

CONSTITUTION OF THE HAWAI'I PACIFIC UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION

ARTICLE I

General Provisions

Section 1. Definitions For the purposes of this constitution and the provisions therein:

- a. University shall be defined as Hawai'i Pacific University.
- b. Session shall be defined as the period of time commencing on the day after the end of the HPU academic year (or the last day of the spring semester), and ending on the last day of the following academic year (or the last day of the spring semester).
- c. Student shall be defined as an individual who is enrolled in Hawai'i Pacific University and is taking at least one (1) HPU credit during the fall and spring semesters.
- d. Student body shall be defined as the collective students of Hawai'i Pacific University.
- e. Positions of trust shall be defined as officer positions, member positions of the Student Senate, member positions of the Student Judicial Council, and any other positions within the Student Government Association established by the Student Senate as positions of trust.

Section 2. Oath of Office.

Each student entering a position of trust under this constitution shall take the Student Government Association Oath of Office (Oath of Office) before he/she may assume his/her respective position. The Oath of Office shall be administered by any student in a position of trust under this Constitution who had previously been duly administered the Oath of Office, or by a member of the University faculty or staff. The Student Government Association Oath of Office shall read:

I, (full name),

Do solemnly affirm That I will protect the interests And well-being of our fellow students; That I will obey and defend, The Constitution of the Student Government Association And the Code of Student Conduct; (SB 01-7) And that I to the best of my abilities; (SB 01-7) Will faithfully discharge; (SB 01-7) The duties of the office On which I am about to enter.

[So affirmed?] So affirmed.

Section 3. Separation of powers.

Through the means provided for in this Constitution, it shall be the policy of the Student Government Association to have separated branches of government in an executive branch, legislative and oversight branch, and a judicial branch, which shall each serve to check and balance the powers of the other branches.

ARTICLE II

Student Senate

Section 1. Composition and qualifications of membership of the Senate.

- a. The Student Government Association shall include a Student Senate of Hawai'i Pacific University (Senate), and it shall be composed exclusively of the member positions (seats; members; Senators) listed in this section.
- b. The Senate shall include two (2) College of Business Administration Senators. The College of Business Administration Senators shall be enrolled in a degree program in the College of Business Administration during the session in which their term of office commenced. (SB 01-2) The College of Business Senators shall be held responsible to his/her constituents with them being the students in the College of Business of Hawaii Pacific University. (SB 01-8)
- c. The Senate shall include two (2) College of Liberal Arts Senators. The College of Liberal Arts Senators shall be enrolled in a degree program in the College of Liberal Arts Sciences during the session in which his/her term of office commenced. (SB 01-2) The College of Liberal Arts Senators shall be held responsible to his/her constituents with them being the students in the College of

Liberal Arts of Hawaii Pacific University. (SB 01- 8)

- d. The Senate shall include two (2) Natural and Computational Science Senators. The Natural and Computational Sciences Senators shall be enrolled in a degree program in the College of Natural and Computational Sciences during the session in which his/her term of office commenced. The College of Natural and Computational Science Senators shall be held responsible to his/her constituents with them being the students in the College of Natural and Computational Science of Hawaii Pacific University. (SB 01-8)
- e. The Senate shall include two (2) College of Health and Society Health Sciences Senators. The College of Health and Society Health Sciences Senators shall be enrolled in a degree program in the College of Nursing and Society Health Sciences during the session in which his/her term of office commenced. (SB 01-2) The College of Health and Society Senators shall be held responsible to his/her constituents with them being the students in the College of Health and Society of Hawaii Pacific University. (SB 01-8)
- f. The Senate shall include a Downtown Campus Senator. The Downtown Campus Senator shall take no less than half of his/her classes on the Downtown Campus during the fall and spring semesters in which he/she serves. The Downtown Campus Senator shall be held responsible to his/her constituents with them being the students who take no less than half of his/her classes on the Downtown Campus, to include Aloha Tower, during the fall and spring semesters or who live in the Waterfront Lofts of Hawaii Pacific University. (SB 01-8)
- g. The Senate shall include two (2) College of Professional Studies Senators. The College of Professional Studies Senators shall be enrolled in a degree program in the College of Professional Studies during the session in which his/her term of office is commenced. (SB 01-03) The College of Professional Studies Senators shall be held responsible to his/her constituents with them being the students in the College of Professional Studies of Hawaii Pacific University. (SB 01-8)
- h. The Senate shall include a Hawai`i Loa Campus Senator. The Hawai`i Loa Campus Senator shall take no less than half of his/her classes on the Hawai`i Loa

Campus during the fall and spring semesters in which he/she serves. The Hawai`i Loa Campus Senator shall be held responsible to his/her constituents with them being the students who take no less than half of his/her classes on the Hawai`i Loa Campus or who live in the Residence Halls on the Hawai`i Loa Campus of Hawaii Pacific University. (SB 01-8) The Hawai`i Loa Campus Senator shall be responsible for the oversight and maintenance of the umbrella program.

- i. The Senate shall include a Graduate Student Senator. The Graduate Student Senator shall be a graduate student, as determined by the University Registrar during the fall and spring semesters of the session in which his/her term of office commenced. The Graduate Senator shall be held responsible to his/her constituents with them being the graduate students of Hawaii Pacific University. (SB 01-8)
- j. The Senate shall include a Military Student Senator. The Military Student Senator shall take the majority of his/her classes through the University military campus programs, be a military member of a component of the armed of the United States, or be contractually obligated to a program leading to military membership in the armed forces of the United States. The Military Senator shall be held responsible to his/her constituents with them being the students who take no less than half of his/her classes through the University military campus programs of Hawaii Pacific University, are a military member of a component of the Armed Forces of the United States, or are contractually obligated to a program leading to military membership in the Armed Forces of the United States. (SB 01-8)
- k. The Senate shall include one (1) Veterans Senator. The Veterans Senator shall be a Veteran of the Armed Forces of the United States. The Veterans Senator shall be held responsible to his/her constituents with them being the Hawaii Pacific University students who are Veterans of the Armed Forces. (SB 01-8)
- l. The Senate shall include one (1) International Senator. The International Senator shall be a citizen of a country other than the United States. The International Senator shall be held responsible to his/her constituents with them being the students who are a citizen of a country other than the United States. (SB 01-8)

- m. The Senate shall include one (1) Athletics Senator. The Athletics Senator shall be a current student member of any athletics team in Hawaii Pacific University. The Athletics Senator shall be held responsible to his/her constituents with them being the student- athletes of Hawaii Pacific University.
- n. Members of the Senate shall have and maintain a HPU grade point average (GPA) of at least 2.5, with temporary exception to students who do not yet have an established HPU GPA. Members of the Senate must have full-time status according to the HPU guidelines and requirements. (SB 01-9)
- o. Members of the Senate must have full-time status according to HPU guidelines and requirements, except in cases in which a student's academic degree plan requires them to be registered below full-time status. In such cases the SGA Advisors shall verify the student's degree plan with the student's academic advisor, and determine whether or not an exception will be made. (SB 01-9)
- p. No individual may hold more than one (1) member position in the Senate.
- q. Residents of the Waterfront Lofts will be represented by the Downtown Senator for campus issues and by their appropriate College Senator for college issues. (SB 01-2)
- r. Senators shall not be considered Officers of The Student Government Association by virtue of them being members of the Senate alone.

Section 2. Terms of office of senators.

The term of office of a Senator shall commence upon the first day of the first subsequent session after his/her election, provided he/she was sooner administered the Oath of Office; in all other cases, the term of office of a Senator shall commence upon the Senator-elect being duly administered the Oath of Office. Terms of office for a Senator shall end automatically upon the:

Last day of the session for which he/she was elected; Resignation of the Senator Proper removal of the Senator from his/her member positions; or the Senator's constitutional ineligibility for his/her officer position, including his/her

ascension to the Student Body President position.

Section 3. Discipline of members.

- a. The Senate may, by majority vote, impeach a Senator for failure to uphold his/her Oath of Office or other misbehavior.
- b. The Senate may, by two-thirds (2/3) vote, convict an impeached Senator by upholding the articles of impeachment, and therefore remove that individual from his/her member position.
- c. The Senate may, by majority vote, censure a Senator for lesser offenses. Censure does not imply any punishment beyond an official reprimand. The Senate may not reverse a censure of a Senator unless the facts constituting the basis of the censure are later found to be factually inaccurate.

Section 4. Speaker of the Senate.

- a. The Speaker of the Student Senate (Speaker) shall be a pre-existing member of the Senate. The Senate shall elect a member of the Senate to serve as Speaker. The term of the Speakership shall coincide with Article II Section 2 “Terms of Office of Senators”, but the Senate may dismiss the incumbent Speaker from the Speakership sooner.
- b. The Speaker of the Senate will be elected at the final meeting of the academic year for the following academic year.
- c. The Speaker shall be the Chair of business meetings.
- d. The Speaker may appoint a Chair pro tempore of a business meeting.
- e. The Speaker may call a special business meeting of the Senate, with at least twenty-four (24) hours of notice to the membership of the Senate prior to such a special business meeting being called to order.
- f. On the first Senate business meeting of a session, and whenever else the Speakership

is vacant, the Student Body Vice President shall exercise chairmanship of such business meetings in his/her capacity as Chair ex officio of business meetings of the Senate.

- g. The Speaker shall promptly transmit full and legible copies of all Acts and Resolutions passed by the Senate to the Student Body President and the Student Judicial Council.
- h. Upon the final official meeting of the Senate, the Speaker will appoint a pro tempore to run the first meeting of the following academic year if one is not elected.
- i. The Speaker of the Student Senate is to record all Senator absences from business meetings, committee meetings and programs or events associated with senate. The speaker may determine whether an absence is excused or unexcused based on the Standard of Student Conduct outlined under the Bylaws Title V, A. 3. a. Furthermore, the Speaker of the Student Senate may defer absence matters to the Ethics Committee for review and recommendation.
 - 1. If a senator has one unexcused absence, it is the responsibility of the Speaker of the Student Senate to contact the senator in question.
 - 2. If a senator has two unexcused absences, it is the responsibility of the Speaker of the Student Senate to contact the senator in question.
 - 3. If a senator has three unexcused absences, it is the responsibility of the Speaker of the Student Senate to contact the senator in question. Secondly, the Ethics Committee will review all three absences and submit an assessment to the Senate for a final decision.

Section 5. Senatorial Staff

- a. The senatorial staff of the Senate (senatorial staff; senatorial staffers) shall include the Secretary of the Student Senate (Secretary) and the Parliamentarian of the Student Senate (Parliamentarian).
- b. The senatorial staff may be members of the Senate, but are not members of the Senate by virtue alone of being senatorial staff.

- c. The duration of the senatorial staff's service need not automatically expire at the end of a session or any other time, unless the Senate provides otherwise.
- d. The senatorial staff shall take the Oath of Office. Secretary, under the direction of the Speaker:
- e. The secretary, under the direction of the Speaker:
 - i. Shall manage senatorial support services and Senate administration;
 - ii. Shall prepare the Senate chamber for business meetings;
 - iii. Shall see to the duties that the Chair may provide for during business meetings, provided such duties do not conflict with the acts of the Senate;
 - iv. Shall see to the duties that the Senate may provide for;
 - v. Shall be responsible for the maintenance and transfer, as appropriate, of Senate records;
 - vi. Shall ensure the accurate recording of the minutes and proceedings of each business meeting;
 - vii. Shall certify documents that have been duly approved by the Senate and/or that accurately represent official action the Senate has taken; and
 - viii. Shall help ensure the tranquility of business meetings and the safety of its participants; but may only vote at business meetings if he/she is concurrently a Senator.
- f. Parliamentarian shall serve as the advisor on parliamentary procedure and this Constitution to the Chair of business meetings. The Parliamentarian shall not exercise inherent authority, and shall only serve in an advisory role; but if the Parliamentarian is concurrently a Senator, the Senator shall not lose any privileges

(voting privileges included) by virtue of him/her also being the Parliamentarian.

Section 6. Powers, responsibilities, and general parameters.

- a. The Senate shall serve as the legislative and oversight branch of The Student Government Association, and legislative and oversight authority over The Student Government Association shall be vested in the Senate.
- b. The Senate shall only take official action at business meetings.
- c. Except as otherwise specifically provided for in this Constitution, the Senate shall take official action by majority vote of its membership.
- d. The Senate may establish bylaws it deems necessary and proper to promote the general welfare of the student body, provided such bylaws do not conflict with this Constitution, nor with other bylaws.
- e. The Senate shall have the sole power of the allocation of Student Government Association funds; however, the Senate may delegate this power to organizations under the authority of The Student Government Association.
- f. The Senate shall review, and approve or deny, financial expenditures exceeding five hundred dollars (\$500) per single item or single event, but shall retain the right to review, and approve or deny, lesser financial expenditures;
- g. The Senate may regulate the powers and responsibilities (not enumerated nor denied in this Constitution) of the positions of trust and organizations under the authority of The Student Government Association, excepting the Student Judicial Council.
- h. The Senate may regulate the elections of the organizations under the authority of The Student Government Association.
- i. The Senate may define the areas known as the Senate chamber.

- j. The Senate may elect and dismiss the Speaker of the Senate and the senatorial staffers.
- k. The Senate may, from time to time, reasonably require certain officers and individuals serving in/with/for organizations under the authority of the Student Government Association to report on the actions and affairs of their areas of responsibility within the Student Government Association and of the organization within the Student Government Association they serve, excepting Justices (unless otherwise provided for in this Constitution).
- l. The Senate may establish additional senatorial staff positions.
- m. The Senate may establish senatorial committees and task forces.
- n. The Senate may establish additional Student Government Association organizations, non officer positions, and officer positions subject to the Student Body President.
- o. The Senate may not require the President to exercise chairmanship of business meetings.
- p. The Senate may not require the President to gain the Senate's approval over a presidential dismissal of an officer.
- q. The Senate may not require the regular attendance of Justices at business meetings.
- r. The Senate may not make unreasonably vague or indecipherable laws.

Section 7. Legislation.

- a. Legislation shall be defined as a written motion.
- b. A resolution shall be any written motion before the Senate which proposes:

- i. Consent to certain appointments of the Student Body President;
 - ii. To require reports;
 - iii. Constitutional amendments;
 - iv. Referenda;
 - v. Impeachment;
 - vi. Censure;
 - vii. Establishment and disestablishment of select committees and task forces;
 - viii. Election or dismissal of senatorial staff;
 - ix. Proper changes in policies, procedures, or processes of organizations under the authority of the Student Government Association;
 - x. Bestows honor or appreciation on any individual or organization affecting the students;
 - xi. Statement of the opinion of the Senate on any matter or calls for action by any organization not under the authority of the Student Government Association;
or
 - xii. Statement of the opinion of the Student Government Association and/or the student body, when also signed by the Student Body President, on any matter or call for action by any organization not under the authority of the Student Government Association.
- c. Nothing in subsection (a) of this section shall be construed to prohibit the use of an unwritten motion to accomplish a proposal listed in subsection (a) of this section.

- d. A bill shall be any written motion before the Senate which proposes to accomplish any task other than those which can appropriately be accomplished by resolution.
- e. An Act shall be a bill which has been passed by Senate.
- f. Bills shall not become resolutions. Resolutions shall not become bills. Resolutions cannot amend, repeal, or modify a Student Government Association statute; nor do they have life beyond the term of the session during which they are adopted.
- g. The Principal Sponsor of a bill or proposed resolution shall be the member of the Senate or the Student Body President who introduces it. The Principal Sponsor shall be listed first in any list of sponsors. Legislation may have any number of members of the Senate as sponsors, where said sponsorship indicates strong support but entitles the sponsor to no special legislative privilege; however, the Principal Sponsor may freely withdraw or amend a bill or proposed resolution, provided he/she reports such activity to the Student Senate before a vote is called on it.
- h. The Speaker shall assign each proposed resolution and bill a chronological number in the order they were received.
- i. Each bill and proposed resolution shall be given a title by its Principal Sponsor.
- j. The Secretary is authorized to make corrections of typographical errors in the text of bills at any time prior to passage. Before the correction is made official, the Secretary shall have it approved by the Speaker.
- k. All proposed bills and resolutions shall follow the format dictated in §201. The Legislative Documentation Act.
- l. All acts and resolutions passed by the Senate shall be public record and shall be transmitted in a timely manner to all parties requesting them. No documents of

the Student Senate may be withheld except under order of the Student Judicial Council, the University Dean of Students, or the University President.

Section 8. Vacancies. Upon the premature end of a Senator's term of office, and when a vacancy exists, the Student

Body President may appoint an individual as Senator ad interim to the vacant member position with the advice of the second student holding that position (if applicable) and consent of the Senate (SB 01-10), provided he/she meets the qualifications of that member position. The term of office of a Senator ad interim shall commence upon him/her being duly administered the Oath of Office following Senate consent, and shall end automatically upon the special election of a Senator to the member position held by that Senator ad interim and that elected Senator being duly administered the Oath of Office. The Senate may expel a Senator ad interim without prejudice. For purposes other than those of this section, a Senator ad interim shall be considered a Senator and member of the Senate.

Section 9. Business meetings.

- a. The Chair pro tempore shall not chair business meetings whenever the Chair ex officio opts to exercise chairmanship.
- b. No business meeting of the Senate (business meeting) may be called to order without a majority of the members present in the Senate chamber (quorum). No official action beside adjournment may be taken at a business meeting without quorum.
- c. Business meetings shall be governed by Robert's Rules of Order, unless the Senate provides for its own business meeting rules. In the absence of applicable and/or workable business meeting rules by the Senate for a given situation, the Senate shall adhere to the Robert's Rules of Order.
- d. The equal voting rights of each of the members shall not be denied.
- e. The Senate may commence a closed-door session in a business meeting.
- f. The Senate shall be forbidden the use of the secret ballot. Exception: The Senate

may use the secret ballot for the purposes of determining the recipients of the annual SGA awards described in Title XII, Section C, Paragraph 1, subparagraphs a, b and c of the SGA By- Laws. This exception does not apply to any other votes not specified by this paragraph.

g. The Senate may hold electronic meetings with the following provisions: (SB 01-1)

1. Electronic meetings are held at the discretion of the Speaker of the Senate.
2. A quorum must be present in the Senate chamber.
3. Electronic meetings are only permitted when the fall and spring terms are not in session. EXCEPTION: SGA members will be permitted to participate in meetings electronically during HPU-sponsored travel.
4. The video call capability on Google Calendar is the main method for this type of meeting.
5. The technology provides all participating members the opportunity for simultaneous video and aural communication.
6. SGA members may only participate electronically if they are physically not on Oahu. NOTE: The exception described in paragraph 3 also applies to this provision.
7. Votes during electronic meetings will be taken by alphabetical roll call.

ARTICLE III

Officers

Section 1. Executive authority vested. Executive authority over the Student Government Association shall be vested in the Student Body President (President; Student Body Presidency).

Section 2. Qualifications for officership.

- a. Only students that are serving in an officer position (as provided for in this Constitution and any provided for by the Student Senate) shall be considered Officers of the Student Government Association (officers).
- b. Officers of SGA must have full-time status according to the HPU guidelines and requirements, except in cases in which a student's academic degree plan requires them to be registered below full-time status. In such cases the SGA Advisors shall verify the student's degree plan with the student's academic advisor, and determine whether or not an exception will be made (SB 06-1).
- c. No student may hold more than one (1) officer position concurrently.
- d. Students running for either the Student Body President or Vice President positions must have a running mate.

Section 3. Student Body President. The Student Body President:

- a. Shall be an officer, and the Chief Executive Officer, of the Student Government Association;
- b. Shall be the chief representative and advocate of students;
- c. Shall be the chief representative of the Student Government Association to the student body;
- d. Shall, from time to time, report to the Senate on the State of the Students and share any recommendations on such measures that he/she finds necessary and expedient;
- e. Shall represent the student body and the Student Government Association on University committees and at University gatherings as requested by the

University administration, or choose designees for the same;

- f. Shall execute the duties of officer positions whenever such officer positions are vacant;
- g. Shall enforce and administer bylaws enacted by the Senate, as appropriate within the context of the bylaws and the policy of separation of powers;
- h. Shall exercise authority over the officers, except as specifically prohibited by this Constitution and by the bylaws, but may not refuse resignations of the officers; May appoint a student, with the advice of the second student holding that position (if applicable) and consent of the Senate (SB 01-10), to serve as an officer whenever there is a vacancy in an officer position (other than that of the Student Body President);
- i. May establish such additional temporary non-officer positions and presidential organizations as he/she shall deem necessary and proper to aid in the performance of presidential duties with the consent of the Senate; May introduce legislation to the Senate;
- j. May call a special business meeting of the Senate with at least twenty four (24) hours of notice to the membership of the Senate prior to such a special business meeting being called to order;
- k. May not serve concurrently as a member of the Senate or as senatorial staff. 1. The Student Body President shall not be in legal or contractual status of “full time” employment by Hawai‘i Pacific University at any time during their term of officership.

Section 4. Student Body Vice President. The Vice President:

- a. Shall represent the Student Body President and Executive Branch as necessary and proper at all Senate Meetings, under his/her direction;
- b. Shall be responsible for all SGA SAFAC Evaluation Forms as well as other forms

potentially required by the SAFAC.

- c. Shall be responsible for providing a student representative at all university committee meetings.
- d. Shall be directly responsible to the President and shall serve in such a role as the President deems appropriate, so long as it is not in conflict with the acts of the Senate or this Constitution; but
- e. May not serve as Chair of a business meeting unless appointed Chair pro tempore by the Speaker of the Senate.
- f. The Student Body Vice President shall not be in legal or contractual status of “full time” employment by Hawai‘i Pacific University at any time during their term of officership.

Section 5. Treasurer. The Treasurer:

- a. Shall be an officer of the Student Government Association;
- b. Shall serve as a financial advisor to the President and the Senate;
- c. Shall serve as the financial liaison between the Student Government Association and the University administration;
- d. Shall prepare and present a financial statement, prepared in accordance with generally accepted accounting principles and reflecting the remaining balances, to the Senate in a business meeting every month in the fall and spring semesters;
- e. Shall serve at the pleasure of the President; and
- f. Shall be directly responsible to the President and shall serve in such a role as the President deems appropriate, so long it is not in conflict with the acts of the Senate or this Constitution.

- g. The Treasurer shall not be in legal or contractual status of “full time” employment by Hawai‘i Pacific University at any time during their term of officership.

Section 6. Public Relations Director. The Public Relations Director:

- a. Shall be an officer of the Student Government Association;
- b. Shall serve as a public relations advisor to the President and the Senate;
- c. Shall serve as the public relations liaison between the Student Government Association and the University administration;
- d. Shall serve as the public relations liaison between the Student Government Association and the Kalamalama newspaper;
- e. Shall be responsible for the public relations efforts between the Student Government Association and the student body;
- f. Shall be responsible for the content and maintenance of any public Student Government Association electronic communication and social systems;
- g. Shall serve at the pleasure of the President; and
- h. Shall be directly responsible to the President and shall serve in such a role as the President deems appropriate, so long as it is not in conflict with the acts of the Senate or this Constitution.

Section 7. Term of office of a Student Body President and Vice President.

- a. The term of office of a Student Body President shall commence upon the first day of the first session after his/her election, provided he/she was administered the Oath of Office for the office of Student Body President beforehand. In all other cases, the term of office of a Student Body President shall commence upon him/her being duly administered the Oath of Office. Terms of office for the Student Body President shall end automatically upon the:

Last day of the session for which he/she was elected; Resignation of the Student Body President; Proper removal of the Student Body President from his/her officer position; or the Student Body President's constitutional ineligibility for his/her officer position, whichever comes first.

b. The term of office of the Vice President shall commence upon the first day of the first session after his/her election, provided he/she was administered the Oath of Office for the office of Student Body Vice President and not beforehand. In all other cases, the term of office of the Vice President shall commence upon him/her being duly administered the Oath of Office. Terms of office for the Student Body Vice President shall end automatically upon the:

- i. Last day of the session for which he/she was elected;
- ii. Resignation of the Student Body Vice President;
- iii. Proper removal of the Student Body Vice President from his/her officer position; or the Student Body Vice President's constitutional ineligibility for his/her officer position, whichever comes first.

Section 8. Terms of office of the other officers.

The term of office of an officer (other than the Student Body President) shall commence upon that officer-designate being duly administered the Oath of Office following his/her election. Terms of office for officers (other than the Student Body President) shall end automatically upon the:

- i. Last day of the session for which he/she was elected;
- ii. Officer's dismissal by the Student Body President;
- iii. Resignation of the officer;
- iv. Proper removal of the officer from his/her officer position;
- v. or the officer's constitutional ineligibility for his/her officer position, whichever comes first.

Section 9. Discipline of the Student Body President.

- a. The Senate may, by majority vote, impeach a Student Body President for failure to uphold his/her Oath of Office, other misbehavior, or gross incompetence.
- b. The Student Judicial Council may, in its capacity as a special tribunal, and by two-thirds (2/3) vote, convict the impeached Student Body President by upholding the Senate's articles of impeachment, therefore removing that student from the Student Body President officer position.
- c. The Senate may, by majority vote, censure a Student Body President.

Section 10. Discipline of other officers.

- a. The Senate may, by majority vote, impeach an officer (other than the Student Body President) for failure to uphold his/her Oath of Office, other misbehavior, or gross incompetence.
- b. The Senate may, by two-thirds (2/3) vote, convict an impeached officer by upholding the articles of impeachment, therefore removing that student from his/her officer position.

Section 11. President's Council.

- a. The Student Government Association, through the Student Body President officer position, shall include a President's Council.
- b. The President's Council shall be a purely advisory organization only, for the benefit of the President, and it may not hold or be granted any decision-making authority. No official action may be taken in the name of the President's Council. In no case may the President's Council undermine the authority or ultimate responsibilities of the President.
- c. The President may convene the President's Council to advise him/her on official

matters.

- d. The Senate may not require the President to consult with, or gain the express or implied approval of, the President's Council related to official actions of the President or the officers.
- e. The Student Body Vice President shall report directly to the Student Body President, and supervise and coordinate the activities of the members of the President's Council. The Vice President shall serve at the pleasure of the President.
- f. The President's Council shall include the officers, the Speaker of the Student Senate, the Chief of Staff to the Student Body President and the special advisors listed in subsection h of this Section. The President may appoint additional students to serve on the President's Council at his/her discretion, without the consent of the Senate. The President shall have total discretion on the level of participation that members of the President's Council may exercise on the President's Council, if any.
- g. Membership on the President's Council shall not be construed to grant implicit authority to a student or to any other positions he/she may concurrently serve in. Members of the President's Council shall serve at the pleasure of the President, and therefore, the President may dismiss any student from serving on the President's Council.
- h. The Student Body President may appoint students to serve as special advisors, titled

“(Area of expertise) Advisor to the Student Body President”, without the consent of the Senate, to advise him/her on:

Student Life; Academic Affairs; International Affairs; Student Services; Off-Campus Housing; Environmental Affairs; Technology; and Any other area of expertise that the Student Body President desires to be

officially advised on.

Section 12. Vacancies. (SB 17-1)

Upon the premature end of the Vice President's term of office, the Student Body President may appoint an individual as ad interim to the vacant officer position without the consent of the Senate, provided he/she meets the qualifications of that officer position. The term of office of a Vice President ad interim shall commence upon him/her being duly administered the Oath of Office following presidential appointment, and shall end automatically upon the special election of the Vice President to the officer position held by that Vice President ad interim. The Senate may expel a Vice President ad interim without prejudice. For purposes other than those of this section, a Vice President ad interim shall be considered an officer of the Executive Branch.

ARTICLE IV

Judiciary

Section 1. Composition and qualifications of membership.

- a. The Student Government Association shall include a Student Judicial Council of Hawai'i Pacific University (Judicial Council), which shall be composed exclusively of the member positions (members; justices) listed in this section.
- b. The Chief Justice of the Student Body (Chief Justice) shall be a member of the Judicial Council. A student shall have served in a position of trust under this Constitution for at least one hundred eighty (180) cumulative calendar days at any time prior to holding the Chief Justice member position.
- c. Four (4) Associate Justices of the Student Body (Associate Justices) shall be members of the Judicial Council.
- d. Members of the Judicial Council must have full-time status according to the HPU guidelines and requirements, except in cases in which a student's academic degree plan requires them to be registered below full-time status. In such cases the SGA Advisors shall verify the student's degree plan with the student's academic advisor, and determine whether or not an exception will be made.

- e. Justices may not hold any position in the Student Government Association outside of the Judicial Council.
- f. No student may hold more than one (1) member position on the Judicial Council.

Section 2. Appointment of members.

- a. The President may appoint a student, with the advice and consent of the Student Senate, to serve as the Chief Justice whenever there is a vacancy in the Chief Justice member position.
- b. The President may appoint a student, with the advice and consent of the Student Senate, to serve as an Associate Justice whenever there is a vacancy in an Associate Justice member position.
- c. When a vacancy in an Associate Justice position occurs, the President shall not appoint a student with senior class standing (as determined by the University Registrar) to serve as an Associate Justice if all of the members have senior class standing (as determined by the University Registrar).

Section 3. Conduct of members.

Justices shall sport a becoming and uniform/nearly uniform article(s) of clothing, as determined by the Chief Justice, whenever the Judicial Council is officially convened in the presence of individuals other than the Clerk and the Justices themselves, and as may be appropriate in the performance of their official duties.

Justices shall refrain from:

- a. Rendering formal or informal advisory opinions or statements as to questions of Student Government Association law out of Judicial Council Conference;
- b. Discussing the merits and issues of controversies or cases before the Judicial Council or to be before the Judicial Council out of Judicial Council Conference;

- c. Urging the amendment, passage, or defeat of any potential measure before the Student Senate or other organization under the authority of this constitution;
- d. Campaigning for, publicly endorsing or supporting any campus candidate or issue to be voted on by the student body; and
- e. Doing any act or making any statement out of Judicial Council Conference which would tend to disparage the impartiality of the Judicial Council.

Nothing in subsection b of this section shall be construed to prohibit free discussion among the members and the Clerk of the Judicial Council. Nothing in subsection b of this section shall be construed to prohibit testimony to the Student Senate on prior decisions of the Judicial Council or recommendations related to the judiciary by the Chief Justice and other Justices (as the Chief Justice may permit), in their official capacity as a member of the Judicial Council.

Nothing in subsection b of this section shall be construed to inhibit the Chief Justice from discharging his/her responsibilities to administer the Judicial Council and speak on administrative questions to petitioners of the Judicial Council. The blatant or repeated commission by members of any of the acts prohibited by subsection b of this section may be grounds for impeachment by the Student Senate. A lesser commission may be a basis for a member to recuse him/herself from hearing and deciding related cases.

Section 4. Discipline of members.

- I. The Speaker of the Senate is to record all Senator absences from business meetings, committee meetings and programs or events associated with senate. The speaker may determine whether an absence is excused or unexcused based on the Standard of Student Conduct outlines under the Bylaws Title V, A. 3. a. Furthermore, the Speaker of the Student Senate may defer absence matters to the Ethics Committee for review and recommendation.
 - a. If a senator has one excused absence, it is the responsibility of the Speaker of the Student Senate to contact the senator in question.
 - b. If a senator has two unexcused absences, it is the responsibility of the Speaker of the Student Senate to contact the senator in question.

- c. If a senator has three unexcused absences, it is the responsibility of the Speaker of the Student Senate to contact the senator in question. Secondly, the Ethics Committee will review all three absences and submit an assessment to the Senate for final decision.

II. The Student Senate may, by two-thirds (2/3) vote, impeach a Justice for failure to uphold his/her Oath of Office, other misbehavior, or gross incompetence; however, the Student Senate may not impeach a Justice on grounds of divergence of opinion on policy and/or judgment.

III. The University Dean of Students may:

- a. Convict an impeached Justice by upholding the Student Senate's articles of impeachment, and therefore remove that student from his/her member position;
- b. or Reject the Student Senate's articles of impeachment in their entirety, in which case such articles of impeachment shall be repealed automatically and the impeachment shall not be sustained.
- c. A failure of the University Dean of Students to uphold or reject the Student Senate's articles of impeachment by the end of the fall or spring semester in which the Justice was impeached shall have the effect of rejecting the Student Senate's articles of impeachment in their entirety, in which case such articles of impeachment shall be repealed automatically and the impeachment shall not be sustained.
- d. The Judicial Council may, by majority vote, censure a member.

Section 5. Terms of office.

The term of office of a Justice shall commence upon that Justice-designate being duly administered the Oath of Office following his/her presidential appointment being consented to by the Student Senate. Terms of office for Justices shall end automatically upon the:

- i. The last day of the semester in which they graduated without the intention to
- ii. resume taking HPU credits the first subsequent fall or spring semester;
- iii. The first day of a fall or spring semester in which they are no longer considered
- iv. under full-time status according to the HPU guidelines and requirements;
- v. Resignation of the Justice;
- vi. Proper removal of the Justice from his/her member position; or the Justice's constitutional ineligibility for his/her member position, whichever should happen first.

Section 6. Chief Justice.

- a. The Chief Justice shall serve as the presiding justice of the proceedings of the Judicial Council.
- b. The Chief Justice shall administer the Judicial Council, ensure the Judicial Council's adherence to its internal policies and procedures, and serve as the chief spokesperson of the Judicial Council. The Chief Justice may revocably delegate administrative duties and functions to the Clerk of the Judicial Council.
- c. The Chief Justice shall, from time to time, report to the Student Senate on the State of the Student Judiciary and share any recommendations on such judiciary-related measures that he/she finds necessary and expedient.
- d. If, in the opinion of the Chief Justice, there is insufficient time to convene the Conference in order to issue a temporary injunction, he/she may issue a temporary injunction in the name of the Judicial Council.
- e. In any case in which a party fails to honor the binding nature of the official actions of, or enforcement authority of, the Judicial Council, the Chief Justice may refer the matter to the University Dean of Students, other University judicial officers, and/or the appropriate organization(s) within the University and the Student Government Association.

- f. The Associate Justice with the most seniority, measured by cumulative time as a member of the Judicial Council, shall be the Acting Chief Justice for the period of time in which there is a vacancy in the Chief Justice member position. The Acting Chief Justice shall exercise the powers and responsibilities of the Chief Justice.

Section 7. Clerk.

The Chief Justice may appoint a student, with the advice and consent of the Judicial Council, to serve as the Clerk of the Judicial Council (Clerk). The Clerk shall serve at the pleasure of the Chief Justice. The Clerk shall not be a member of the Judicial Council. The Clerk shall abide by this constitution and the Student Code of Conduct.

Section 8. Standing.

Standing to petition the Judicial Council for judgment shall be extended to any student(s) of Hawai'i Pacific University and to any University-recognized student-led organization.

Section 9. Jurisdiction over constitutional controversies.

- a. The Judicial Council shall have the power of judgment, as to both questions of law and fact, over controversies where the matter in controversy is the constitutionality of:
 - i. Actions of the organizations under the authority of this constitution;
 - ii. Actions of the officers, members, agents and other individuals serving in/for/with the organizations under the authority of this constitution, when such individuals acted in their official capacities; and
 - iii. Policies, procedures, rules, laws, orders, and directives (and equivalent) promulgated by the organizations under the authority of this constitution, and by officers, members, agents and other individuals serving in/for/with the aforementioned organizations.
- b. The Judicial Council shall have no jurisdiction over the constitutionality of pending actions or of pending legislation.
- c. The jurisdiction of the Judicial Council must be based on a substantial

controversy in law.

Section 10. Jurisdiction over controversies of compliance with internal law.

- a. The Judicial Council shall have the power of judgment, as to both questions of law and fact, over controversies where the matter in controversy is the compliance with duly authorized and constitutional policies, procedures, rules, laws, orders, and directives (and equivalent), by:
 - i. Organizations under the authority of this constitution; and
 - ii. Officers, members, agents and other individuals serving in/for/with the organizations under the authority of this constitution, when such individuals acted in their official capacities.
- b. The Judicial Council shall have no jurisdiction over the lawfulness of pending actions.
- c. The jurisdiction of the Judicial Council must be based on a substantial controversy in law.

Section 11. Jurisdiction over electoral controversies.

The Judicial Council shall have the power of judgment, as to both questions of law and fact, over controversies where the matter in controversy is the allegation of:

- i. Fraud by vote handlers and/or voters;
- ii. Impropriety on the part of candidates or other individuals; or
- iii. Egregious errors in the preparation and/or execution of an election, which would be reasonably considered to change or have changed any electoral results or imminent electoral results.

Section 12. Other jurisdiction.

The Student Senate may, as appropriate, extend the jurisdiction of the Judicial Council beyond the jurisdiction over matters delineated in this constitution; however, the Student Senate shall take no action which would abridge, limit, or interfere with the jurisdiction granted to the

Judicial Council in this constitution.

Section 13. Commencement of action.

A case of the Judicial Council shall commence upon verbal petition to the Chief Justice; or, if the Chief Justice is not readily available, by filing a written petition stating an intention to file a complaint with the Clerk. The complaint must be filed within a time period to be determined by the Chief Justice, not longer than fourteen days after commencement of the case.

Section 14. Powers and responsibilities.

- a. The Judicial Council is the keeper of, and authority on, this Constitution, excepting cases wherein this Constitution specifically denies the Judicial Council jurisdiction and/or interpretation authority.
- b. The Judicial Council shall serve as the judicial branch of the Student Government Association. The official actions and decisions of the Judicial Council, when within the authority granted to the same by this Constitution, are binding on the Student Government Association. The Judicial Council is the final appellate authority of the Student Government Association, except as otherwise specifically provided for in this constitution.
- c. Orders, when in writing, and signed by the Chief Justice, may be issued by the Judicial Council in order to:
 - i. Summon a defendant to appear and defend in a case before the Judicial Council;
 - ii. Subpoena witnesses or evidence on the request of a party to a case; and
 - iii. State preliminary and final decisions of the Judicial Council concerning cases before it.
- d. The Judicial Council may issue temporary injunctions postponing an election until a judicial determination can be reached. The Judicial Council may issue temporary injunctions ordering new elections. The Judicial Council shall only issue electoral injunctions in extreme circumstances and when absolutely necessary; as such, electoral injunctions may be overturned by the University

Dean of Students.

- e. The Judicial Council may enforce its judgment by the issuance of an appropriate mandatory or prohibitory injunction to the person to be required to do an act or restrained from doing an act, respectively. An injunction may be enforced by appropriate contempt proceedings.
- f. The Judicial Council may elect to reject any petition and dismiss any case.
- g. The Judicial Council shall have no jurisdiction or power to render purely advisory opinions.

Section 15. Limitations on authority for decision-making.

- a. The statutes of the United States or any state, the decisions of the courts of the United States or any state, and treatises on the law of the United States or any state, shall not be used as authority for decision of any official action of the Judicial Council.
- b. The proper sources of authority for official decisions of the Judicial Council include:
 - i. Policies, procedures, rules, laws, orders, and directives (and equivalent) promulgated by the organizations under the authority of this constitution, and by officers, members, agents and other individuals serving in/for/with the aforementioned organizations;
 - ii. Prior decisions of the Judicial Council and other University judicial apparatuses; and
 - iii. Policies, procedures, rules, laws, orders, and directives (and equivalent) promulgated by the University and its officials.

Section 16. Stare decisions.

Previous decisions of the Judicial Council shall be binding on the Judicial Council in its case determinations, except:

Where the statutory authority for the previous decision has been altered so as to require a different result; Where the factual circumstances of the different controversies or cases requires a different result; and

When the Judicial Council determines that the previous decision was erroneous.

Section 17. Conference.

- a. The Judicial Council Conference (conference) shall consist of the members of the Judicial Council for the purpose of deliberating and determining official action. No other person shall be permitted to be present in the meetings of the conference and the proceedings of the conference shall be confidential. Individuals that are not members of the Judicial Council who are in attendance of a conference, whether through mistake or malice, are bound to secrecy.
- b. Except when otherwise provided for in this constitution, the Judicial Council shall only take official action in conference. The concurrence of a majority of the conference shall be necessary to take official action. The equal voting rights of each of the present members for official matters shall not be denied.
- c. The attendance of at least three members of the Judicial Council shall constitute a quorum for conference. Conference may only be held with a quorum.

Section 18. Internal policies and procedures.

The Judicial Council may provide for its internal policies and procedures, but the Student Senate may review, modify and/or nullify such policies and procedures; however, the Student Senate shall take no action that unduly interferes with the independence of the Judicial Council and its members, nor with the ability of the Judicial Council to pass independent judgment, nor with the standing of the actions, decisions, or constitutional authority of the Judicial Council.

Section 19. Disputed interpretation of this article.

The University Dean of Students shall be the faithful and strict interpreting authority on this article whenever the Judicial Council's interpretation of this article is in dispute.

ARTICLE VII

Campus Elections

Section 1. Definitions related to campus elections. For the purposes of this Article:

- a. A vote, and to vote, shall be define as the casting of a ballot that signifies the will of a student voting for candidates for a given position in a given campus election.
- b. A campus election shall be defined as an election sponsored by the Student Government Association whereby the voters are the student body either on the whole, or in part, as separate constituencies or other special qualifications may dictate.
- c. A poll, or polling station, shall be defined as a means of voting by the student body in a campus election.

Section 2. Senate authority over elections.

The Student Senate may regulate all campus elections and all aspects thereof, provided such regulation is consistent with the provisions of this Constitution. The Student Senate may revocably delegate supervision and certain regulation authority of campus elections to such persons and/or organizations as it finds necessary and proper.

Section 3. Universal suffrage throughout the student body.

All students may vote in campus elections for the Student Body President officer position. All students may vote in campus elections for the Student Senate member positions that represent them, as the law shall prescribe. All students may vote in elections for other positions for which a campus election is held, but the law may limit (in a manner consistent with the other provisions of this constitution) which appropriate groups of students may vote for such positions.

Section 4. One vote for each candidate only.

No candidate for a given position may be given more than one (1) vote from the same voting student.

Section 5. Secret ballot for campus elections mandated.

All campus elections shall be held by secret ballot. It is the intent of this section to allow each student voter to exercise their own will on the ballot without any undue influence, pressure or duress. Therefore, the presence of any candidate for office is strictly prohibited while the student is voting. Presence is defined as being in the line of sight or within listening distance. Furthermore, the election timeline shall dictate a campaign period which ends before the voting period.

Section 6. Plurality voting method mandated; approval voting permitted.

- a. A student with the highest number of popular votes by the student body for a given position in a given campus election shall be the winner of the election for that position; no other absolute nor proportional threshold of popular votes by the student body may be established as a qualification for winning the campus election for a position.
- b. No run-off election or secondary vote may be held within the same campus election unless temporarily ordered by the Student Judicial Council as a remedy for an electoral controversy.
- c. This Section shall not be construed to prohibit the student body from voting for multiple candidates for a given position.

Section 7. Tied votes settled by a game of chance.

In cases in which the vote for two (2) or more candidates for a given position are equally divided, a game of chance shall be promptly administered by a non-candidate; the winner of such a game of chance shall be the winner of the election for that position.

Section 8. Poll fees prohibited.

The right of students to vote in any campus election shall not be denied or abridged by the organizations under the authority of the Student Government Association, by reason of failure to pay a fee directly related to voting or access to polls

Section 9. Discriminatory denial of voting prohibited.

The right of students to vote in any campus election shall not be denied or abridged by the organizations under the authority of the Student Government Association, on account of

undergraduate status versus graduate status, grade point average, disciplinary record, age, sex, race, ethnic group, national origin, religion or lack thereof, marital status, sexual orientation, veteran status, or physical and/or mental disabilities.

Section 10. Proxy voting prohibited; faithful physical assistance permitted.

No votes cast by an individual for, or on the explicit behalf of, another individual who is physically absent from a poll shall be counted. This section shall not be construed to prohibit students with disabilities from receiving honest and faithful physical voting assistance, provided such a student's will is expressly followed.

Section 11. Direct elections for Justices and certain officers prohibited.

In no case shall vacancies in officer positions (other than in the Student Body President position), or in member positions of the Student Judicial Council, be filled by direct election by the student body, or by direct election by the Council. All appointments to officer positions (other than to the Student Body President position) and to member positions of the Student Judicial Council shall originate with the Student Body President.

Section 12. Electoral deadlines; backup general campus election timeline.

- a. The Student Government Association shall hold an annual general campus election, for the purpose of electing students to positions for which campus elections are held, for the following session. The Student Government Association may also hold special campus elections.
- b. The Student Senate may establish the timeline and deadlines for general campus elections and special campus elections. Such legislation shall state that it nullifies the timeline set forth in subsection b of this Section.
- c. If the Student Senate should fail to establish a plausible timeline for an annual general campus election, shall default to the following.
 - i. The general campus election shall be held each year within the first two (2) weeks after the last calendar day of March.
 - ii. The general campus election may not last longer than seven (7) days, nor last less than

three (3) days.

- iii. An impartial elections administrator, elected by the Student Senate, shall accept declarations of candidacy for positions for which a campus election is held starting on the twenty-eight (28th) day before the first day of the general campus election, until 5:00 PM Hawaiian Standard Time on the tenth (10th) day before the first day of the general campus election.
- iv. The winners for the positions for which the general campus election was held shall be scheduled to serve in the session immediately following the session in which that election was held.
- d. The Student Government Association must hold a special election in the Fall term if the sum of the number of member positions filled by Senator ad interim and vacancies is more than the number of elected member positions.