



Constitutional Amendment C-01-24

The University of Alabama

28th Senate 2023-2024

Authors: Senator Mia Ford, Senator Jenni Page, Senator Ella Brown

Sponsors: Senator Katherine Gray, Senator Chloe Pickle, Senator Hidy Fitzpatrick, Speaker Jack Rudder

Endorsements: President Collier Dobbs, Attorney General John McLendon, Chief Justice Abby

**AN AMENDMENT TO THE CONSTITUTION TO UPDATE AND CLARIFY
AMENDMENTS V, VI, VII, AND VIII**

Be it enacted by the Senate of the Student Government Association assembled.

Section 1. Findings:

- A. Several errors, grammatical, formatting, and other, have been found in the Constitution that need to be corrected.
- B. Certain practices within the SGA have changed over time and the Constitution should reflect those changes.
- C. Certain wording needs to be modified to correct contradictions and provide clarification.
- D. Individuals who previously served as a Top 5 campaigner on a campaign team could not serve on the Student Elections Board.

- E. Individuals who previously served as a Top 5 campaigner on a campaign team have a firm understanding of the election rules.
- F. The Judicial Board rules on the ethics of election proceedings and has the power to right any wrongdoing.
- G. Allowing individuals who previously served as a Top 5 campaigner on a campaign team to serve on the Student Elections Board will expand the expertise and application pool for the Student Elections Board, ultimately strengthening the board.
- H. The Student Elections Board vetting process is ordered in a way that requires unnecessary extra work, so reordering the steps of selection will simplify this process.
- I. There was no contingency plan in place in the event that not enough members of the Student Elections Board are able to convene to issue a decision.
- J. Candidates for Executive Office did not previously have codified disciplinary requirements.

Section 2. Amendment to the Constitution: **changes in red**

ARTICLE IV - EXECUTIVE BRANCH

Section 3: Eligibility. Eligibility requirements of all candidates intending to run for an executive office must be met prior to the election day.

- A. Members of the student executive branch shall be elected or appointed, as outlined in this Constitution or as outlined in the Code of Laws, from full-time students at The University of Alabama.
- B. Candidates for Executive Office must be in good academic and disciplinary standing with The University of Alabama and must remain in this status during his or her term unless there are mitigating circumstances in which the student can request a review for an exemption by the Dean of Students who shall assign appropriate sanctions in addition to whatever requirements are already in place by the Office of Student Conduct.**
- C. All undergraduate students seeking an Executive Office must have an overall GPA from The University of Alabama of not less than 2.30 on a 4.0 scale. Undergraduate candidates must have earned at least 36 credit hours with at least 12 of them from The University of Alabama.
 - 1. Candidates for Executive Vice-President must be rising seniors with undergraduate graduation scheduled during the academic year of the conclusion of their term of office.

2. An elected Executive Vice-President that fails to graduate at the end of their term of office will be ineligible from running or serving in another executive office.
 3. Candidates for Vice President for Diversity, Equity and Inclusion must have demonstrated interest in matters pertaining to Diversity, Equity and Inclusion for the campus community as a whole.
- D. All law students seeking an executive office must have a cumulative overall GPA from The University of Alabama of not less than 2.50 on a 4.0 scale and earned at least 12 credits from The University of Alabama.
- E. All graduate students seeking an executive office must have an overall GPA from The University of Alabama of not less than 3.00 on a 4.0 scale. Graduate candidates must have earned at least 9 credit hours from The University of Alabama.
- F. Any graduate or law school candidate whose undergraduate degree was earned from The University of Alabama is exempted from the credit hour requirement, provided his or her undergraduate GPA at The University of Alabama was at least 2.30 on a 4.0 scale and he or she currently has the appropriate graduate or law school GPA. If elected, an SGA executive officer must earn a minimum GPA equal to his or her qualifying GPA each semester he or she is in office.
- G. All elected members of the executive branch shall be elected according to the procedures stated in Article IX.

ARTICLE V - JUDICIAL BRANCH

Section 2: Jurisdiction. The Judicial Board shall have jurisdiction to consider the following matters:

- A. All controversies arising under this Constitution and any rules or regulations which may be established pursuant to this Constitution;
 - B. All student parking violations cited by The University of Alabama Office of Transportation Services being that the responsibility is designated by the appropriate University administrative officials or standing committee;
 - C. All controversies arising under the Code of Student Conduct for which the Judicial Board has been designated as a "Judicial Body" or an "Appellate Board" within the meaning of the Code of Student Conduct;
 - ~~D. All controversies arising under the Code of Academic Conduct as designated by the administration at The University of Alabama;~~
 - ~~E.~~-D. All appeals arising under student elections regulations;
 - ~~F.~~-E. The impeachment and removal proceedings as outlined in Article IX of this Constitution.
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Section 6: Eligibility. Judicial Board Justices and Judicial Board Clerks shall be selected in the spring semester of each school year from full-time students at The University of Alabama.

A. Academic requirements.

1. Undergraduate students. All undergraduate students seeking judicial office must have a **minimum** overall cumulative GPA of ~~not less than~~ 2.30 on a 4.0 scale and earned at least 12 credit hours from The University of Alabama.
2. Law students. All law students seeking judicial office must have a **minimum** overall cumulative GPA of ~~not less than~~ 2.50 on a 4.0 scale and earned at least 12 credit hours from The University of Alabama.
3. Graduate students. All graduate students seeking judicial office must have a **minimum** overall cumulative GPA of ~~not less than~~ 3.00 on a 4.0 scale and earned at least 9 credit hours from The University of Alabama. ~~B. Selection.~~

B. Selection.

1. Candidates for justice and clerk shall submit blind applications.
2. The blind review of each application will be made by the Chief Justice and a minimum of two non-returning justices selected by the non-returning in good standing justices of the Judicial Board and the Chief Justice.
 - a. In the event there are no non-returning justices, the Attorney General and a Senator selected from the membership of the Senate Rules Committee will assist the Chief Justice in the blind application review.
 - b. In the event that the Chief Justice is ~~a~~-returning to serve ~~another term as an Associate Justice or a Clerk~~, a staff member from the Office of Student Conduct at The University of Alabama will lead in the blind review of each application. A Judicial Selection Panel will conduct a personal interview of applicants.
3. The Judicial Selection Panel shall consist of the following:
 - a. One representative from the Office of Student Conduct;
 - b. At least three non-returning justices selected by the ~~non-returning members~~ Chief Justice in good standing of the Judicial Board;
 - i. In the event there are not at least three non-returning members in good standing of the Judicial Board, then one non-returning justice shall be selected by the ~~non-returning members~~ Chief Justice in good standing of the Judicial Board.
 1. In the event that there are not at least three non-returning justices in good standing of the Judicial Board, then the Executive Council shall select two members of the executive branch to serve on the selection panel and the Senate shall select one member of the Senate to serve on the selection panel.

- c. The Chief Justice of the Judicial Board.
 - i. In the event that the Chief Justice is returning to serve another term, then a staff member from the Office of Student Conduct at The University of Alabama shall serve on the selection panel. -----

C. Confirmation. Candidates for Judicial Board justices and clerks shall be confirmed or denied confirmation by a majority vote (fifty percent plus one vote) of the Senate.

D. Vacancies. In the event of a vacancy on the student Judicial Board, the Chief Justice shall have sole responsibility and full discretion to initiate the application process. Applications for the vacant office shall be available on the SGA website for a period, the minimum of which is 5 academic days, and chosen applicants shall submit to an interview conducted by the Chief Justice, an Associate Justice, and one representative of the Executive Branch identified by the President. Said committee shall be responsible for selecting the applicant(s) qualified to submit to the interview process, as well as those who shall fill the vacancy. The SGA President, Student Senate, and Judicial Advisor must approve the members selected to fill the vacancies. For vacancies that occur forty days prior to the spring SGA elections, those vacant Judicial Board seats shall remain vacant until the selection process for the next Judicial Board begins.

Section 8: Duties and Responsibilities of justices. The justices of the Judicial Board shall:

- A. Hear cases and make rulings;
- B. Recommend to the Chief Justice methods for the fair and equitable assignment of cases and appeals;
- C. Recommend rules of procedure to the Chief Justice;
- D. Carefully consider and fairly decide all cases and controversies coming before them as members of the Judicial Board;
- E. Recuse themselves from participating in any proceeding in which their impartiality may be compromised, in which they have knowledge of a disputed fact, or in which they have an interest, other than as a student, in the outcome. Failure to recuse oneself shall be grounds for impeachment and removal from office.

ARTICLE VI - FIRST YEAR COUNCIL

Section 1: Purpose.

- A. The First Year Council, abbreviated hereafter as FYC, shall represent first-year students at The University of Alabama. The FYC shall provide first-year students with experiences in the legislative branch of the SGA.

Section 2: Composition and allocation of seats.

- A. The FYC shall be a body of sixty-five first-year students.
- B. Members will be selected from their respective campus residence halls. Thirty-three of the sixty-five seats shall be allocated in proportion to the first-year student populations within the residence halls. Each residence hall with a first-year population shall be allocated at least one council seat. ~~At least one seat in the FYC shall be designated as a representative for students who do not live in the residence halls.~~ At least one seat in the FYC shall be designated as a representative for students who do not live in the residence halls.
 - ~~a.~~ 1. The First Year Council Selections Committee will have discretion over determining the number of seats given to each residence hall based on population numbers provided by the Residence Hall Association.
- ~~C.~~ ~~Three seats in the FYC shall be designated as "At-Large Seats." These seats will serve the purpose of representing first year students who do not live in residence halls.~~
- ~~D.~~ C. The remaining thirty two seats shall be allocated strictly by merit, based on the scoring system of applications and interviews designed by the Executive Vice President and Director of First Year Council.

Section 3: Duties and responsibilities of the FYC.

- A. The FYC shall function as a member of the legislative branch through:
 - 1. Developing and passing resolutions that express the sentiment of first-year students;
 - 2. Developing and passing Acts or Bills of the First Year Council.
 - a. The FYC shall function as a lower chamber to the SGA Senate when passing Acts or Bills of the First Year Council.

Section 4: Selection.

- A. FYC members shall be selected no earlier than the fourth week of class during the fall semester and no later than the sixth week of class during the fall semester.
- B. The Executive Vice President shall appoint a student or UA staff member to blind all applications received for the First Year Council. This person shall not be permitted to participate in the formal selection process. The Executive Vice President, along with at least two former first-year councilors, shall review blinded applications and reduce the number to an amount appropriate for interviewing.
- C. The First Year Council Selections Committee will be composed of the Director of First Year Council, Assistant Director of First Year Council, the Executive Vice President, the Speaker of the Senate, the First Year Council Judicial Liaison, and up to three additional members appointed by and at the discretion of the Executive Vice President.

- ~~i.~~—1. The role of the Selections Committee will be to read and grade the First Year Council applications and participate in deliberations that will determine what applicants are interviewed and selected.
- D. Interviews shall be conducted by a committee composed of two designates from the executive, legislative, and judicial branches.
 - ~~i.~~—1. The President shall designate the representatives from the executive branch.
 - ~~ii.~~—2. The Speaker of the Senate shall designate the representatives from the legislative branch.
 - ~~iii.~~—3. The Chief Justice shall designate the representatives from the judicial branch.
- E. Those selected to serve as members of FYC shall be certified by a majority vote (fifty percent plus one vote) of the SGA Senate.
- F. In the case of vacant seats in the First Year Council, the Executive Vice President shall appoint the next highest scoring applicant(s) to said vacant seat(s) to be certified by a majority vote (fifty percent plus one vote) of the SGA Senate.

ARTICLE VII - THE CODE OF LAWS

Section 1: Definition and jurisdiction of the Code of Laws.

- A. The Code of Laws shall be a record of all rules, procedures, and by-laws adopted and practiced by all branches and members of the SGA with the lone exception of the Student Elections Board Elections Manual.
- B. Anything within the Code of Laws that contradicts this Constitution shall be considered null-and-void.
- C. ~~The Code of Laws shall be the highest authority in the SGA, with the exception of this Constitution and the Student Elections Board Elections Manual.~~ The Constitution shall be the highest authority over all matters in the SGA, followed by the Code of Laws, and lastly the Student Elections Board Manual.

ARTICLE VIII - ELECTIONS

Section 1: Student Elections Board.

- A. All SGA elections shall be overseen by the Student Elections Board.
- B. Composition and Qualifications.
 - 1. The Student Elections Board shall be composed of:
 - a. At least one student representative from each degree-granting college, totaling twelve (12) members.
 - b. The faculty advisor for the Student Government Association.

2. Undergraduate candidates must have a GPA from the University of Alabama of at least a 2.30 on a 4.00 scale. Undergraduate candidates must have earned at least twelve credit hours from the University of Alabama.
3. Law School candidates must have a GPA from the University of Alabama of at least a 2.50 on a 4.00 scale. Law School candidates must have earned at least twelve credit hours from the University of Alabama.
4. Graduate School candidates must have a GPA from the University of Alabama of at least a 3.00 on a 4.00 scale. Graduate School candidates must have earned at least nine credit hours from the University of Alabama. All graduate candidates must be enrolled primarily as graduate degree seeking students. Accelerated Masters Program (AMP) students are not eligible for election to graduate student Senate seats, unless they have been awarded and have had conferred upon them a Bachelor's degree by the candidacy filing deadline.
- ~~5. If a candidate previously worked as one of the top five campaigners on a campaign, they are disqualified from serving on the Student Elections Board.~~
6. If a candidate has been found responsible for any past election violations, whether as a candidate or as a part of a campaign team, they will not be allowed to serve on the Student Elections Board.

C. Selections. Student Elections Board members shall serve terms of at least one year and shall be selected as follows:

1. An application will be posted to the SGA website the day following the Spring election and will remain open for ten (10) full academic days.
2. Names of the twelve (12) selected students will be forwarded to the Dean of Students office for approval.
 - a. The Dean of Students will review academic and disciplinary records of selected students.
 - b. Students who have open Student Non-Academic Misconduct or Academic Misconduct cases, or if they have unfinished sanctions from previous cases, are ineligible for the Student Elections Board.
 - c. If a selected student has a past academic or disciplinary record, it is up to the discretion of the Dean of Students whether or not to approve the selected student.
3. A review panel ~~comprised~~ **composed** of the outgoing SGA President, Speaker of Senate, Chief Justice, Executive Vice President, and Attorney General will convene to review applicants and select the first six students to the new Student Elections Board, according to the guidelines outlined in subsection B.

4. The Vice-President of Student Life will appoint the remaining six applicants to the Student Elections Board.

5. Once approved, the Student Elections Board will elect a Chair of Elections Board from within its membership. The Student Elections Board will also elect an Assistant Chair from within its membership, who will still take the place of the Chair should the Chair be absent for any reason.

6. The Student Elections Board will serve their one-year term once selected until the following spring elections results are deemed final.

D. Jurisdiction. The Student Elections Board shall regulate SGA elections and campaigns. All rules and regulations of the Student Elections Board shall reside in the Elections Manual, which shall be pursuant to only this Constitution. The Student Elections Board shall hear elections and campaign violation cases and issue decisions.

1. The Student Elections Board shall issue decisions in accordance with this Constitution and any rules and regulations created by the Student Elections Board that reside in the Student Elections Board manual.
 - a. Panels of six (6) members and the Chair will preside over elections violations hearings and decisions.
 - b. Should a member of the Student Elections Board have a conflict of interest with the candidate responsible for a violation, i.e. be members of the same organization, etc., that member must recuse themselves from hearings.
 - i. Should the Chair of the Student Elections Board need to recuse themselves from a hearing, the Assistant Chair will preside over the hearing.
 - c. In the event that the number of Student Elections Board members required to convene a panel to hear an elections and campaign violation and issue a decision is not available, due to conflicts of interest, resignations, or a combination thereof, the process to hear the violation and issue a decision is as outlined:
 - i. The Chairman of the Student Elections Board must formally inform, in writing, the sitting SGA President of the need and rationale to convene the Oversight Committee.
 - ii. Once the request is received, the sitting SGA President will call upon the SGA Attorney General, the SGA Chief Justice, and the Speaker of the SGA Senate to hear the elections violation and render a decision, in place of the Elections Board.
 - iii. In the event a appeal is submitted upon the Oversight Committee's decision, the appeal process to the SGA Judicial Board will remain the same, with the exception that the SGA Chief Justice will

automatically be recused from any appeal review, in which they rendered an elections violation decision, as a member of the Oversight Committee.

- d. The Student Elections Board shall publish all alleged election and campaign violations, as well as their respective decisions, on the SGA website following their Student Elections Board hearing.
 - i. Both the alleged violation and the decision of the Student Elections Board shall be published on the Election Violations page of the SGA website within twenty-four hours after the violation has been ruled upon.
 - ii. The published decision shall include the ruling issued to the candidate, the justification for said ruling citing the specific rules and regulations of the Student Elections Board Elections Manual, as well as the evidence provided for the hearing.
 - iii. Upon publication of the alleged violation, all contact information of the complainant shall be redacted including but not limited to, phone number and email address, to prevent harassment of the complainant.
 - iv. Upon publication of the alleged violation, at the request of the complainant, all personal identifiable information shall be redacted including the name of the complainant and any information that could directly implicate the complainant, to prevent harassment.
2. The Elections Manual is to be revised once per term and must be completed one month prior to the date of the spring election.
3. The Senate, the Executive Council, or both student bodies have the power to review the rules and regulations of the Student Elections Board and may request any opinion from the Attorney General on the constitutionality of those rules and regulations.
4. Rulings and regulations of the Student Elections Board may be appealed to the SGA Judicial Board by any students at the University of Alabama. If the Judicial Board finds rulings and regulations of the Student Elections Board not in accordance with provisions of this Constitution or the Elections Manual, then the Judicial Board shall declare such rulings or regulations unconstitutional.
5. A ruling or regulation of the Student Elections Board that has been ruled unconstitutional by the Judicial Board shall declare such rulings or regulations unconstitutional.
6. The Student Elections Board shall forward hearings of elections and campaign violations that have issues pertaining to the Code of Student Conduct at The University of Alabama to the Office of Student Conduct.

Section 3. Copies

Copies of this Constitutional Amendment shall be sent to: Collier Dobbs, SGA President; and any others that are deemed necessary at a later date.