**Student Government Association**

**At Penn State Harrisburg**

**CONSTITUTION**

**PREAMBLE**

We, the members of the Student Government Association at The Pennsylvania State University at Harrisburg, The Capital College, in recognition of the responsibility shared by the Administration, the Student Body, and the Director of Student Affairs and in order to be active participants in the lives and activities of the College and University, do hereby constitute the Penn State Harrisburg Student Government Association, and do ordain and establish this Constitution.

**Article I – Name**

The name of this body shall be the Student Government Association at Penn State Harrisburg (hereafter referred to as “Penn State Harrisburg SGA” or “SGA”).

**Article II – Membership Requirements**

Section 1

Active members shall be defined as currently officially enrolled students at Penn State Harrisburg.

Section 2

All undergraduate members of Penn State Harrisburg SGA must be full-time students enrolled at The Pennsylvania State University at Harrisburg, The Capital College, at the time of their appointment or election in order to be eligible to serve in SGA.

1. If an undergraduate member switches from full-time to part-time after they have been elected or appointed, then they shall be able to remain in SGA; and
2. All undergraduate members must be enrolled at Penn State Harrisburg and remain a degree seeking student for the duration of their term.

Section 3

All graduate members of Penn State Harrisburg SGA may be either full-time or part-time students at Penn State Harrisburg at the time of their appointment or election in order to be eligible to serve in SGA.

1. If a graduate member switches from full-time to part-time it will not affect their eligibility to remain in SGA; and
2. All graduate members must be enrolled at Penn State Harrisburg and remain a degree seeking student for the duration of their term.

Section 4

All club/organization officers must maintain a minimum 2.50 cumulative GPA for Undergraduate students, and a 3.00 minimum cumulative GPA for Graduate students.  This restriction extends to every member of SGA.  If the President appoints a first-year student in the fall, their grade point average shall be garnered from their high school transcripts or, if they are a transfer student, the college/university they previously attended.

Section 5

Should a member have less than a 2.50/4.00 cumulative grade point average after any semester as an Undergraduate member or less than a 3.00/4.00 as a Graduate Member, that member must be removed by the SGA President within two (2) weeks of being informed, foregoing the removal process.

Section 6

In order to be eligible for the positions of President or Vice President of the SGA, a student must have been a student at Penn State Harrisburg for at least one academic year, or in the second semester of the first academic year.

**Article III – Structures**

Section 1

The SGA shall consist of a Legislative, Executive, and a Judicial Branch.

1. The Legislative Branch exists in order to represent the Student Body, and to enact Legislation in the interest of the Student Body;
2. The Executive Branch exists in order to execute Legislation, enforce Judicial Branch decisions, facilitate general meetings, and provide counsel; and
3. The Judicial Branch exists to exercise all judicial powers relating to any officially recognized student clubs/organizations at Penn State Harrisburg, including the Student Government Association, and shall be recognized as the Student Court.

Section 2

No Branch may take any action that is expressly or reasonably implied to be delegated to another Branch.  If such question exists, the Judicial Branch shall interpret if this section has been violated.

Section 3

No dues shall be required for membership in any branch of SGA.

**Article IV – Powers and Duties of the Legislative Branch**

Section 1

All Legislative power shall be vested in the Senate as outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 2 – Representation of the Student Body

The composition of the Senate shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”, in which the Senate shall have equal representation from each of the five (5) Academic Schools, the Division of Undergraduate Studies, and the Graduate School.  The Senate shall also contain extra positions within an At-Large Body, as well as positions reserved specifically for students in their first year of post-secondary education.

Section 3

Should a vacancy occur in any of the positions described in Art. IV, Sec. 2, and one or more qualified Senators for that position currently holds a seat under the At-Large Body or first year spots, the President shall designate such Senators to fill the vacated position.

Section 4

If a Senator, having been duly elected, or appointed by the President and confirmed by the Senate, does not officially fall under one of the academic units as described in Article IV, Section 2, such as after a change in academic status, or is seated to represent an academic unit to which that Senator does not belong, then refer to the corresponding section of the SGA By-Laws within the Article entitled “Powers and Duties of the Legislative Branch”, for instructions on how to remedy the situation.

Section 5 – Election of Senate Leader

The election of the Senate Leader shall occur as outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 6

Powers and Duties of the Senate Leader shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 7

Powers and Duties of the Senate Whip shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 8

Powers and Duties of the Senate Caucus Leader shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 9

Powers and Duties of the Senate Clerk shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 10

Powers and Duties of the Senate shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Legislative Branch”.

Section 11

Quorum for the Senate to conduct business is hereby defined as a majority, plus one, of the current Senate membership.

**Article V – Powers and Duties of the Executive Branch**

Section 1

The Executive Branch shall consist of the President, Vice President, Treasurer, Chief of Staff, Community Liaison, and the Communications Director.

Section 2

All members of the Executive Branch must adhere to the guidelines outlined in Article II, Section 1 or they may be discharged by the President.

Section 3

The requirements of the President shall consist of the enumerated Powers and Duties contained in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Executive Branch”.

Section 4

The requirements of the Vice President shall consist of the enumerated Powers and Duties contained in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Executive Branch”.

Section 5

The requirements of the Treasurer shall consist of the enumerated Powers and Duties contained in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Executive Branch”.

Section 6

The requirements of the Chief of Staff shall consist of the enumerated Powers and Duties contained in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Executive Branch”.

Section 7

The requirements of the Community Liaison shall consist of the enumerated Powers and Duties contained in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Executive Branch”.

Section 8

The requirements of the Communications Director shall consist of the enumerated Powers and Duties contained in the corresponding section of the SGA By-Laws, within the Article entitled “Powers and Duties of the Executive Branch”.

**Article VI - The Student Court**

Section 1

All judicial powers shall be vested in the Student Court.  The Student Court shall be chaired by the Chief Justice, along with a maximum of four (4) Associate Justices.

Section 2

The Student Court shall follow the rules set forth in that body’s Constitution and By-laws, insofar as that body’s Constitution and other internal documents do not conflict with the SGA Constitution and other internal documents.  The Legislative and Executive Branches shall have no authority over the Court except in the cases of appointment, confirmation and removal.  The Court shall enjoy autonomy in all other aspects.

Section 3 - Appeals

1. Any decision rendered by the Student Court may be appealed within 48 hours of the notification of the decision;
2. Appeals will be brought, in writing to the Student Court, which in its sole authority and by the written decision of two of its members (or, should the Court have only three members, by the written decision of one of its members), convene an appellate hearing;
3. The Appeals Boards shall consist of five SGA members:
   1. Two (2) members from the Executive Branch;
      1. President; and
      2. Vice President.
   2. Two (2) members from the Legislative Branch; and
      1. Senate Leader; and
      2. One (1) other Senator appointed by the Senate Leader.
   3. One (1) member from the Judicial Branch.
4. In the event of a conflict of interest, the SGA Adviser(s) will randomly choose a SGA member from the respective branch;
5. Appeals shall be submitted in writing to the Chief Justice within the allotted time as described in Article VI, Section 3(A);
6. The Chief Justice must provide copies of the written appeal to each member of the Appeals Board and the SGA Adviser(s) within 24 hours of receipt of appeal;
7. The Appeals Board shall be chaired by the member of the Board representing the Judicial Branch;
8. The Appeals Board shall have its initial meeting within 48 hours of receiving the appeal; and
9. The final decision of the Appeals Board must be rendered in writing to the SGA Adviser(s) within three (3) business days of its initial meeting.

**Article VII – Standing Operational Committees**

Section 1

The following Standing Operational Committees are established in order for SGA to work effectively within the University, the Council of Commonwealth Student Governments (CCSG), and the Capital College Faculty Senate.

Section 2

The SGA Standing Operational Committees shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Standing Operational Committees”.

Section 3

The Purpose and Duties of the **Academic Affairs Committee** shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Standing Operational Committees”.

Section 4

The Purpose and Duties of the **By-Laws Committee** shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Standing Operational Committees”.

Section 5

The Purpose and Duties of the **Finance Committee** shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Standing Operational Committees”.

Section 6

The Purpose and Duties of the **Governmental Affairs Committee** shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Standing Operational Committees”.

Section 7

The Purpose and Duties of the **Student Affairs Committee** shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Standing Operational Committees”.

**Article IX – The Election Process**

Section 1

The Election Process and Guidelines shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “The Election Process”.

Section 2 – Oath of Office

1. The SGA Oath of Office shall be the official inauguration for any member of any branch within the SGA.
2. Any member of the Judicial Branch may administer the Oath of Office.  In the absence of any members of the Judicial Branch, the SGA adviser(s), or his/her designee shall administer the Oath of Office.
3. The Oath of Office is as follows:

**“I do swear (or affirm) that I shall fulfill the duties of the office to which I have been entrusted by the student body of The Pennsylvania State University at Harrisburg, The Capital College, to the best of my ability.  As a holder of such office, I shall serve the interests of the Student Body and uphold the principles of the University, this College, and the Student Government Association constitution.”**

**Article X – Vacancies and Succession**

Section 1 - Vacancy

1. If a vacancy should occur in the Senate, the SGA President shall appoint an individual to fill the vacancy with a simple majority vote of the Senate;
2. If a vacancy should occur in the office of the President, the Vice President shall become President and serve the remainder of the term and shall appoint a new Vice President;
3. If a vacancy should occur in the Executive Branch, the SGA President has the power to appoint an individual to complete the term; and
4. If a vacancy should occur in the office of Senate Leader, the Senate shall nominate and elect a new Senate Leader at the General Assembly Session following the vacancy, unless the vacancy occurs during a General Assembly Session, in which case such election shall occur within the same meeting.

Section 2 - Succession

1. In the event that the President can no longer fulfill the duties of the President of SGA, the Vice President shall assume the title and office of President;
2. If there is a vacancy in the office of the Vice President, the President shall appoint a Vice President, in accordance with their enumerated powers outlined in the SGA By-Laws;
3. If the office of the President and the office of the Vice President are vacated simultaneously, the Senate Leader shall immediately assume the title and office of President; and
4. In any case of succession, the acceded President shall remain in that office for the remainder of the original term.

**Article XI – Impeachment and Removal from Office**

Section 1 – Impeachment

The Impeachment Process shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Impeachment and Removal”.

Section 2 – Removal

The Removal Process shall be outlined in the corresponding section of the SGA By-Laws, within the Article entitled “Impeachment and Removal”.

**Article XII – Amendments and By-Laws**

Section 1 – Amendments

1. An amendment to the SGA constitution may be considered with a two-thirds vote of the membership of the Senate that is present at the General Assembly Session;
   1. The two thirds vote will work exactly like the Removal Process, with the simple majority winning out of the two thirds who voted; and
   2. Until a two-thirds vote is reached, the Senate will continue to vote until the outlined amount has been reached.
2. The amendment shall be discussed for a minimum of three SGA voting sessions before a vote can take place, with no vote taking place until the third meeting after an amendment has been introduced;
3. The amendment shall be publicly advertised to the campus community from the time the amendment is proposed, up until the time it is voted upon; and
4. Amendments shall become effective immediately after a three-fourths majority vote by the entire Senate membership at a General Assembly Session.
   1. Until a three-fourths majority vote is reached, the Senate will continue to vote until the outlined amount has been reached;
   2. Amendments will not become immediately effective if a later effective date is agreed upon by the heads of the three (3) branches; and
   3. All amendments must be approved by the Office of Student Life.

Section 2 – By-Laws

1. The SGA By-Laws may be amended with a two thirds majority vote of the entire Senate membership at a General Assembly session;
   1. Until a two-thirds majority vote is reached, the Senate will continue to vote until the outlined amount has been reached; and
   2. If it is clear the amendment will not pass, then it may be tabled at the discretion of the By-Laws Committee so that it may be revised.
2. No vote shall be taken on a By-Law amendment until the subsequent meeting after an amendment has been introduced;
3. All amendments shall take effect immediately after approval, unless the amendment concerns the SGA Elections; and
   1. All amendments must be approved as well by the Office of Student Life, after being approved by SGA.
4. The SGA By-Laws may neither contradict nor supersede the SGA constitution.

**Article XIII – Constitutional Supremacy**

Section 1

This Constitution supersedes any previous constitution, any legislation passed by the Senate, and any action by a member of SGA.

Section 2

This Constitution shall not violate any stated University policy.  University policy shall supersede this Constitution in all matters.

Section 3

This Constitution does not nullify any actions taken or obligations assumed under a prior constitution.

**Article XIV – Parliamentary Authority**

The current edition of *Robert’s Rules of Order, Newly Revised*, shall control in all cases of procedure, so long as it does not conflict with this Constitution.

**Article XV – Adviser(s)**

Section 1

The SGA shall retain an adviser(s) at all times.

Section 2

The adviser(s) must be a full-time faculty or staff member at Penn State Harrisburg, with the primary Adviser being the chief Student Affairs officer, or his/her designee.

Section 3

The adviser(s) shall retain the position indefinitely, until he or she chooses to leave the position or the University.

Section 4

Upon a three fourths majority vote of the entire Senate membership present at the General Assembly session, the President shall petition the Chancellor who may, at his or her sole discretion, appoint a new Adviser.

**Article XVI - Statements of Nondiscrimination and Institutional Compliance**

Section 1

The SGA shall abide by all institutional policies in the functioning of the organization.

Section 2

The university defines Hazing as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or that willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any registered student organization.  Hazing includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquor, drug, or other substance or any other forced physical activity that could adversely affect the physical health and safety of the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property.  Any activities as described in this definition upon which the initiation or admission into or affiliation with or continued membership in a registered student organization is directly or indirectly conditioned shall be presumed to be a “forced” activity, the willingness of an individual to participate in such activity notwithstanding.  Any registered student organization that commits hazing is subject to disciplinary action by the appropriate registering organization.

Section 3

The University is committed to equal access to programs, facilities, admission, and employment for all persons.  It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (and defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information, or political ideas.  Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University’s educational mission, and will not be tolerated.  Direct all inquiries regarding the nondiscrimination policy to the Vice Provost for Affirmative Action, Affirmative Action Office, The Pennsylvania State University, 328 Boucke Building, University Park PA 16802-5901; Tel 814-863-0471.

Section 4

Any member is found to have committed a violation of Sections II or III of this Article shall be referred to the appropriate University office, and will be considered for expulsion at the next meeting.

Revised 3-23-16