student Congress Legislature in the manner described in Article V. Section B. Composition of the Court.
 - f. The Judiciary Committee Chair shall bring the appeal to the Court within two (2) weeks of the selection of members by the Oakland University Student Congress Legislature.

- i. The meeting must be advertised and open to the public.
 - g. The Court may deliberate the matter at the meeting and may vote to overturn the Judiciary Committee's decision on the matter of Constitutionality at the Court's proceedings.
 - i. A majority roll-call vote of Justices present is required to vote to overturn the Judiciary Committee's decision.
 - ii. A tie vote fails.
 - iii. A failure to vote to overturn the Judiciary Committee's decision results in a decision of no changes to the Judiciary Committee's decision.
- 3. Grievances may be submitted by any Oakland University student, faculty, staff member, or alumni regarding actions taken by a member of the Oakland University Student Congress to the Judiciary Committee Chair.
 - a. Grievance Submissions
 - i. Grievances that accuse the Judiciary Committee Chair shall be submitted to the Judiciary Committee directly; the Judiciary Committee Chair shall be recused from their judicial duties on the matter of the grievance. The Judiciary Committee shall elect a temporary chair from among its membership for the matter of the grievance. The temporary chair shall act as the Judiciary Committee Chair in handling the grievance directed at the Judiciary Committee Chair.
 - ii. Grievances that accuse a member of the Judiciary Committee who is not the Judiciary Committee Chair shall be submitted to the Judiciary Committee Chair. The member of the Judiciary Committee who is the target of the grievance shall be recused from their judicial duties on the matter of the grievance.
 - iii. A tie vote results in neither determination of guilt nor action to be taken against the member who is the target of the grievance.
 - iv. Grievances that accuse a member of the Oakland University Student Congress who is neither the Judiciary Committee Chair nor a member of the Judiciary Committee shall be submitted to the Judiciary Committee Chair.
 - v. Any grievances that are submitted must be submitted using a form approved and made publicly available by the Judiciary Committee.
 - vi. The Judiciary Committee Chair shall bring a submitted grievance to the Judiciary Committee at the next regularly scheduled Judiciary Committee meeting, or within two (2) weeks, whichever is earlier.
 - i. The meeting must include a hearing, where the issuer of the grievance ("accuser") and the target of the grievance ("accused") may speak.
 - ii. The accuser and the accused must be invited to join the meeting's proceedings, and must be allowed to speak at a hearing portion of the meeting, but may waive their right to attend and/or speak at the hearing.

- iii. The meeting must be open to the public, unless the accused party requests a closed hearing.
- vii. The Judiciary Committee shall vote on the guilt of the accused member at the meeting, and the recommended sanction (if a guilty vote is determined) of the accused member by separate roll-call votes.
 - i. A majority roll-call vote of Judiciary Committee members present is required to assign guilt.
 - ii. A majority roll-call vote of Judiciary Committee members is required to assign a sanction.
 - iii. A failure to vote affirmatively to assign guilt results in a decision of no determination of guilt.
 - iv. A failure to vote affirmatively to assign a sanction results in a decision of no assignment of sanction.
 - v. A tie vote fails.
 - vi. The Committee may vote affirmatively on guilt of the accused party and then decide no sanction is necessary.
 - vii. The Committee may not fail to vote affirmatively on the guilt of the accused party and then vote affirmatively on a sanction.
- viii. The Judiciary Committee Chair must announce the decision(s) of the Committee at the next regularly scheduled General Body Meeting of the Oakland University Student Congress.
- ix. Any party may appeal the decision of the Judiciary Committee, or any part thereof, to the Constitutional Court within two (2) weeks of the announcement of the Judiciary Committee decision at the Oakland University Student Congress meeting.
 - i. If the Judiciary Committee decision is appealed to the Judiciary Committee Chair, the members of the Court ("Justices") shall be selected by the Judiciary Committee Chair subject to two-thirds (2/3) approval of the University Student Congress Legislature in the manner described in Article V. Section D. Composition of the Court.
- x. The accuser and accused each hold the power to remove any one Justice or the Judiciary Committee Chair from a Court decision on suspicion of bias within three (3) business days of the approval of the Justices by the University Student Congress Legislature.
 - i. In the case that either the accuser or accused invokes this power against an approved Justice, the University Student Congress Legislature shall follow the process outlined in Article V. Section B. Composition of the Court for appointing new members.
 - ii. In the case that either the accuser or the accused invokes this power against the Judiciary Committee Chair, the Judiciary Committee Chair must recuse himself or herself from Court proceedings. The Judiciary Committee shall then elect a new, temporary

Judiciary Committee Chair from among its leadership for Court proceedings.

- xi. The Judiciary Committee Chair shall bring the appeal to the Court within two (2) weeks of the approval of members by the Oakland University Student Congress Legislature.
 - i. The meeting must include a hearing, where the accuser and the accused may speak.
 - ii. The accuser and the accused must be invited to join the meeting's proceedings, and must be allowed to speak at times designated by the Court, but may waive their right to attend and/or speak at the hearing.
 - iii. The meeting must be open to the public.
 - xii. The Court may deliberate and may vote to overturn the Judiciary Committee's decision regarding guilt of the accused member at the meeting, and the Court may deliberate and may vote to overturn the Judiciary Committee's sanction (if the Judiciary Committee voted affirmatively on guilt) of the accused member by separate roll-call votes.
 - i. A majority roll-call vote to overturn a Judiciary Committee decision by all Justices present is required to overturn a Judiciary Committee decision.
 - ii. A failure to vote to overturn a Judiciary Committee decision results in a decision of no changes to the Judiciary Committee decision.
 - iii. A tie vote fails.
 - xiii. The Court may rule as to assign no sanction against the accused member if the accused is found guilty.
 - xiv. The Court may not rule as to cause a sanction against the accused member if the accused is not found guilty.
 - i. The Judiciary Committee Chair must announce the decision(s) of the Court at the next regularly scheduled General Body Meeting of the Oakland University Student Congress.
 - ii. The Court's decision is final during a Congressional session and overrules that of the Judiciary Committee. An appeal on the same matter may not be considered by the Court on two occasions during the same Congressional session.
4. Sanctions may include any of the following: an order to stop or reverse the action in question, a disciplinary meeting, or a temporary suspension from Oakland University Student Congress (or a particular role thereof), the duration of which shall not exceed the end of the current Congressional Session.
- a. In order for a sanction of suspension of a Student Congress member to be issued by either the Committee or the Court, the respective judicial body must determine that the accused committed serious misconduct or direct dereliction of duty. Therefore, a sanction of suspension must not be decided for a frivolous or minor matter that may be reasonably corrected with another (or no) sanction.
 - b. In cases where suspension of a Student Congress member is the sanction placed by the Court, the target of the sanction may appeal to the Legislature within two (2) weeks of the report of the decision to the Legislature. The

Legislature may overturn a suspension with a 3/4 majority roll call vote in favor of overturning the suspension.

- E. Operational Guidelines
 - 1. Operational guidelines shall be created for the Judiciary Committee and the Court by the Judiciary Committee Chair, subject to the approval of the Legislature, detailing any items not covered in this Constitution; such guidelines shall be made a part of the University Student Congress Bylaws.
 - 2. Amendments to the operational guidelines may be presented as a congressional bill; such bills require two readings for approval.

Article IV. Congressional Election

- A. Elections for the student-elected positions within the Legislative and Executive Branches of University Student Congress shall be held every Winter semester.
- B. Each student enrolled at the time of any election shall have the right to cast one vote for a Presidential/Vice Presidential ticket and up to twenty-five votes for Legislators. D. The term of office for elected members shall begin with the second legislative body meeting prior to the end of Winter semester. The new Congress must hold two (2) meetings before the end of Winter semester.

Article V. Meeting Procedures

- A. Quorum and absences.
 - 1. The quorum requirement for meetings of the Legislature shall be satisfied when a simple majority of seated Legislators, exclusive of any ex-officio members, are present.
 - 2. If quorum is not established within thirty minutes of a scheduled meeting time, those members not present shall be charged with an absence. All members present will be counted as present and dismissed.
 - 3. If quorum is established at the roll call, Legislators shall be charged with an absence if they are not present fifteen (15) minutes after the completion of the roll call.
 - 4. Legislators shall be charged with a tardy if they arrive after the completion of the roll call, but before the fifteen minute time limit. Two (2) tardies will be considered an absence.
- B. Conduct of Congress meetings.
 - 1. Congress meetings shall be conducted in accordance with the most recent official edition of Robert's Rules of Order, except as this Constitution or its Bylaws may provide.
 - 2. The Student Body Vice President shall preside over all meetings of Student Congress, and be charged with interpreting and enforcing orderly parliamentary procedure. The Steering Chair shall assume the powers and duties of
 - 3. Chairperson in the absence of the Vice President, while retaining all the duties and powers of a Legislator.
 - 4. Unless otherwise stipulated by this Constitution or its Bylaws, all votes of the Legislature shall require majority approval of those members present and voting. C. Submission and approval of business.
 - 5. All business to be placed on the agenda must be submitted, in writing, to the Steering Chairperson prior to the approval of the agenda.
 - 6. All items concerning Congressional finances or the Bylaws shall have two readings, at least seven days apart, before being put up for a final vote by the Legislature.
- C. Special meetings.
 - 1. A special meeting of the University Student Congress may be called by the Steering Committee for one stated purpose, and must be given at least two (2) days public notice.

Article VI. Referenda

- A. University Student Congress shall hold a campus-wide referendum following authorization by the Legislature. The referendum question shall have two readings at least seven days apart before being submitted for a final vote by the Legislature; a majority vote of the Legislature is needed to approve the creation of the referendum question.
- B. The student body may initiate a referendum, to be carried out by University Student Congress, by filing a petition to University Student Congress, totaling at least 1,000 currently enrolled Oakland University students.
- C. The referendum shall be adopted by University Student Congress if approved by a simple majority of those voting on the referendum.
- D. Any referendum to appear on a ballot must be promoted by at least one publicized campus-wide Open Forum.

Article VII. Amendment Procedure

- A. Amendments to this Constitution may be enacted by:
 - 1. The University Student Congress:
 - a. Conducting a first and second reading of the proposed amendment at publicly announced meetings of the University Student Congress at least seven days apart.
 - b. An affirmative vote of two-thirds of the Legislature.
 - c. A majority vote of those students voting in a student referendum.
 - d. Obtaining ratification by the Board of Trustees.
 - 2. The student body:
 - a. The collection of petition signatures totaling two-thirds of the total number of votes cast in the previous presidential election.
 - b. A majority vote of those students voting in a student referendum.
 - c. Obtaining ratification by the Board of Trustees
- B. Amendments to this Constitution's Bylaws may be enacted by:
 - 1. A first and second reading of the proposed Bylaws or amendment at publicly announced meetings of the University Student Congress at least seven days apart.
 - 2. An affirmative vote of two-thirds of the University Student Congress Legislature.
 - 3. Introducing legislation altering SAFB guidelines. These may be introduced for approval only by Legislators who are committee members or the committee's chairperson.
- C. Any amendment to the Bylaws must be written within the scope of authority set forth in this Constitution.