

The Constitution of the Indiana University Student Association

We, the students of Indiana University's Bloomington campus, join together as the Indiana University Student Association to give voice to our common grievances, concerns, and hopes, and to take action to realize an ever stronger University. The Indiana University Student Association will work to protect student rights, enrich student life, and improve Indiana University.

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 IUSA.

Article II

The IUSA Congress

Section 1: Composition

The Congress will have sixty-two seats, such total divided equally between academic Representatives and residential Senators, except as otherwise provided in this article. Members of the Congress will be elected annually to serve terms of one year ending on April 1. Members of the Congress must be members of IUSA and constituents in the district they represent. No member may hold more than one seat in the Congress. The Congress may adopt other rules governing its members' qualifications.

Section 2: Authority

The Congress will serve as final policymaking authority within IUSA and have original jurisdiction over all expenditures and fundraising activities. There are three legislative sessions defined within a calendar year: the two semesters of a normal academic year, plus the summer session.

Section 3: Constituencies

Each degree-granting unit of the University will be a constituency for academic Representatives. There will be an additional constituency for students not enrolled in a degree-granting unit of the University. The constituencies for residential Senators will be exclusively divided into four groups. These groups, each as a whole, are the Residence Halls, the Greek Community, Family Student Housing, and Off-Campus Students.

Section 4: Apportionment

Congress will annually apportion 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 defined in this constitution 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: Speaker of the IUSA Congress

At the first meeting of each legislative session, the Congress will elect from its own number a Speaker to preside over all legislative meetings, schedule legislative meetings, oversee congressional committees, appoint and manage other congressional officers, and fulfill other duties as the Congress may require. The Speaker will be allowed to vote as a member of Congress. The Congressional Secretary will cast a vote only in the case of a tied vote in the Congress.

Section 6: 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 appoint members to each committee from the membership of Congress such that each member serves on one committee. The Speaker will designate one member of each committee to act as chairman, who will preside over and schedule committee meetings and serve as liaison between the committee and Speaker. The Speaker will also appoint a Parliamentarian and a Grammarian. The Parliamentarian must be impartial and familiar with the most recent revision of Robert's Rules of Order or such other parliamentary authority and rules as the Congress may adopt. The Grammarian must be impartial

and familiar with the requirements of clear writing and the intent of the authors and committees of jurisdiction of each piece of legislation. The Grammarian will correct grammatical, typographical, and other inconsequential errors in legislation before its final consideration by the Congress. The Grammarian's corrections may be expunged by a one-third vote of Congress. Congress may establish other offices to carry out its business as necessary without fear of an executive veto as provided in Article III, Section 3.

Section 7: Impeachment and Removal

A member of Congress may be impeached and removed from office for just cause:

- (a) upon the adoption of a petition for impeachment by two-thirds of the entire Congress and the concurrence of two-thirds of the IUSA Supreme Court;
- (b) upon presentation of a petition to the Congress that the member is no longer a member of the constituency he represents and the concurrence of two-thirds of the IUSA Congress; or
- (c) upon missing three regularly scheduled Congress meetings without a proxy present for two of those meetings or four regularly scheduled Congress meetings with a proxy present. Absence will be determined by the failure of the attendance record and roll call votes to show the presence of a member. If a member is shown in the records not to be present for at least half of the roll call votes during a meeting, the member will be counted absent for that meeting. Absences during the summer will not be counted for purposes of impeachment. Congress may provide for procedures for the removal of an officer of Congress as necessary.

Section 8: Vacancies and Replacement

If any seat in a constituency becomes vacant, a Membership committee will appoint a replacement for the unexpired balance of the term, subject to the approval of the Congress. 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 IUSA 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 IUSA. The student body will elect the President, Vice President, Treasurer, and Congressional Secretary annually at the same time and place as the elections for Congress. Elected executive officers will serve terms of one year ending on April 15. Executive officers may not sign contracts after the general election which bind IUSA past the end of their term. Executive officers must be members of IUSA and may hold no other elected positions in IUSA.

Section 2: Authority

The IUSA executive branch will have all powers necessary and proper to fulfill their duties and the mandates of the IUSA Congress. The President of IUSA will act as chief executive officer of IUSA, spokesman 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 IUSA Congress into emergency session when necessary. The Vice President of IUSA will act as the President's deputy and coordinate the activities of the executive branch. The Treasurer of IUSA 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 the legislative branch; provide guidance and assistance to members of Congress; be responsible for documenting important congressional records (in such documents as the Minutes, Attendance Rolls, and Voting Records); maintain relevant congressional references (such as governing documents and parliamentary references); and perform any other task the Speaker or Congress as a whole 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. The Congressional Secretary will transmit legislation adopted by the IUSA Congress to the President within three days of the legislation's adoption. Within three days of the President's receipt of the 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 departments, liaisons to other organizations, or as assistants to the President. Congress must confirm officers appointed to serve as directors of executive departments or Ambassadors of IUSA. The Vice President, Treasurer and Congressional Secretary may appoint assistants. 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: 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 adoption of a petition for impeachment by two-thirds of the Congress and the concurrence of two-thirds of the IUSA Supreme Court. The President may remove the executive officers he appoints. 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 6: Executive Vacancies

If the office of Vice President, Treasurer or Congressional Secretary 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. In the event that the offices of President and Vice President become vacant simultaneously, the Congressional Secretary will become President. In the event that the offices of President, Vice President and Congressional Secretary become vacant simultaneously, the Treasurer will become President. The Congress will provide in the bylaws for succession if the offices of President, Vice President, Treasurer and Congressional Secretary become vacant simultaneously.

Article IV IUSA Judiciary

Section 1: Composition

The IUSA Supreme Court and other inferior courts and judicial commissions as Congress may establish will comprise the judicial branch of IUSA. Eleven justices, including one Chief Justice, appointed by the President and confirmed by the Congress, will comprise the IUSA 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 IUSA. 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 IUSA and may not hold any other office in IUSA.

Section 2: Authority

The judicial authority of IUSA will include the power of judicial review, adjudicating elections disputes, certifying elections results, 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 IUSA Supreme Court, administer the Oath of Office to IUSA 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 he has 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, he 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 IUSA 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 members of the IUSA 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 members of the IUSA Congress.
- (e) Members of IUSA will have five calendar days from the time the Clerk makes the request public to submit amicus curiae briefs to the IUSA 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 IUSA will have seven days from the time the Clerk makes the writ public to submit amicus curiae briefs to the IUSA 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 IUSA who have submitted amicus curiae briefs to the IUSA 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 IUSA Supreme Court and removed from office by an affirmative two-thirds vote of the IUSA 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 IUSA Congress. Removing an impeached justice will require an affirmative two-thirds vote of the IUSA 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 IUSA 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 IUSA election or special referendum.

Section 4: Constitutional Supremacy

This Constitution will be the supreme authority for the governance of IUSA. 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 advertised two weeks before their final consideration by Congress.

Section 3: Summer Sessions

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

Section 4: Elections

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