

# Attention Students

Please review the following Student Government Constitution Amendment and Student Activity Fee Referendum. You will be voting on these changes during Student Body Elections on February 13th and 14th. If you have any questions regarding the amendment or referendum please contact the Office of Student Government & Student Organizations at 777-2654.

Amendment Note: Underlined words are additions to the Constitution. Words that are crossed out are being removed from the Constitution.

## AMENDING THE STUDENT GOVERNMENT CONSTITUTION TO PROVIDE FOR CREATION OF AN INTERNAL JUDICIAL BRANCH.

Be it enacted by the Student Senate of the University of South Carolina:

SECTION 1. Article II, Section 7(A) of the Student Government Constitution is amended to read as follows:

A. The Attorney General shall:

1. Be appointed by the President of Student Government and assume duties upon concurrence of a majority of the Senate.
2. When solicited, provide opinions on questions of constitutionality.
3. In the event that impeachment proceedings are brought against the ~~Senior Chief Justice~~, serve as a member of the Court of Impeachment.
4. Certify all Student Government Elections pursuant to the Constitutional Election Codes.
5. In the event of a constitutional challenge, represent Student Government before the ~~Carolina Student Judicial Council (formerly the Campus Judicial Board)~~ Constitutional Council.

SECTION 2. Article III, Section 4 (A) (16) of the Student Government Constitution is amended to read as follows:

16. Have the sole power of impeachment of elected or appointed officials of the Student Government of the University of South Carolina. Impeachment shall require a two-thirds (2/3) vote of the Senate. The Clerk of the Senate shall notify the ~~Senior Chief Justice~~ to begin impeachment proceedings upon written charges signed by the individual or official initiating the charges with the document having be witnessed and notarized. The following shall occur:
  - a. Impeachment shall be defined in the Constitutional Codes. Impeachment charges may only occur for those reasons stated in the Codes.
  - b. Notice of receipt of impeachment charges of any officer except for the ~~Senior Chief Justice~~ shall be served by the Clerk of the Senate to the ~~Senior Chief Justice~~.
  - c. The ~~Senior Chief Justice~~ shall then call a session of the Senate Judiciary Committee within then (10) working days of such notice to consider impeachment charges and/or try the impeachment. During these proceedings, the committee shall be known as the Court of Impeachment. The Student Government Advisor shall attend all impeachment proceedings as a non-voting member.
  - d. The Senate Judiciary Committee shall be comprised of at least five Senators in order to sit as a Court of Impeachment. If at the time of consideration of impeachment charges the Committee is not comprised of at least five Senators, the Vice President shall appoint to the Committee the number of Senators necessary to fulfill this requirement. If impeachment charges have been brought against the Vice President, all responsibilities of the Vice President in the impeachment process shall be performed by the President Pro Tempore of the Student Senate.
  - e. If impeachment charges are brought against the Senior Chief Justice, the Clerk of the Senate shall notify the Chairperson of the Senate Judiciary Committee. The Chairperson shall then serve as Chairperson of the Court of Impeachment and call the committee into session. The Attorney General shall serve as a member of the Court in such cases. If impeachment charges are brought against a member of the Judiciary Committee, he/she cannot sit on the Court of Impeachment. The Vice President must, if necessary, appoint a replacement according to Article III, Section 4, Subsection A, Subpart D.
  - f. A recommendation for conviction or acquittal to the full Senate shall require a two-thirds (2/3) concurrence of the members of the Court. Failure of the Court of Impeachment to make a recommendation to the Senate within thirty days of receipt of charges shall constitute acquittal.
  - g. Conviction or acquittal shall require a two-thirds (2/3) concurrence vote of the recommendation of the Court of Impeachment by the Student Senate. A conviction must lead to removal of office.

Judgment in cases of impeachment shall not extend further than removal from any office held in Student Government. However, the party impeached, whether convicted or acquitted, shall be liable to prosecution according to State and Federal Law. No officer shall exercise any official duties or receive a stipend after being impeached.

SECTION 3. Article IV of the Student Government Constitution is amended to read as follows:

### Section 1 JUDICIAL AUTHORITY DISCIPLINE SYSTEM

The student discipline system is administered by the Division of Student Affairs. Student Government, as an elected and representative voice of the Student Body,, has the right to comment on any proposed change in policy pertaining to the discipline of students. The discipline system is not a part of Student Government and interacts with Student Government only to the extent authorized by the Board of Trustees and as stated in this Constitution.

### Section 2 CAROLINA STUDENT JUDICIAL COUNCIL

A. Carolina Student Judicial Council operates under the Office of Judicial Programs and does not interact with Student Government in matters of student discipline.

~~B. The authority to review and rule on Student Government constitutional challenges shall be vested in the Carolina Student Judicial Council. Decisions of the Carolina Student Judicial Council may be appealed in writing to the Vice President of Student Affairs.~~

### Section 3 JUDICIAL AUTHORITY

The judicial authority of Student Government shall be vested in a Constitutional Council. The authority to review and rule on Student Government constitutional challenges shall be vested in the Constitutional Council.

#### A. Membership

The membership of the Constitutional Council shall be five members.

#### B. Selection

The members of the Constitutional Council shall be selected in the following manner:

1. The first student body president to hold office following the ratification of this amendment shall nominate, in hopes of appointment, all five members of the Constitutional Council.
2. Following nomination from the president, the nominees shall meet first with the Powers & Responsibilities Committee, which shall issue a report on each nominee.
3. Following the issuance of the Powers and Responsibilities report, the nominees shall meet with the Judiciary Committee, which shall review the report of the Powers & Responsibilities Committee. The Judiciary Committee shall then issue its own report, which it shall submit to the full Senate.
4. All appointments to the Constitutional Council shall be confirmed with a two-thirds vote of the Student Senate membership present when the vote is taken.

#### C. Vacancies

If a vacancy occurs on the Constitutional Council, the Student Body President at the time of the vacancy shall appoint a replacement. The replacement shall be appointed through the procedure detailed in Section 3 (B) (2,3,4) of this article.

#### D. Tenure

After being appointed to the Constitutional Council, a member shall serve a period of no longer than four years.

#### E. The Chief Justice

One of the five seats on the Constitutional Council shall be the seat of the Chief Justice. The first student body president to hold office following the ratification of this clause shall determine which of his or her nominees shall be the nominee for Chief Justice. When the first Chief Justice is confirmed, his or her sear shall become the Chief Justic. A replacement for a vacancy of this seat shall become the Chief Justice. The other sears shall be known as sears of Associate Justices. The Chief Justice shall have the responsibility to:

1. administer the oath of office to all elected Student Government officials;
2. serve as chair of the Court of Impeachment; and
3. remain in good standing with his or her respective college from the time of his or her appointment until the appointment of his or her successor.

### Section 3 THE CHIEF JUSTICE

~~The Council will elect a member of CSJC as Chief Justice and will be elected for a one year term. The Chief Justice shall have the responsibility to:~~

~~A. Administer the oath of office to all elected Student Government officials.~~

~~B. Serve as Chairperson of the Court of Impeachment,~~

~~C. Remain in good standing with his or her respective college from the time of his of her election until the election of his or her successor.~~

SECTION 4. Article V, Section 1 (F, G, H) f the Student Government Constitution is amended to read as follows:

- F. No Senator may simultaneously be a member of the Executive Branch or serve on the Judicial Constitutional Council.
- G. No member of the Executive Branch may simultaneously serve in the Legislative Branch or serve on the Judicial Constitutional Council.
- H. No member of the Judicial Constitutional Council may simultaneously serve in the Legislative or Executive Branch of Student Government.

SECTION 5. The text of the amendment that shall be put to the student body for ratification shall be as follows:

Should the Student Government Constitution be amended so that judicial authority for Student Government is vested internally in the Constitutional Council and not in the disciplinary board known as the Carolina Student Judicial Council?

SECTION 6. This amendment shall be enacted upon passage by a two-thirds majority of the Student Senate, the signatures of the Student Body President and University President, and ratification by the majority of the Student Body.

## CALLING FOR THE STUDENT BODY TO MAKE A DECISION ON WHETHER OR NOT THE STUDENT ACTIVITY FEE SHOULD BE RAISED TO PAY FOR THE CAMPUS-WIDE READERSHIP PROGRAM.

Be it enacted by the Student Senate of the University of South Carolina:

Section 1. The text of the referendum that shall be put to the student body shall be as follows:

Should Student Government propose to the Board of Trustees a two-dollar (\$2.00) per-semester increase in the student activity fee for the purpose of making permanent the "USA Today Readership Program," which currently includes the newspapers The Wall Street Journal, The New York Times, The State, and USA Today?

Section 2. If the majority of the Student Body signifies "yes" as the answer to the question put in Section 1 of this referendum, the Student Government President shall see to it that the Board of Trustees is informed of the referendum's result.

Section 3. This referendum shall be placed on the ballot of the 2006 election upon the signature of the Student Body President and University President.