

ITEM: 5

**Florida Gulf Coast University Board of Trustees  
(Meeting Date)**

**SUBJECT: Florida Gulf Coast University Student Government  
Constitution**

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**PROPOSED BOARD ACTION**

Approve revised FGCU Student Government Constitution

**BACKGROUND INFORMATION**

One change is being proposed: Article II Legislative Branch, Section 8 – Procedures- (a) changed *majority* to two-thirds vote. This change was proposed by the FGCU Student Senate to form more unification within the Senate, and it has been endorsed by the FGCU Student Government.

The FGCU Board of Trustees approved the FGCU Student Government Constitution in April 2004.

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**Supporting Documentation Included:** Student Government Constitution

**Prepared by:** Eileen Whitt, Office of the Vice President for Student Affairs

**Legal Review by:** General Counsel Wendy Morris (August 21, 2006)

**Submitted by:** Vice President for Student Affairs Mike Rollo

**Article I**  
**GENERAL PROVISIONS**

**Section 1. Student Body.**—Every student in the current term at Florida Gulf Coast University shall be a member of the Student Body and have an equal voice and vote to that of his or her fellow students. Every student shall be subject to the constitution and laws of the Student Body.

**Section 2. Eligibility.**—Any degree seeking member of the student body who is not on academic probation shall be eligible to run for and hold any elected or appointed position in student government.

**Section 3. Student government.**—Student government is the governing organization and representative of the Student Body; its actions, not otherwise limited by the constitution, supersede those of all other student organizations.

**Section 4. Branches of government.**—

- (a) The powers of student government shall be divided into legislative, executive, and judicial branches. No person belonging to one branch shall hold office in another branch unless expressly provided for in this constitution.
- (b) The student senate may, by law, provide for those positions that are considered exclusionary, provided that the following positions shall always be exclusionary:
  - (1) student body president, student body vice president, student body treasurer, supervisor of elections, agency heads, and cabinet directors for the executive branch;
  - (2) student senator for the legislative branch; and
  - (3) chief justice of the supreme court and justices of the supreme court for the judicial branch.
- (c) No person may hold more than one exclusionary office. Being elected or appointed to one exclusionary office constitutes a de jure resignation from the previous office.
- (d) This section shall not prohibit any person having a position within student government from serving in a position ex-officio.
- (e) This section shall not prohibit any person having a position within student government from being a member of a statutory body having only advisory powers.

**Section 5. Discrimination prohibited.**—Student government shall not discriminate on the bases of race, ethnicity, creed, sex, sexual orientation, national origin, age, religion, disability, or any other classification as provided by law.

## ARTICLE II LEGISLATIVE BRANCH

**Section 1. Legislative powers.**—All legislative powers of the Student Body shall be vested in the student senate.

**Section 2. Composition.**—The student senate shall be composed of twenty to eighty members elected in the spring general election from the colleges recognized by the university senate as apportioned by law. Students classified as graduates shall be considered a college within the meaning of this section. The student senate shall apportion senate seats on the basis of enrollment in each college as nearly equal as practicable, provided that each college shall receive a minimum of one seat. Transferring from a college shall constitute de jure resignation.

**Section 3. Apportionment.**—The student senate shall reapportion itself once per year during the fall academic term to be effective for the spring academic term. The student senate shall determine the number of senators within the constitutional limits.

**Section 4. Student senate during the summer term.**—

- (a) The student senate during the summer term shall have the same authority as it does during the fall and spring terms.
- (b) A student senator who will not attend the summer academic term, or any portion of the term, may nominate a summer replacement senator, subject to confirmation by the student senate by May 1. The summer replacement senator shall serve only during the summer academic term, or designated portion of the term. The student senator resumes office upon return to the university.

**Section 5. Officers of the student senate.**—The student senate president shall be the chief administrative officer of the legislative branch and preside over the student senate. The student senate president pro tempore shall assist the student senate president.

**Section 6. Powers of the student senate.**—The student senate shall have the power to:

- (a) determine its rules and procedures;
- (b) censure or expel a member by a two-thirds vote of the membership, provided the affected student senator has received prior written notice and an opportunity to be heard on the matter;
- (c) determine the time and place of its meetings, provided that it meets once every two school weeks;
- (d) provide for the elections of the Student Government;
- (e) decide all tie elections at its first meeting following validation;
- (f) approve appointments and recommendations of the student body president to student government administrative agencies and university committees;
- (g) provide for the control and disbursement of Student Body funds;

- (h) require information and appearance from any student government official or officer of any organization receiving Student Body funds;
- (i) provide for the filling of vacant senate seats;
- (j) approve, by resolution, affiliations between student government and any university, regional, or national organization;
- (k) enact all laws necessary and proper for the general well being of the Student Body; and
- (l) exercise any other power or duty provided for in the constitution or laws of the Student Body.

**Section 7. Prohibitions.**—The student senate shall not:

- (a) enact any law that abridges its powers delegated by the constitution;
- (b) appropriate funds for a period of more than one year;
- (c) infringe the secrecy of the ballot in any Student Body election;
- (d) deny speaking privileges in the student senate to the student body president, student body vice president, student body treasurer, cabinet directors or agency heads;
- (e) meet in a closed session;
- (f) change the dates of Student Body elections in the nine weeks before the scheduled election;
- (g) change the election laws during the five weeks before the scheduled election to be effective for that election; or
- (h) enact any law embracing more than one subject and matter properly connected to that subject.

**Section 8. Procedures.**—

- (a) No bill shall become law unless a student senator introduces the bill, the bill is read, and passes by two-thirds vote during two meetings of the student senate.
- (b) No bill shall become law without the signature of the student body president, except when the student body president has not vetoed the bill within 10 days after presentment, in which case the bill shall become law.
- (j) The student body president may veto a proposed law. The student body must notify the senate president in writing detailing the reasons for the veto.
- (k) The student body president shall have the power of line item veto for budgets and allocation bills. Each line item vetoed shall be considered a separate veto for the purpose of a senate override.
- (g) A vetoed bill may be enacted notwithstanding the veto of the President of the Student Body if it is read a third time in full and passed by a two-thirds vote of the members of the Student Senate present and voting at a regular meeting. The student senate has 10 days to consider this third reading or the veto shall stand.
- (h) Quorum necessary to conduct business shall be a majority of the total membership of the student senate;
- (i) Legislation of the student senate shall only be classified as a(n):

- (1) bill of law which is subject to veto;
- (2) budget or allocation bill which shall be considered a bill of law and subject to veto;
- (3) authorization – a directive requiring a two-thirds vote for enactment that advises, orders, or prescribes the method for an officer to fulfill a duty provided for in the constitution and is not subject to veto;
- (4) resolution – an expression of the sentiment of the student senate requiring a two-thirds vote for passage and not subject to veto.

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## **Article III Executive Branch**

**Section 1.** All executive powers of the Student Body shall be vested in the President of the Student Body, assisted by a Vice President and a Treasurer.

**Section 2. Election of the President and Vice-President.**—The President and Vice President of the Student Body shall be chosen in the Spring Election. The President and Vice President shall be elected on a joint ticket. Any candidate for President shall not have been convicted of a felony in this state or any other state. The President and Vice President shall be required to enroll as students for all academic semesters during their term. Enrollment shall be defined as completing registration for classes and paying of required enrollment fees.

**Sections 3. The Treasurer.**—The Student Body President shall appoint a Treasurer. The Treasurer must be confirmed by a 2/3<sup>rd</sup> vote of the senate before taking office.

**Section 4. Vacancies.**—If the office of President becomes vacant, such vacancy shall be filled by a succession of the Vice President to that office and afterward succession shall be as provided by law.

**Section 5. Powers and Duties of the President.**—

- (a) The President shall be the chief executive of the Student Body;
- (b) Take care that all provisions of this Constitution and the laws of the Student Body are faithfully executed;
- (c) Appoint all executive committees or commissions not provided in this Constitution which may be deemed necessary;
- (d) Issue Executive Orders which set policies and procedures for the Executive Branch as long as these orders do not conflict with Student Body Law or this Constitution;
- (e) Call Special Meetings of the Student Senate;
- (f) Give a report to the Senate on executive activities at least twice a semester.
- (g) Require the written interpretation of the Student Body Supreme Court of any provision of the Constitution, law of the Student Body, or Student Senate Act;
- (h) Appoint staff assistants or aides not provided for in this Constitution or laws of the Student Body;
- (i) Perform any other power or duty provided for in this Constitution.

**Section 6. Powers and Duties of the Vice President.**—

- (a) The Vice President shall exercise the powers and duties of the President in the absence of the President;
- (b) Assist the President in the conduct of the government

- (c) Serve as coordinator of the Executive Cabinet and University Committees on which students serve. The Vice President shall regularly review the work of cabinet officers and committee representatives and make recommendations to the President concerning corrective action or dismissal;
- (d) Serve as the Student Government liaison to the Faculty Senate;
- (e) Appoint staff assistants or aides not provided for in this Constitution or laws of the Student Body;
- (f) And perform any other powers or duties provided for in this Constitution.

**Section 7. Powers and Duties of the Treasurer.—**

- (a) The Treasurer shall serve as the chief financial officer of the Student Government;
- (b) Keep complete and accurate accounts of all student body funds on deposit with the University;
- (c) Process all requisitions for the expenditure of student body funds,
- (d) Shall give a full financial report to the Student Senate at least twice monthly;
- (e) Assist the President in the conduct of government;
- (f) Appoint staff assistants or aides not provided for in this Constitution or laws of the Student Body;
- (g) And perform any other Treasurer's powers or duties provided in this Constitution.

**Section 8. Executive Cabinet.—** The President shall appoint, with concurrence of a majority of the Student Senate's members, the officers of the Executive Cabinet who shall be responsible to the President for the execution of their duties and shall be subject to removal from office by the President.

**ARTICLE IV**  
**JUDICIAL BRANCH**

**Section 1. Judicial Powers.**— All judicial power of the Student Body shall be vested in the Student Body Supreme Court.

**Section 2. Composition.**— The Student Body Supreme Court shall be composed of a Chief Justice and four Associate Justices. The Chief Justice and Associate Justices shall be appointed by the Student Body President and confirmed by a 2/3<sup>rd</sup> vote of the Student Senate in order to take office. A justice shall serve until that justice ceases to be a student, is suspended from office, resigns or is removed from office.

**Section 3. Jurisdiction of the Student Body Supreme Court.**—

- (a) The Student Body Supreme Court shall upon written request of the President of the Student Body or upon written petition of twenty (20) members of the Student Body, interpret any part of this Constitution or any laws enacted by the Student Senate.
- (b) The Student Body Supreme Court shall upon written request of any student and for good cause shown, order any Officer of the Student Government or of any subsidiary organization, to perform any lawful act or refrain or desist from any unlawful action.
- (c) The Student Body Supreme Court shall serve as the arbiter of any election conflict or dispute as provided by law.
- (d) The Student Body Supreme Court shall maintain a permanent file of official election results for every General Student Body Election.

**Section 4. Procedures.**—The Student Body Supreme Court by a majority vote of the Justices shall make and publish its Rules of Procedure.

**ARTICLE V  
ELECTIONS**

**Section 1. Qualifications to vote.**—The Student Body, as defined by Article I Section 1, shall comprise the electorate. Each member of the electorate shall be entitled to vote in Student Body elections.

**Section 2. General election.**—The three days of the spring general election shall be the fourth Tuesday in March and the two succeeding calendar days. A plurality of the vote shall be required to win an elected office.

**Section 3. Election conflicts.**—If any hour of any day of a general or run-off election conflicts with a religious or school holiday or if any other conflict exists, the student senate shall, by resolution, designate different days for the affected election.

**Section 4. Validation of election results.**—The student senate shall validate general election results no later than 10 school days after the last day of the election.

**Section 5. Time of assuming office.**—

(a) The Student Body President and Vice-President shall assume office at 8:00 p.m. on May 1 and shall serve one year.

(b) Student senators shall assume office at the first meeting following validation by the student senate.

**ARTICLE VI**  
**SUSPENSION AND REMOVAL OF OFFICERS**

**Section 1. Recall Election.**— Any elected or appointed student government officer may be removed from office by recall election. A 2/3<sup>rd</sup> vote of the senate approving a recall resolution or a verifiable recall petition containing the signatures of 15% of the student body, submitted to the Chief Justice of the Student Supreme Court, may initiate such an election. The grounds for removal of a student government officer by recall resolution or recall petition must be expressly contained in the recall resolution or petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The election must be held within 30 calendar days of its initiation. A simple majority vote of the student body is required for removal. In the event of removal the normal process of succession shall take place.

**Section 2. Impeachment.**— Any elected or appointed student government officer may be impeached for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties. Five student senators must co-file the impeachment resolution and the affected person must receive a true copy of the impeachment resolution for impeachment proceedings to be initiated. The impeachment shall be tried at the next meeting of the Student Senate. The Student Senate shall provide in their rules and procedures for the manner in which the impeachment trial will be conducted. A 2/3<sup>rd</sup> vote of the senate shall be required for removal.

**Section 3. Suspension from Office based upon Felony Charge.**—

- (a) The Student Government President may by executive order suspend from office any elected or appointed student government officer who is indicted or informed against for commission of any felony in this state or any other state. In such case, the office may be filled for the period of the suspension in accordance with the procedures for filling an absence or vacancy in the respective office, or where no such procedures exist the office may be filled through the applicable election or appointment procedures.
- (b) The Senate may suspend the President upon a 2/3<sup>rd</sup> vote where the President has been indicted or informed against for commission of any felony in this state or any other state. In such case, the Vice President shall fill the office for the period of the suspension.
- (c) During the period of the suspension, the officer shall not perform any official act, duty or function or receive any pay, allowance, emolument, or privilege of office.
- (d) If the officer is found not guilty, or the charges are otherwise dismissed, the suspension shall be revoked.

**Section 4. Removal from Office for Conviction of a Felony.**— Any elected or appointed student government officer is automatically removed from office upon the

conviction of a felony in this state or any other state during his or her term in office.  
Such conviction shall constitute a de jure resignation.

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## ARTICLE VII AMENDMENTS

**Section 1. Proposal by the Student Senate.**— The Student Senate may propose amendments to the constitution by a 2/3<sup>rd</sup> vote in two regular meetings occurring not later than twenty-eight days before the ratification election. Each amendment proposed shall embrace only one subject and matter directly connected to that subject.

**Section 2. Proposal by initiative.**— Students may propose amendments to the constitution by submitting along with the amendment a verifiable petition containing the signatures of 15% of the student body to the Chief Justice of the Student Supreme Court not later than twenty-eight days before the ratification election. Each amendment proposed shall embrace only one subject and matter directly connected to that subject.

**Section 3. Requirement for ratification.**— A three-fifths approval vote of those voting in the spring general election is necessary to ratify all constitutional amendments. Unless otherwise specified in the amendment, a ratified amendment shall be effective at 8:00 p.m. on the first day of May following the spring general election.

**Section 4. Publication requirement.**— The text of all amendments and the ballot summary shall be published in a campus-wide print media publication one week before and on all three days of voting.