

# Constitution

**Ratified by the Undergraduate Student Body on March 20, 2014. Revised by the Senate and Amendment SP-01-20 on February 14, 2020.**

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**Constitution University of Alabama at Birmingham Undergraduate Student  
Government Association**

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## **PREAMBLE**

We, the students of the University of Alabama at Birmingham, recognizing the responsibility shared by University Administrators, Faculty, and the Student Body in surveying and improving student experiences at the University, do hereby constitute the Undergraduate Student Government Association, and do ordain and establish this Constitution.

### **Article I. The Undergraduate Student Government Association**

Section 1: Name: The name of this organization shall be the Undergraduate Student Government Association at the University of Alabama at Birmingham and may hereinafter be referred to as the USGA.

Section 2: Membership: The Undergraduate Student Government Association shall consist of all students who are duly registered in undergraduate courses at the University, hereafter collectively referred to as the Undergraduate Student Body.

Section 3: Distribution of Powers: The powers of the Undergraduate Student Government Association shall be divided into three distinct branches: The Executive, Legislative, and Judicial. No person or collection of persons being in one of these branches shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Section 4: This Constitution shall be considered the supreme law of the USGA and shall supersede in any conflicts with other USGA laws.

### **Article II. USGA and Undergraduate Student Rights**

Section 1: The Student Body possesses certain inalienable rights, which will, if necessary, be actively defended by intercession of the USGA on their behalf.

Section 2: The USGA recognizes the following to represent a guaranteed, although not exhaustive, list of rights of the Student Body.

1. Access to education and associated resources, as well as free mobility throughout campus facilities, are basic necessities for inclusive learning; therefore, the right for physically, mentally, and emotionally challenged students to do so shall not be abridged or impaired.
2. The University of Alabama at Birmingham and USGA prohibits discrimination in admission, educational programs, and other student matters on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, age, national origin, disability unrelated to program performance, veteran status or genetic or family medical history.
3. As freedom of expression is essential in education, students shall have the right of access to a student press.

### **Article III Executive Branch**

Section 1: All executive powers and duties of the USGA shall be vested in the Executive Council, consisting of the offices of President, Executive Vice President, Vice President of Communications, and Vice President of Finance, and Vice President of Student Services.

Section 2: The President of the USGA shall have the following duties and powers:

- (1) To execute the Constitution and the laws passed by the Senate.
- (2) To organize and preside over an Executive Council to be composed of the five elected USGA executive officers.

- (3) To call a special session of the Senate at any time deemed necessary for the interest of the Undergraduate Student Body. Reasonable advance notice must be given for any special session.
- (4) To veto or sign any legislation passed by the Senate and recommend alterations to such legislation, as the President deems necessary.
- (5) To perform such functions as may be authorized or requested by the Administration of the University, which may include serving on University committees or appointment of student representatives for committee assignments.
- (6) To organize any temporary committees as deemed necessary to perform any special functions not specifically delegated in this Constitution. The President may appoint members to temporary committees, define the function of the committees, and terminate any temporary committee.

Section 3: The Executive Vice President of the USGA shall have the following duties and powers:

- (1) To preside over meetings of the Senate as Chairperson, and to vote only in the event of a tie vote in the Senate.
- (2) To assume the office of President of the USGA in the event the President is unable to perform their duties.
- (3) To call a special session of the Senate at any time deemed necessary for the interest of the Undergraduate Student Body. Reasonable advance notice must be given for any special session.

Section 4: The Vice President of Communications of the USGA shall have the following duties and powers:

- (1) To oversee the USGA Department of Communications.
- (2) To serve as the corresponding and recording secretary for the USGA.
- (3) To keep and make available to the USGA a permanent record of the Constitution and Constitutional Amendments passed by the Senate and ratified by the Undergraduate Student Body.
- (4) To assure that all legislation is posted on the official USGA website.

Section 5: The Vice President of Finance of the USGA shall have the following duties and powers:

- (1) To oversee the USGA Department of Finance.
- (2) To supervise all internal and external financial transactions of the USGA.
- (3) To prepare and oversee the Budget process, present the Budget to Senate, and attend senate meetings as requested by the Senate.
- (4) To prepare and submit an itemized, financial report to the Senate each semester. Each end-of-the-semester report must be presented to the Senate by the last Senate meeting of the semester. It shall include a starting balance, an itemized list of income and expenses, and the closing balance in the general journal for that time period.

Section 6: The Vice President of Student Services of the USGA shall have the following duties and powers:

- (1) To oversee the USGA Department of Student Services.

- (2) To coordinate various Town Halls for the student voice to be heard.
- (3) To coordinate the Student Forum.
- (4) To perform other duties as the President may assign in the administration of the Executive Branch.

Section 7: Executive Cabinet:

- (1) The Executive Cabinet shall consist of the Executive Council and non-elected positions, except those of the Judicial Branch.
- (2) Positions and responsibility of appointments are outlined in the USGA Code of Laws.

Section 8: Failure to perform official duties by an officer of the USGA Executive Branch is outlined in Article VIII.

Section 9: In the event of a break in the chain of command, the line of succession will be as follows:

- (1) President: Executive Vice President
- (2) Executive Vice President: Vice Chairperson of the Senate
- (3) Vacancies for the positions of Vice President Communications and Vice President Finance shall be appointed by president with 2/3 approval by the Senate.

Section 10: If further successors are required, it will be up to the USGA Advisor and the Assistant Vice President of Student Experience to select a suitable and qualified successor. Such appointments must be confirmed by a 2/3 approval by the Senate.

## **Article IV. Legislative Branch**

Section 1: All legislative powers shall be vested in the Student Senate, hereinafter referred to as the Senate, to promote, regulate, and coordinate student activities and to provide for the student welfare.

Section 2: Composition:

- (1) The Legislative Branch may consist of the USGA Executive Vice President, Senators, Freshman Forum, and the Internship Program.
- (2) Representatives are elected from each of the academic schools, by the undergraduate students enrolled in that school, and in proportion to the number of students in each academic college.
  - a. The proportion of representation shall be determined annually by the Senate, based on the enrollment at the time of elections.
  - b. Each academic college shall be entitled to at least two members of the Senate. Each school shall be awarded one [1] additional Senate position for every 500 students enrolled in that Undergraduate Student Body.
  - c. No elected officer of the Executive Branch may serve as senator.
  - d. No officer of the Judicial Branch may serve as senator.
- (3) The Executive Vice President of the USGA Executive Branch shall be the Chairperson of the Senate.

Section 3: Legislative Process:

- (1) The Senate shall consider and enact legislation necessary for the operation of the USGA.
- (2) Any legislation passed by the Senate must be prepared by the Vice President of Communications

for signatures in the order below by the following persons within two Senate meetings from the time of passage by the Senate:

- a. President
  - b. Executive Vice President
  - c. USGA Advisor
  - d. Assistant Vice President of Student Experience
- (3) If the President, Executive Vice President, USGA Advisor, or Assistant Vice President of Student Experience chooses not to sign the legislation, he or she must return it to the Senate with comments explaining the rejection.
- (4) A veto by the President may be overridden by a 3/4 vote of the Senate.
- (5) Once legislation (except for constitutional changes outlined in this Constitution) is signed by President, Executive Vice President, USGA Advisor, and Assistant Vice President of Student Experience, it immediately becomes law.

## **Article V. Judicial Branch**

Section 1: All judicial powers granted herein shall be vested in a Student Court, Student Advocate and Attorney General, which are hereby created.

Section 2: The Student Court shall be composed of four Associate Justices and one Chief Justice. The officers of the court shall be the Chief Justice and a Court Clerk.

- (1) The Clerk shall be one of the four Associate Justices and appointed by the Chief Justice.
- (2) The Justices, including the Chief Justice, shall be appointed by the President of the USGA, confirmed by 2/3 vote by the Senate.

Section 3: The Student Court shall meet once a month during the regular school year. A special meeting of the Student Court may be called by the Chief Justice with at least 2 days advance notice.

Section 4: Jurisdiction of the Student Court shall include:

- (1) Interpretation of the USGA Constitution, Code of Laws, and its respective amendments.
- (2) Interpretation of all legislation signed into law.
- (3) To decide disputes between recognized student interest groups and departmental clubs/organizations along with students not members of the interest groups involved.
- (4) Charges of violations of the USGA Constitution, Code of Laws, and Constitutional Amendments.
- (5) Appeals of election decisions made by the Election commission.
- (6) Impeachment cases outlined in this Constitution or any other appropriate legislation.

Section 5: The Student Advocate:

- (1) Is the representative of a non-USGA person or groups in any issue brought before the Student Court.
- (2) Shall be appointed by the Chief Justice, confirmed by 2/3 vote of the Senate.
- (3) Shall follow the guidelines and procedures set forth by this Constitution and any other appropriate legislation.

Section 6: The Attorney General:

- (1) Represents the USGA and their respective interests before the Student Court
- (2) Shall serve as a prosecutor in matters of impeachment.
- (3) Is appointed by the Chief Justice and confirmed by 2/3 vote of the Senate.

Section 7: All procedures, rules, and regulations pertaining to the judicial process, which are not contained directly herein, shall be incorporated in the Code of Laws.

Section 8: Any decision rendered by the Student Court concerning any violation associated with the USGA Constitution or Code of Laws is final except as follows:

- (1) A review of a decision may be requested only by the President or Advisor of the USGA.
- (2) If the President or Advisor wishes to request a review of the decision, the request should be made to the Assistant Vice President of Student Experience.
- (3) A review by the Assistant Vice President of Student Experience should determine if there is any reason the decision of the Student Court should not be upheld.
- (4) Upon their decision, the Assistant Vice President of Student Experience should:
  - a. Uphold the decision of the Student Court
  - b. Return the decision to the Student Court with recommendations for reconsideration
  - c. Reverse the decision of the Student Court.

## **Article VI. Qualifications of Elected and Appointed Officials and Terms of Office**

Section 1: The qualifications for the various offices and positions of the USGA shall be determined at the time of election or appointment and shall be as follows:

- (1) To be eligible for election or to be appointed to any USGA office or position, the student must be enrolled at UAB as a full-time student during the term in which the election or appointment takes place and term in office, excluding the summer term.
- (2) The President and Executive Vice President:
  - a. Must be of at least sophomore standing to enter the race.
  - b. Is limited to two (2) terms in each office.
  - c. Must have at least a GPA of 2.5 to be eligible to run.
  - d. Must maintain at least a 2.5 GPA (of 4.0) while in office, with no grace period.
  - e. Must have attended UAB for one (1) of the two (2) previous regular terms prior to election.
  - f. Must have been involved with the USGA, either as a senator, a committee member, a Judicial member, or a member of the Executive Cabinet for at least eight weeks.
- (3) The Vice President of Communications, Vice President of Student Services, and Vice President of Finance:
  - a. Must maintain at least a 2.5 GPA (of 4.0) while in office, with no grace period.
  - b. Must be enrolled as a full-time student during the fall and spring semesters while in office. Summer enrollment is optional.
- (4) For all other positions, elected and appointed student officials:
  - a. Must maintain at least a 2.0 GPA (of 4.0) while in office with a one (1) semester grace period.
  - b. Must be enrolled as a full-time student during the fall and spring semesters while in office. Summer enrollment is optional.

Section 2: Election of officers and positions:

- (1) The Election Commission shall determine elections rules and regulations.
- (2) To be elected, a candidate must receive a majority of votes cast for the executive office or position sought. If no candidate receives a majority vote, a run-off election shall be held.
- (3) To be elected for a senate office, candidates that receive the majority of cast votes will fill the available senate seats.
- (4) Voting in elections shall be by secret ballot and conducted according to procedures established by the Senate and the appropriate legislation. Each candidate and/or designated representative shall be allowed to be present at the time votes are totaled.
- (5) Executive Council members shall be elected at large by the UAB Undergraduate Student Body. Senators in each undergraduate school shall be elected only by students in the respective schools.

### Section 3: Installation of officers and positions:

- (1) All Executive Branch officers shall assume office as the elect, upon finalization of the election by the Election Coordinator. The President-elect shall only have the power of appointment for the new Executive Cabinet. All appointments shall be confirmed by the presiding Senate.
- (2) All newly elected or appointed executive officers shall work with the outgoing officers to learn the positions but shall not have any of the powers outlined in this Constitution or further powers outlined by the Senate unless the powers outlined are specifically for the elected positions and do not conflict with powers given to active executive officers.
- (3) All Executive Officers and Senators shall assume office at the USGA Banquet upon being sworn in and shall hold offices until removed or successors are elected and assume office.
- (4) All USGA Officers, elected and appointed, must take the following oath, to be administered by the Chief Justice:

*"I do hereby solemnly swear that I will faithfully execute the duties of my office and will to the best of my ability preserve, protect, and defend the Constitution of the Undergraduate Student Government Association of the University of Alabama at Birmingham and regulations which may be made in pursuance thereof."*

### **Article VII. Compensation of USGA Officers**

The President, Executive Vice President, Vice President of Communications, Vice President of Finance, Vice President of Student Services and any other appointed positions designated by the Senate shall be eligible for a stipend, the amount of which shall be approved by the Senate through the normal legislative process.

### **Article VIII. Impeachment and Removal from Office**

The process of impeachment may be initiated against any elected official outlined in this Constitution.

#### Section 1: The procedure shall be as follows:

- (1) The Senate shall form an Ad Hoc Committee consisting of a minimum of five members of the Senate. This committee shall be formed by nomination and elected by secret ballot.
- (2) The function of this committee shall be to investigate the impeachment charges. At the next regularly scheduled Senate meeting, the committee shall submit a typewritten report of its findings and recommendations to the Senate.
- (3) The Senate shall vote as to whether impeachment will take place. Impeachment shall require a three-fourths majority vote of the Senate.
- (4) If impeachment passes, the Attorney General will prosecute the case in the Student Court.



Section 2: An impeachable offense shall be defined as any violation of this Constitution, the Code of Laws, any legislation signed into law, and any major violation of UAB Policies.

### **Article IX. Amendment(s) to and Ratification of the Constitution**

Section 1: Amendments to this Constitution may be initiated in one of the following ways:

- (1) A vote of two-thirds majority of the Senate.
- (2) A petition signed by ten percent of of the Undergraduate Student Body. Section 2:

After one of the two proceeding steps has been completed, the following process must occur in order:

- (1) The Senate must vote by 2/3 of members present to accept the proposed amendment(s) unless the amendment(s) was initiated by Article IX Section 1(1).
- (2) Following proper approval from the Senate, the Constitution must be approved by the USGA Advisor in its entirety.
- (3) The text of the proposed Constitution shall be published in full in student media.
- (4) Copies of the amendment(s) shall be available for review upon request at any polling location and, for at least one full week prior to the election, at the USGA office.
- (5) The proposed amendment(s) shall be presented to the Student Body in a duly-authorized referendum. A majority of votes cast must be in favor to pass the amendment(s).

Section 3: Since this Constitution's purpose is to unify in government and bind all students of the Student Body of the University of Alabama at Birmingham, it should be recognized that constitutions, like contracts are viewed as agreements between those assenting to be bound and those provisions found therein.

Section 4: Editorial changes to this Constitution such as grammar, formatting, and non-substantive re-wording may be proposed by any member of the Senate at an official Senate meeting or Senate retreat/conference and must be approved and ratified by a two-thirds affirmative vote of the Senate members present and voting, without a vote by the Undergraduate Student Body.

### **Article X. Code of Laws**

The USGA shall consider and enact a Code of Laws and any legislation deemed necessary to complement this Constitution and coordinate the operation of the USGA. All legislation intended for incorporation into the Code of Laws shall be subject to the same process outlined for regular legislation.