

The Constitution of the Indiana University Student Government

We, the students of Indiana University's Bloomington campus, join together as the Indiana University Student Government to give voice to our common grievances, concerns, and hopes, and to take direct action to realize an ever-inclusive and stronger University. As head advocates for students, we shall take all conceivable steps to empower student movements across campus, in pursuit of justice and fairness in higher education. The Indiana University Student Government will work to protect student rights, promote equity, enrich student life, and improve Indiana University for all.

Article I. Definition of Membership

All students, as defined by the "Code of Student Rights, Responsibilities, and Conduct," who have enrolled in Indiana University at the Bloomington Campus are constituent members of IUSG.

Article II. The Student Body Congress

Section 1: Scholastic Representatives

The Congress will have sixty-two Scholastic seats, such total divided equally between Academic and Residential Representatives, except as otherwise provided in this article. Representatives will be elected annually to serve terms of one year. Scholastic Representatives must be constituents of the district they represent. No Representative may hold more than one seat in the Congress. The Congress may adopt other rules governing its Representatives' qualifications.

Section 2: Multicultural Representatives

The Congress shall have a minimum of thirty-one Multicultural seats to represent historically underrepresented or disadvantaged communities. Multicultural Representatives will serve until the expiration of the congressional term. Organizations wishing to send a representative to Congress may petition for entry prior to the start of the legislative session and must re-petition yearly prior to the annual congressional elections. Multicultural Representatives will be elected or appointed by willing, nonpartisan student organizations that represent a historically and currently underrepresented ethnicity, culture, nationality, gender, sexuality, disability, or religion. The Congress may adopt Bylaws governing the admittance of Multicultural Representatives.

Section 3: Authority

The Congress shall serve as a repository of student voices, perspectives, and concerns. As such the Congress will serve as the policymaking authority within IUSG and have original jurisdiction over all expenditures and fundraising activities. The Congress shall direct Executive Officers on the enforcement and implementation of policies passed by the body. There are three legislative sessions defined within a calendar year: the two semesters of a normal academic year and the summer session.

Section 4: Apportionment of Scholastic Seats

Congress will annually apportion Scholastic seats among defined constituencies by population as given in official University residential and enrollment statistics from the fall semester of each academic year, except as otherwise provided in this article. Each constituency shall be guaranteed at least one voting, representative seat within Congress. If a new constituency is created during a legislative session, that constituency will receive the number of seats to which it would have been entitled in the previous apportionment, but no seats will be taken from an already existing constituency.

Section 5: Admittance of Multicultural Seats

Registered Student Organizations recognized as such by Indiana University will inform the IUSG Election Commission (“the Commission”) of their intent to participate in the Student Body Congress. The Commission will thereby certify the organization’s good-standing and applicability as a Multicultural Organization as defined in this document or relevant bylaws. Congress, upon a two-thirds vote, can appeal this decision to the IUSG Supreme Court. Student organizations, who believe their admittance was not given proper consideration, can also appeal decisions of the Commission to the Supreme Court. If an organization’s seat becomes vacant before the expiration of the term, the organization may elect or appoint another member to fill the vacant seat.

Section 6: Speaker of the Student Body Congress

At the first meeting of each legislative session, the Congress will elect from its own number a Speaker. The Speaker will be allowed to vote as a Representative. The Congressional Secretary will cast a vote only in the case of a tied vote in the Congress.

Section 7: Congressional Committees and officers

The Congress will establish a system of standing Committees, each charged with a specific area of legislation or parliamentary authority. The Speaker will designate one member of each Committee to act as chairperson, who will preside over and schedule Committee meetings and serve as liaison between the Committee and Speaker. Congress may establish other offices to carry out its business.

Section 8: Legitimacy

A legislative session cannot convene unless thirty-one Scholastic Representatives and thirty-one Multicultural Representatives have been elected or certified to fill their positions. If at any point during a legislative session, due to impeachments or otherwise, a legitimate Congress falls below these standards, the Congress cannot consider any additional measures until a remedy is achieved. During an illegitimate session, organizations may petition for entry to that session until thirty-one Multicultural representatives have been duly elected or appointed. This section shall come into effect at the commencement of the summer session of 2021.

Section 9: Impeachment and Removal

A Representative may be impeached and removed from office for just cause upon the passage of a resolution for impeachment by two-thirds of the Congress.

Congress may provide for procedures for the removal of a Representative as necessary.

Section 10: Vacancies and Replacement

If any seat in a constituency becomes vacant, Congress will appoint a replacement for the unexpired balance of the term. If the office of Speaker becomes vacant, then the Congressional Secretary will act as Speaker until the Congress elects a new Speaker. Congress may provide for the filling of other vacancies as necessary.

Article III. The IUSG Executive Branch

Section 1: Composition

The President, Vice President, Treasurer, Congressional Secretary and such other officers as provided for in this article and bylaws as Congress may adopt will comprise the executive Branch of IUSG. The student body will elect the President and Vice President annually. Elected executive officers will serve terms of one year ending on April 15.

Executive officers may not sign binding agreements after the general election which bind IUSG past the end of their term.

Executive officers must be members of IUSG and may hold no other elected positions in IUSG.

Section 2: Authority

The IUSG Executive Branch will have all powers necessary and proper to fulfill their duties and the mandates of the Student Body Congress.

The President of IUSG will act as chief executive officer of IUSG, spokesperson for the student body, and fulfill the requirements of that office as required by the University. The President will also have the power to reach binding agreements with other organizations and individuals with the consent of a two-thirds vote of Congress. The President and Congressional Secretary may each call the Student Body Congress into emergency session when necessary.

The Vice President of IUSG will act as the President's deputy and coordinate the activities of the Executive Branch.

The Treasurer of IUSG will take care to ensure that accounts are properly kept, bills promptly paid, and revenues fully received.

The Congressional Secretary will act as an executive ambassador to Congress; provide guidance and assistance to Representatives; and perform any other task the Speaker or Congress may request of them.

Section 3: Executive Authority Over Legislation

The Congressional Secretary will cast a vote in case of a tied vote in the Congress. Within three days of the President's receipt of passed legislation, the President may enact the legislation by signing it or veto the legislation by informing the Speaker in writing. If the President vetoes the legislation, then the Congress may override the veto by a two-thirds vote. If the President neither signs nor vetoes the legislation within three days, then it will take effect as if the President had signed it.

Section 4: Other Executive Officers

The President may appoint officers to serve as directors of executive committees, liaisons to other organizations, or as assistants to the President. Congress must confirm officers appointed to serve as directors of executive committees or liaisons of IUSG.

Congress may provide for the appointment of other executive officers by the President or other executive officers. All appointments will be valid only for the term of the President or other officer making the appointment.

Section 5: Congressional Participation

Upon the certification of a duly elected Executive Branch, the Officers shall take all reasonable steps to promote the participation of eligible Multicultural student organizations in the Student Body Congress.

Section 6: Impeachment and Removal of an Executive Officer

The President, Vice President, Treasurer, Congressional Secretary, or other executive officers may be impeached and removed from office for just cause upon the passage of a resolution for impeachment by two thirds of the Congress and the concurrence of two-thirds of the IUSG Supreme Court. The President may remove the executive officers they appoint. The President or the member of the Executive Branch who appointed the officer may remove executive officers appointed by other members of the Executive Branch.

Section 7: Executive Vacancies

If the office of Vice President becomes vacant, the President will appoint a replacement to serve the unexpired balance of the term with the consent of Congress. If the office of President becomes vacant, the Vice President will become President. The Congress will provide in the bylaws for succession if the offices of President and Vice President become vacant simultaneously.

Article IV. IUSG Judiciary

Section 1: Composition

The IUSG Supreme Court and other inferior courts and judicial commissions as Congress may establish will comprise the Judicial Branch of IUSG. Eleven justices, including one Chief Justice, appointed by the President and confirmed by the Congress, will comprise the IUSG Supreme Court. Justices of the Supreme Court will serve terms equal to three executive terms or portions thereof and will continue in office until their removal from office by impeachment, until their replacement has been confirmed by the Congress except in cases of impeachment and removal, or until they are no longer members of IUSG. Inferior courts and judicial commissions will be filled by appointments of the President confirmed by the Congress for a term set by the Congress. Justices and members of inferior courts must be members of IUSG and may not hold any other office in IUSG.

Section 2: Authority

The judicial authority of IUSG will include the power of judicial review, adjudicating elections disputes, certifying elections results, resolving contested Multicultural seats in the Congress, and fulfilling the requirements of the University judicial process.

Section 3: Duties of the Supreme Court

The Chief Justice will preside over meetings of the IUSG Supreme Court, administer the Oath of Office to IUSG officers, and coordinate the internal business of the judiciary. The Chief Justice will also appoint members of the judiciary to serve on such judicial boards and commissions as required by the University and appoint one member of the judiciary to serve as Clerk of the Court. If the Chief Justice is not present, the senior justice as determined by length of service to the Court will preside. Associate Justices will faithfully execute the duties inherent in their office. The Supreme Court will adopt internal rules of procedure to protect due process. Such internal rules may not be in conflict with commonly accepted legal precedents, this Constitution, or University policy regarding student rights.

Section 4: Bias

No member of the judiciary may hear a matter in which they have a personal interest or bias. If the Chief Justice considers that for some reason one of the members of the judiciary should not hear a particular matter, they will give that member notice accordingly. If in any case the member of the judiciary and the Chief Justice disagree, a decision of the Supreme Court will resolve the matter.

Section 5: Due Process

All cases and petitions heard by the Court except elections appeals will be conducted according to the following due process procedures. University holidays and vacations will not be counted as part of any deadline or timeline outlined below. Violations of any part of these due process procedures will render the decision in that case null and void.

- a. To obtain a hearing before the Court, a member of IUSG not currently sitting on the Court will complete the appropriate hearing request form and submit it to both the Chief Justice and Clerk of the Court.
- b. Within forty-eight hours of the request's submission, the Chief Justice will notify the Court of the request.
- c. A constitutionality challenge or a challenge to the bylaws will not be heard unless two-fifths of the Court grant a writ of certiorari within forty-eight hours of the justices' notification by the Chief Justice.

- d. Within forty-eight hours of the request's submission, the Clerk of the Court will make the request public. If the request is a constitutionality challenge or a challenge to the bylaws, the Clerk will also inform the executive officers, directors, and Representatives of the Student Body Congress. If a writ of certiorari is granted, the Clerk will make the writ public immediately in addition to informing the executive officers, directors, and Representatives of the Student Body Congress.
- e. Members of IUSG will have five calendar days from the time the Clerk makes the request public to submit amicus curiae briefs to the IUSG Supreme Court. In the case of a constitutionality challenge or a challenge to the bylaws where a writ of certiorari has been granted, members of IUSG will have seven days from the time the Clerk makes the writ public to submit amicus curiae briefs to the IUSG Supreme Court.
- f. The Court may not act without a quorum of its members present.
- g. No proxy may vote on a constitutionality challenge or a challenge to the bylaws.
- h. All petitioners and respondents, including members of IUSG who have submitted amicus curiae briefs to the IUSG Supreme Court, will be notified of the Court's decision no later than twenty-four hours after the Court concludes its deliberations. The Clerk will make written statements and opinions on the final decision available to the public within three days after the Court concludes its deliberations.

Section 6: Impeachment and Removal from Office

Members of the judiciary may be impeached and removed for just cause.

- a. Members of the judiciary may be impeached for dereliction of duty by a two-thirds vote of the members currently occupying office of the IUSG Supreme Court and removed from office by an affirmative two-thirds vote of the Student Body Congress currently occupying office.
- b. Members of the judiciary may be impeached for dereliction of duty by the President and one other elected executive official if they submit a petition requesting impeachment and removal of a justice no later than 72 hours before the next regularly scheduled meeting of the Student Body Congress. Removing an impeached justice will require an affirmative two-thirds vote of the Student Body Congress currently occupying office.
- c. Congress may provide for other methods of removing members of the judiciary not serving on the Supreme Court.

Article V. Constitutional Adoption, Supremacy, and Amendment

Section 1: Ratification of this Constitution

This constitution will take effect as described in this article upon the adoption of this Constitution by two thirds of the Student Body Congress and a majority of the student body voting in the next election.

Section 2: Officers of Previous Constitutions

Officers elected or appointed to fill the requirements of previous constitutions will not be denied their remaining term in office, but no successors to their offices will be elected or appointed. Specifically, Members of Congress, the Vice President of Congress and the Vice President of Administration as elected under the previous Constitution will exercise the prerogatives reserved to their offices by the previous Constitution as it existed on January 1, 2002.

Section 3: Amendments to this Constitution

Amendments to this Constitution may be proposed by a two-thirds vote of Congress or by the presentation to the Chief Justice of a petition signed by ten percent of the student body. Proposed amendments to the Constitution will become part of this Constitution if ratified by a majority of students voting in the next IUSG election or special referendum.

Section 4: Constitutional Supremacy

This Constitution will be the supreme authority for the governance of IUSG. No bylaw or resolution may be in conflict with this constitution.

Article VI. Bylaws

Section 1: Bylaws Adopted Under Previous Constitutions

All bylaws adopted under previous constitutions will remain in force, save for those provisions in conflict with this constitution, except as specified in Article V, Section 2.

Section 2: Bylaw Adoption and Amendment

The Congress may adopt bylaws to supplement the Constitution and eliminate ambiguities. New bylaws or amendments to existing bylaws must be made known two weeks before their final consideration by Congress.

Section 3: Summer Sessions

The Student Body Congress will adopt bylaws governing the conduct and organization of IUSG during the summer session. The IUSG Supreme Court will establish rules governing Summer Court. The Summer Court will hear no case involving judicial review.

Section 4: Elections

The Student Body Congress will adopt bylaws governing IUSG elections. The Congress may not amend bylaws governing IUSG elections during the four weeks before the elections.

Article VII. University Compliance

This organization shall comply with all Indiana University regulations and local, state, and federal laws.

- a. **Anti-Hazing Policy:** Hazing is strictly prohibited. Hazing shall be defined as any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
- b. **Personal Gain Clause:** This organization, if raising funds, shall ethically raise and distribute profits from organizational functions to either the organization or to members who provide a service that directly benefits the organization. Individual members may not receive compensation from for profit companies if acting as a representative of a student organization.