

**Constitution**  
of the  
**Student Government Association**  
of the  
**University of Maryland, Baltimore County**

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The Constitution was ratified by the Student Government Association of the University of Maryland, Baltimore County, effective May 15, 2004. This document has since been amended on: May 15, 2005. The document below is current as of May 15, 2005.

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**Preamble** We, the undergraduate students of the University of Maryland, Baltimore County (UMBC), are and wish to be deeply involved in creating the university's academic, co-curricular and community life to ensure a distinctive undergraduate experience. In order to better organize and support our creative contributions, identify and give voice to our hopes and concerns, engage each other in campus activities and decision-making, build mutually beneficial partnerships with individuals and organizations on- and off-campus, and promote and defend our welfare, we hereby establish a Student Government Association (SGA) at UMBC, and adopt this Constitution as its primary governing document.

**Article 1 MEMBERSHIP AND GOVERNANCE**

**1.1. General Membership**

SGA's general membership shall consist of all UMBC undergraduate students.

**1.2. Officers**

SGA shall be governed by officers elected or appointed as outlined in this Constitution. These officers will be organized into three governing branches: Legislative, Executive and Judicial. No person shall hold more than one SGA office at a time.

**1.3. Guiding Documents**

"Guiding Documents" are the documents establishing SGA's rules, policies and processes. Among these guiding documents must be a Budgetary Policy and an Election Policy. This Constitution shall be SGA's supreme Guiding Document, followed in order of precedence by the SGA Bylaws, all other SGA Guiding Documents, and then by all other legislation.

In addition to the text, this *Constitution* document embodies the laws of the State of Maryland, the United States of America, the rules and regulations of UMBC, and the University of Maryland System as set forth by the Board of Regents of the University of Maryland System or their specifically designated representatives.

**Article 2 LEGISLATIVE BRANCH**

**2.1. Structure**

SGA's Legislative Branch shall consist of a House of Organizations, a Senate, and their appointed officers.

**2.2. House of Organizations**

**2.2.1. --Composition**

The House of Organizations shall be composed of 17 voting officers with the title "Representative" who shall be elected by the entire undergraduate student body. Seats shall be distributed as per the bylaws.

**2.2.2. --Powers**

The House of Organizations shall have the power to adopt legislation and initiate action relating to SGA's internal affairs: matters about which SGA officers or members have primary authority. "Internal affairs" include approval of SGA's budget in accordance with the Budgetary Policy; allocate funds to student organizations in accordance with the SGA guiding documents; recognition, coordination and support of student organizations; and programs of, by and for UMBC undergraduates. The House also shall have the power to allocate and approve certain SGA funds in accordance with the Budgetary Policy; and approve certain Executive Branch appointments and override an SGA President's veto in accordance with the SGA Bylaws.

**2.2.3. --Speaker, Assistant Speaker, and Appointed Officers**

The House of Organizations shall elect, and may replace, any one of its voting members as Speaker and another voting member as Assistant Speaker. The Speaker of the House of Organizations shall preside over the House of Organizations and shall have the power to appoint other appointed officers (subject to House approval).

**2.2.4. --Committees**

The House of Organizations may create and disband committees as outlined in the Bylaws.

**2.3. Senate**

**2.3.1. --Composition**

The Senate shall be composed of 11 voting officers with the title of "Senator," who shall be elected by the entire undergraduate student body in accordance with the election policy.

**2.3.2. --Powers**

The Senate shall have the power to adopt legislation and initiate action relating to SGA's external affairs: matters about which SGA officers or members do not have primary authority. "External affairs" include the policies and practices of UMBC, the University System of Maryland, the state of Maryland and the United States relating to curriculum, academic requirements, financial aid, facilities, student and residential life, student conduct, campus services, budgets, tuition and fees, and any other matter affecting UMBC undergraduates; and relationships between any SGA member(s) and UMBC's faculty and staff. The Senate also shall have the power to approve, reject, or amend the SGA fiscal year budget; the power to allocate and approve certain SGA funds in accordance with the Budgetary Policy; and the power to approve certain Executive Branch appointments and override an SGA President's veto in accordance with the SGA Bylaws.

**2.3.3. --Speaker, Assistant Speaker, and Appointed Officers**

The Senate shall elect, and may replace, any one of its voting members as Speaker and another voting member as Assistant Speaker. The Speaker of the Senate shall preside over the Senate and shall have the power to appoint other appointed officers (subject to Senate approval).

**2.3.4. --Committees**

The Senate may create and disband committees as outlined in the Bylaws.

**2.4. Establishment and Amendment of Guiding Documents**

The House of Organizations and the Senate may establish SGA Bylaws and other Guiding Documents, and amend SGA Bylaws by a two-thirds vote of the entire body membership of each body. The House and the Senate each may establish and amend rules governing their respective legislative processes by a two-thirds vote of entire body membership. Legislation establishing or amending Guiding Documents shall not be subject to veto.

**Article 3 EXECUTIVE BRANCH**

**3.1. Structure**

SGA's Executive Branch shall consist of a President, a Vice President, Cabinet officers and staff officers.

**3.2. President**

All of SGA's executive powers are vested in the President. The President shall have the power to represent the SGA and its members in any forum; create Cabinet positions; appoint students to serve as SGA officers and representatives in accordance with the Guiding Documents (appointments are subject to approval by the Senate or House of Organizations as specified in the SGA Bylaws); remove any of his or her appointees to staff, Cabinet and committee positions at will; veto any House, Senate or joint legislation, other than legislation establishing or amending Guiding Documents or initiating impeachment, subject to override as explained in the SGA Bylaws; and initiate and implement programs, services and advocacy campaigns for the benefit of UMBC undergraduates. The President shall be a nonvoting member of both legislative bodies and their respective committees.

**3.3. Vice President**

The Vice President will have powers and duties as determined by the President and consistent with this Constitution and the SGA Bylaws. The Vice President will assume the office of President if for any reason the President cannot fulfill his/her duties. The Vice President shall be a non-voting member of the House of Organizations, the Senate and their respective committees.

**3.4. Cabinet**

The Cabinet shall consist of the President, the Vice President, the Chief of Staff, the Treasurer, and the holders of any other Cabinet offices created by the incumbent President. Each Cabinet officer will have powers and duties as determined by the President and consistent with this Constitution and the SGA Bylaws.

**3.5. Staff Officers**

Each Cabinet officer, including the President and Vice President, may create a staff structure to help in fulfilling his or her responsibilities, and may appoint students to his or her staff. Each staff officer will have powers and duties as determined by the appointing Cabinet officer and consistent with this Constitution and the SGA Bylaws. Staff officer positions shall exist only as long as the appointing Cabinet member remains in office.

**Article 4 JUDICIAL BRANCH**

**4.1. Structure**

The Judicial Branch shall consist of a Supreme Court and an Elections Board.

**4.2. Supreme Court**

**4.2.1. --Composition**

The Supreme Court shall be composed of 5 SGA officers with the title "Justice." Each Justice shall serve a two-year term with three justices commencing terms on odd-numbered years, and two justices commencing terms on even-numbered years. The President shall appoint Justices in the spring semester of the year in which their term commences or whenever mid-term vacancies occur.

#### 4.2.2. --Powers

The Supreme Court shall have the power to:

- adjudicate disputes relating to the interpretation and application of this Constitution, the SGA Bylaws, any other SGA Guiding Documents, SGA legislation, and the constitution of any SGA-recognized organization (including Charter organizations) when all of the following are true:
  - The party initiating a case before the Supreme Court is a UMBC undergraduate or a group of UMBC undergraduates and has a reasonable basis for claiming to have suffered harm as a result of the decision or action being challenged;
  - the party whose action is being challenged is a UMBC undergraduate or a group of UMBC undergraduates; and
  - the party initiating the action has exhausted all available SGA adjudication forums other than the Supreme Court, including the Elections Board if the dispute relates to matters over which the Elections Board has jurisdiction; and
- take any of the following remedial actions in such disputes:
  - compel SGA to transfer some of its funds;
  - compel any SGA-recognized student organization to transfer some or all of its SGA funds to any other UMBC SGA-recognized student organization, provided that this remedy would not force a student organization to finish a fiscal year with obligations in excess of its assets;
  - invalidate any provision of SGA Guiding Documents or other legislation inconsistent with this Constitution and the SGA Bylaws, and any provision of the SGA Bylaws inconsistent with this Constitution;
  - affirm, reverse, or remand any decision of the Elections Board, and
  - disqualify or impose campaign restrictions on any candidate for an elected SGA office.

#### 4.2.3. --Chief Justice

The Supreme Court shall elect, and may replace, any one of its members as Chief Justice. The Chief Justice shall organize meetings of the Supreme Court, chair Supreme Court meetings unless he/she is absent or yields the chair, and represent the Supreme Court to SGA officers and other campus audiences.

#### 4.2.4. --Legislative Appeal

Any decision of the Supreme Court may be invalidated by the House of Organizations and the Senate through joint legislation approved by  $\frac{3}{4}$  of each body's members present. Such legislation is not subject to veto.

#### 4.3. Elections Board

The Elections Board shall consist of an Elections Board Chair appointed by the President, and two or more additional officers appointed by the Elections Board Chair, all subject to approval by the both legislative bodies. The Board shall administer all SGA elections, with the exception of in-house elections.

### Article 5 OFFICER SELECTION AND REMOVAL

#### 5.1. Officer Selection

##### 5.1.1. --General Elections

All Representatives, Senators, the President and the Vice President, and Treasurer will be elected annually during the spring semester as outlined in the Election Policy. The President and Vice President shall be elected as a ticket; all other officials shall be elected individually.

##### 5.1.2. --In-House Elections

The Senate and House of Organizations may elect new members to fill vacancies as set forth in the SGA bylaws.

### **5.1.3. --Appointments**

Supreme Court Justices and Cabinet officers (other than the President, Vice President, and Treasurer) shall be appointed by the President, subject to House of Organizations or Senate approval as specified in the SGA Bylaws. Election Board members shall be appointed as outlined the "Election Board" section of this document. In the event of a mid-term vacancy in any of these positions, including Vice President, the President shall appoint a replacement subject to House of Organizations or Senate approval as specified in the SGA Bylaws. Staff officers may be appointed at any time by the Cabinet member for whom they will work. The House of Organizations and Senate shall appoint their officers in accordance with their respective bodies' procedural rules.

### **5.2. Eligibility Requirements**

In order to be eligible to seek and hold SGA offices, an individual must be a UMBC undergraduate, have at least a cumulative 2.25 GPA, maintain at least a 2.25 semester GPA while in office, and not be on academic or disciplinary probation. For the offices of President and Vice President, an individual must have at least a cumulative 2.5 GPA, 24 total credits, and 12 credits at UMBC to seek or hold office, and maintain at least a 2.5 semester GPA while in office. Additionally, all Senate and Representatives must adhere to the attendance requirements determined by their respective legislative body and as outlined in each respective body's procedural rules to maintain eligibility.

### **5.3. Terms of Office**

The terms of SGA officers elected shall commence at 6:00 p.m. local time on May 15<sup>th</sup> in the year of their election. The terms of all appointed SGA officers shall commence immediately upon approval of their appointments by the appropriate legislative body as specified in the SGA Bylaws. The Election Board Chair shall serve until their graduation or removal. Other Election Board members and Supreme Court Justices shall serve a term of two years ending at 6:00 p.m. local time on May 15<sup>th</sup> at the end of the second year. All other SGA officers' terms shall end at 6:00 p.m. local time each May 15<sup>th</sup>.

#### **5.3.1 Oath of Office**

All elected or appointed SGA officers (excluding Executive staff officers) must take the following oath before taking office: "I do solemnly affirm that I will faithfully execute the office of {title} of the Student Government Association of the University of Maryland, Baltimore County, and will to the best of my ability contribute towards enhancing the undergraduate experience of the students of the University of Maryland, Baltimore County." The Senate and House Speakers / Chairs, Chief Justice, SGA President, UMBC President or any designees thereof may administer this oath.

### **5.4. Removal**

#### **5.4.1. --Ineligibility**

Any officer who ceases to meet the eligibility requirement set forth above shall be automatically and immediately removed from office.

#### **5.4.2. --Permanent Incapacity**

Any office shall become vacant in the event of the incumbent's death. Any officer unable to serve the remainder of his or her term due to serious injury or illness may be removed from office through joint legislation adopted by the House of Organizations and Senate. The vote necessary to pass such legislation in each body shall be 2/3 of members present at a meeting.

#### **5.4.3. --Resignation**

Any officer may remove him or herself from office by submitting a signed letter of resignation to the presiding officer of their respective body (President, Speaker, Chief Justice, or Election Board Chair).

#### **5.4.4. --Termination**

Appointed officers may be removed from office at any time, with or without cause, in the following manner: Staff Officer may be removed by the Cabinet member they work for; Cabinet members other than the Vice President and Treasurer may be removed by the President; the appointed officers of the House of Organizations and Senate may be removed by the Speaker or a majority vote of the body for which they work; and Election Board members may be removed by the Election Board Chair.

#### **5.4.5. --Impeachment**

Any SGA officer may be removed from office through impeachment and conviction on the following grounds:

- failure to exercise the powers of his or her office in a manner reasonably calculated to advance objectives identified in the Preamble to this Constitution;
- intentional or reckless conduct in violation of SGA's Guiding Documents, or of any applicable law or UMBC policy, causing harm to UMBC undergraduates;
- intentional or reckless misrepresentation of SGA legislation, policy or officers' views, causing harm to UMBC undergraduates;
- intentional or reckless behavior that brings dishonor or disgrace upon SGA.

An impeachment may be initiated by:

- either legislative body by a vote of 2/3 of its members present at a meeting; in which case the non-initiating legislative body shall conduct a trial of the accused, and can remove the accused by a vote of 2/3 of members present at a meeting; or
- a petition for impeachment signed by at least 5% of all UMBC undergraduates; in which case the House of Organizations shall conduct a trial of the accused, and can remove the accused by a 2/3 vote of Representatives present at a meeting.

In impeachment trials, votes of abstention are prohibited. An officer against whom an impeachment has been initiated is entitled to be notified within 5 business days of the passage of the charges and disclosure of the evidence supporting impeachment, as well as at least 10 business days after passage of the charges in which to prepare a defense before trial.

#### **5.5. Presidential Succession**

In the event of the President's removal by any method outlined in this Constitution, the holder of the lowest-numbered non-vacant office on the following list shall become President: 1. Vice President; 2. Speaker of the Senate; 3. Speaker of the House of Organizations. In the event that all of the listed offices are vacant, an interim President shall be elected by a majority vote of the House of Organizations, and a special election shall be held within 30 days (excluding summer and winter semesters) to elect a new President. Any officer who becomes President pursuant to this section shall be considered to have resigned from the office he or she held before becoming President.

### **Article 6 MEMBER RIGHTS**

#### **6.1. Right to Participate**

All UMBC undergraduates shall have the right to vote in all campus-wide SGA elections (excludes "in-house" elections), and to run or apply for any SGA office for which they are eligible.

**6.2. Right to Petition**

All UMBC undergraduates shall have the right to initiate and sign petitions requesting that SGA take any or all of the following actions:

- impeach any of its officers;
- formally consider any legislation or resolution;
- place yes-or-no questions on the ballot in the next Spring Semester Election or Fall Semester Election, whichever is soonest, except when the election is scheduled to take place less than 21 days from the petition's submission.

The SGA shall take the requested action in response to any petition signed by 5% of all UMBC undergraduates, provided that the petition's content and the process of its submission do not violate any provision of SGA's Guiding Documents.

**6.3. Right to Judicial Process**

All UMBC undergraduates shall have the right to submit complaints before the Supreme Court.

**6.4. Right against Discrimination**

No UMBC undergraduate shall be excluded from any SGA forum or activity, or granted or denied any benefit, on account of race, age, gender, sexual orientation, national origin, disability, religion or political affiliation.

**6.5. Right to Majority Rule**

No SGA policy shall provide for adoption of any legislation or resolution by less than a majority of the officers casting votes at a meeting of either the House of Organizations or the Senate.

**Article 7 RATIFICATION AND AMENDMENT**

Ratification of this Constitution, and amendments thereto, require a two-thirds vote of the entire membership of both the House of Organizations and Senate, or the proper submission of a petition signed by 5% of UMBC undergraduates. All such proposals shall go to a referendum of the UMBC undergraduates, requiring more votes cast for than votes cast against for passage. Actions to ratify or amend this Constitution are not subject to veto.