

USG161206

PROPOSAL TO CREATE THE JUDICIAL BRANCH OF THE UNDERGRADUATE STUDENT GOVERNMENT

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NOTING: The absence of a judicial branch or other, impartial system of checks and balances in the structure of the undergraduate student government,

RECOGNIZING: that six out of our nine peer institutions have some form of judiciary branch within their student government,

EMPHASIZING: The increased spotlight on the need for transparency, student accessibility, and senator accountability,

FURTHER EMPHASIZING: The steps the Undergraduate Student Government has already taken to increase accountability and transparency,

The Undergraduate Student Government of Tulane University of Louisiana,

CONCLUDES: the following changes shall be made to the Constitution of the Undergraduate Student Government of Tulane University of Louisiana, noting that only the articles to which changes have been made have been included in this document for the sake of clarity:

**Constitution of the Undergraduate Student Government of
Tulane University of Louisiana
(Revised: 9/15/14)**

Preamble

We, the undergraduate students of the Tulane University of Louisiana, in order to promote academic excellence; to establish meaningful and lasting relationships among all members of the Tulane University community; to facilitate and encourage the interests and activities of undergraduate students; to foster cooperation among the undergraduate governments of the University; to coordinate activities with graduate and professional students of the University; and to work to meet the needs of all undergraduate students, do establish this constitution for the Undergraduate Student Government of Tulane University.

Article I.

Organization of the Undergraduate Student Government

Section 1. This body shall be the “Undergraduate Student Government of the Associated Student Body of Tulane University of Louisiana” (USG).

Section 2. The membership of the USG shall be all persons classified by the University as undergraduate students or students enrolled in divisions of the University classified as undergraduate who are registered as either full or part time students in the University.

~~Section 3. The USG shall be represented by a Student Senate, which shall be composed of the USG Executive Cabinet, the head of each Student Organization Council, representatives from each unique undergraduate division of the University, as per Article II, and the Associated Student Body (ASB) Advisor.~~

Section 3. The USG shall be represented by:

A) A Student Senate which shall be composed of the USG Executive Cabinet, the head of each Student Organization Council, representatives from each division of the University as per Article II, and the Associated Student Body

Representative, if there is one in place.

B) A Judiciary Council that shall consist of one (1) Chief Justice, four (4) Associate Justices, and two (2) alternates.

Article V.

USG Executive Cabinet

Section 1. The Executive Cabinet shall be composed of:

A. Voting Members including:

1. A President (who votes only in the case of a tie),
2. An Executive Vice President,
3. A Vice-President for Student Life,
4. A Vice-President for Finance,
5. A Vice-President for Student Organizations,

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6. A Vice-President for Academic Affairs, and
- B. Non-voting Members, including:
 1. An Advisor,
 2. A Parliamentarian,
 3. A Secretary,
 4. A Communications Director,
 5. A Chief of Staff,
 6. Two (2) Freshman Leadership Program Coordinators,
 7. An Attorney General
- C. Non-voting members shall not hold any elected positions on the Senate.

Section 2. The following will have limited speaking privileges in the Executive Cabinet:

- A. Student Organization Council Chairs
- B. Presidents of divisions as listed in Article II, Section 1 A.

Section 3. Prerequisites for Seeking and Retaining Office

- A. Must be registered as a student of the University in one of the aforementioned divisions,
- B. Must have been a student of the university for at least two (2) full semesters at the time of the election,
- C. Must intend to be a student of the University for a full school year during the term of office, and
- D. Must be eligible under the rules and regulations of the division in which he or she is registered.

Section 4. Duties

- A. The President shall:
 1. Serve as the presiding officer of the USG Senate and of the USG Executive Cabinet,
 2. Serve as the chair of the USG Executive Finance Committee as per Article VIII, Section 3 C,
 3. Call meetings of the USG Senate as prescribed by Article IV,
 4. Serve as an ex officio, non voting member of each Student Organization Council,
 5. Appoint representatives to the University Senate, University Senate Committee seats, and other university committees that are designated as undergraduate,
 6. Have the ability to veto all legislation passed by less than two-thirds (2/3) of the USG Senate.
 - i. The veto must occur within forty-eight (48) hours of the close of the meeting at which the legislation was passed.
 - ii. The veto may be overridden by a two-thirds (2/3) vote of the USG Senate.
 7. Appoint a President Pro Tempore, chief of internal affairs, secretary, parliamentarian, and communications director, subject to the approval of the Senate,
 8. Oversee the senate elections for members of the Judiciary committee at the first meeting of the term,
 9. Serve as an undergraduate representative to the University Senate.
- B. The Executive Vice President shall:
 1. Shall serve as the first vice president of the USG Senate,

2. Oversee the expenditure of USG Senate funds,
 3. Oversee the secretary and parliamentarian and their responsibilities for keeping the minutes and attendance of the USG Senate, managing the USG record, and maintaining the USG Workroom and Office,
 4. Oversee the Awards and Elections Committee (AEC),
 5. Oversee the Constitution and Bylaws Review Committee (CBRC),
 6. Be responsible for establishing and maintaining a permanent record of all legislation considered in the USG Senate,
 7. Oversee all USG Programming, and
 8. Serve as an undergraduate representative to the University Senate.
- C. The Vice President for Finance (VPF) shall:
1. Serve as the presiding officer of the Finance Committee as per Article VIII,
 2. Officially inform the Vice President for Student Affairs or their representative of all actions taken by this Committee and, where necessary, approved by the USG Senate,
 3. Notify all student organizations of the restrictions, guidelines, and priorities established by this Committee,
 4. Act as spokesperson for the Committee to enforce and promote all policies mandated by the Committee,
 5. Appoint subcommittees as authorized in the bylaws,
 6. Bring all legislation pertaining to USG finances to appropriate administrative bodies.
- D. The Vice President for Student Organizations (VPSO)
1. Oversee the USG Student Body Administrative Council (SBAC),
 2. Oversee the Motor Pool Committee,
 3. Chair the Mushroom Trust Fund Committee,
 4. Serve as an ex-officio member of all Student Organization Councils, and
 5. Ensure that Student Organization Councils meet on a regular basis.
- E. The Vice President for Student Life (VPSL) shall:
1. Chair the University Affairs and Student Life Committee,
 2. Coordinate all student comments, recommendations, and complaints regarding issues of student life through the University Affairs and Student Life Committee, and
 3. Bring all legislation pertaining to student life to the appropriate administrative bodies
- F. The Vice President for Academic Affairs (VPAA) shall:
1. Chair the Undergraduate Academic Affairs Committee,
 2. Coordinate all student comments, recommendations, and complaints regarding academic issues through the Undergraduate Academic Affairs Committee,
 3. Bring all legislation pertaining to academic affairs to the appropriate administrative bodies,
 4. Chair a monthly meeting with the presidents of the separate divisions, listed in Article II, Section 1, A.

Article XI.
The Judiciary Council

Section 1. The Judiciary Council shall be composed of:

- A. One (1) chief justice,**
- B. Four (4) associate justices, and**
- C. Two (2) alternate associate justices.**

Section 2. The Chief Justice

A. Prerequisites for seeking and retaining office:

- 1) Must be registered as a student of the University in one of the divisions outlined in Article II, Section 1, A,**
- 2) Must intend to be a student of the University for a full school year during the term of office,**
- 3) Must be eligible under the rules and regulations of the division in which they are registered, and**
- 4) Must have served as an Associate Justice, Alternate Associate Justice previously, or as a member of the Senate**

B. Duties:

- 1) Perform the duties of the chair during all Judiciary Council proceedings**
- 2) Adjudicate any complaints brought before the Judiciary Council**
- 3) Notify the public of any Judiciary Council decisions**
- 4) Undertake the process of justice selection following their appointment**

C. Selection:

- 1) The chief justice shall be selected by a vote among the Judiciary Council and the Executive Vice President, the Vice President of Finance, and the Vice President of Student Organizations according to the timeline in the Judiciary Council Bylaws**

Section 3. The Associate Justices and the Alternate Associate Justices

A. Prerequisites for seeking and retaining office:

- 1) Must be registered as a student of the University in one of the divisions outlined in Article II, Section 1, A,**
- 2) Must intend to be a student of the University for a full school year during the term of office,**
- 3) Must be eligible under the rules and regulations of the division in which they are registered,**
- 4) Must have attended Tulane University for at least 1 semester, and**
- 5) Must not also serve concurrently on another branch of the Undergraduate Student Government.**
- 6) Members of the Judiciary Council may neither publicly support, nor privately campaign for a candidate for office in the Undergraduate Student Government.**

7)Members of the Judiciary Council may not run for any position in the Undergraduate Student Government during their term on the Judiciary Council.

B. Duties

1) Associate Justices shall:

i. Adjudicate any complaints brought before the Judiciary Council.

ii. Participate in the selection of the of the Chief Justice in the spring semester.

2) Alternate Associate Justices shall:

i. Perform the duties of the Associate Justices in the event that any of the Justices must recuse themself.

Section 4. Appointment of Justices:

A. Judiciary Appointment Council

1) All Justices, other than the Chief Justice, must be appointed by the Judiciary Council as outlined by the processes in this document.

B. Composition and Role of the Judiciary Appointment Council

1) The Judiciary Appointment Council (JAC) shall consist of the outgoing Chief Justice, the incoming Chief Justice, and the Outgoing Attorney General.

2) The JAC shall oversee the appointment process for the Associate Justices and Alternate Justices

C. Advertisement of the Application

1) The JAC shall make a good faith effort to advertise the application to a diverse student population.

2) A good faith effort shall be constituted by meeting the following recruitment requirements listed below

i. All members of the JAC shall be required contact each Organization Council Chair, provide them with information on how to access the application and its deadlines, and ask them to distribute the information to their constituents.

ii. All members of the JAC shall be required to attend a minimum of three (3) events sponsored by the O to advertise the Program before or while the application is open.

iii. The Incoming Chief Justice shall be responsible for creating a flyer containing the application dates and a link to the application, and approval from Housing and Residence Life and University Services to hang them in all dorms, academic buildings, and bulletin boards at least three (3) weeks before the close of the application

iv. The Incoming Chief Justice shall be responsible for contacting the current advisor of Posse Scholars at Tulane to advertise the program to its members.

iv. Shall deliver an announcement about the application at at least one (1) meeting of the Freshman Leadership Program, and provide the coordinators with information about the application and its deadlines.

D. The Application and Selection Process

- 1) An application that must be made public to the entire undergraduate student population
- 2) A round of interviews of applicants selected from the application pool
- 3) An optional second round of interviews to be used in the event of an exceptionally competitive applicant pool.
- 4) All members of the JAC must be present for all interviews, in addition to at least two of the following:
 - i. The Director of Diversity and Inclusive Excellence,
 - ii. The Multicultural Organization Council Chair, or
 - iii. The Gender and Sexuality Advisory Council Chair.

Section 5: Duties of the Judiciary Council:

A. The Judiciary Council shall be responsible for adjudicating complaints brought to them. These complaints must fall under the following categories:

- 1) Review of Alleged ByLaw Violations
- 2) Appeals of Student Activity Fee Decisions by the Finance Committee
- 3) Appeals of Decisions Made by the Student Body Administrative Council
- 4) Appeals of Decisions Made by the Awards and Elections Committee
- 5) Review of Decisions by the Senate that Appear to Violate the Constitution and Bylaws of the Senate

B. The Judiciary Council must:

- 1) have sole original jurisdiction in all cases arising under this Constitution and its associated Bylaws.
- 2) maintain a record of its proceedings, and issue written opinions in all cases brought before it.
- 3) make all opinions it has rendered publicly available within 48 hours of the Council's decision in each case.
- 4) Create Bylaws consistent with the duties and powers outlined in Article XI of this document in collaboration with CBRC.

Section 6: Powers of the Judiciary Council

A. The Judiciary Council shall have the power to:

- 1) Halt the implementation of a resolution, legislation, or special legislation passed by the Senate while it is under consideration for a violation of Constitution or Bylaw
- 2) Reverse the passage of a resolution, legislation, or special legislation passed by the Senate, if and only if that resolution, legislation, or special legislation is found to violate the Constitution or Bylaws of the Senate or falls under one of the other categories of complaints specified above
- 3) Redistribute funds, in partnership with the Vice President for Finance, for recommendations that have been appealed, if the complainant has provided adequate evidence that the allocation should be revised

4) Redetermine, in partnership with the Vice President for Student Organizations, status decisions made for organizations that have appealed, if the complainant has provided adequate evidence that the status decision should be revised.

5) Alter, in partnership with the Executive Vice President, decisions made by the Awards and Elections Committee, which may be either judgments of electoral misconduct or sanctions imposed, that have been appealed, if the complainant has provided adequate evidence that the decision should be overturned.

B. In order to exercise any of these powers, the Judiciary Council must reach a majority consensus, except in the case of removal from office, in which four (4) of five (5) justices must agree.

Section 7: Procedures for Filing Complaints:

A. Complaints must be submitted in writing to the Judiciary Council via the methods specified in the Bylaws

B. The structure of the complaint shall be specified in the by-laws of the Judiciary Council

1. The format of the complaint must be easily accessible to the entire Undergraduate Student Body

C. Any undergraduate student has the right to file a complaint against any organization recognized by this constitution or the bodies identified herein or any member of the USG.

Section 8: Notification of Hearings and Receipt of Complaints:

A. All parties mentioned in the complaint must be notified of the complaint within three days of its receipt

B. Upon receipt of the complaint, the court has 5 days to schedule a hearing which will occur within a month of the date of the receipt of the complaint

C. The judicial council must confer with the parties of the complaint in order to schedule the hearing.

D. The council must notify all parties of the complaint of the scheduled time of the hearing no later than 24 hours before the hearing has been scheduled for.

E. All parties shall be informed of the nature of the complaint but not the overview stated in the complaint nor the suggested list of witnesses.

Section 9: Vacancies:

A. Alternate justices shall replace an associate justice in the event of a vacancy

B. In the event that an associate must be replaced, the Chief shall choose which alternate justice shall fill the role

C. In the event that the Chief needs to be replaced, a vote shall be held among all alternate and associate justices to determine who among them shall be the new Chief, as determined by a majority vote.

D. In order to replace alternates, an interview process shall occur

E. In the event that none of the roles are filled or the justices are unable to carry out the duties outlined in this section, the advisor for the Undergraduate Student Government as well as two delegates selected by the advisor.

1. A member of the Executive Board of the Undergraduate Student Government may not serve on the selection committee

Section 10: Procedures for Impeachment and Removal of Justices:

A. Procedures for removing a Chief, Associate, or Alternate Justice shall be found in the Judiciary Council Bylaws.

B. Removal of a Justice must be done in accordance with the procedures found in the Judiciary Council Bylaws and by the standards set by those procedures alone.