

Title I
Constitution

STUDENT CONSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

(As Amended 5 April 2004)

Preamble

With strong purpose to resolve the doubts we have inherited from one hundred and fifty years of formless growth, with resolute determination to preserve the best in our tradition of responsible student self- government, we assert our goals to preserve order, make personal freedom secure, establish justice, and win a lasting opportunity for responsible individual and collective action; and to these ends we ordain and establish this Constitution for the Student Body of the University of North Carolina at Chapel Hill.

Article I. Legislative

Section 1. Student Congress

- A. Supreme legislative power in the Student Body is vested in a Student Congress (hereinafter referred to as "Congress").
- B. Composition. The Congress shall be composed of no fewer than one-tenth (1/10) of one percent (1%) of the student population. The Student Body Treasurer shall serve only as an advisor on financial matters in the Student Congress Finance Committee and in full Congress.
- C. Election. The elected members of the Congress shall be chosen during the election in the Spring Semester, to serve beginning on the first Tuesday in April upon inauguration and ending on the first Tuesday of April in the following Spring semester.
- D. Graduate and Professional Seats. The elected membership of the Congress shall consist of a number of graduate or professional students equal to the proportion of graduate and professional students in the student body. The number shall be established annually by the Congress. Graduate and professional districts shall be formed along departmental lines.
- E. Vacancies. In case there is a vacancy in any elected seat, it shall be filled by special election to be held not less than fifteen (15) nor more than thirty (30) days of the vacancy, the date being set in a manner to be proscribed by law.

Section 2. Election Districts

The Congress shall by law establish election districts composed solely of graduate and professional students, and election districts composed solely of undergraduate students. No person shall be elected to any undergraduate district unless such person is or shall be a resident of the district that he or she is elected to represent by the first day of the semester following the regular election (excluding summer sessions); no person shall be elected to any graduate and professional district unless such person is an enrolled student in one of the schools, departments, or curricula in such district. A student elected as an undergraduate shall be required to vacate such seat upon receipt of a bachelor's degree

Section 3. Organization

The Congress shall elect from its membership a Speaker.

Section 4. Powers of the Congress

The Congress shall have the power to:

- A. With the approval of the Board of Trustees or Board of Governors, and with approval by means of a Student Body referendum, determine Student Activities Fees.
- B. With the approval of the Board of Trustees or Board of Governors, and with approval by means of a Student Body referendum, determine a separate Student Legal Services Fee for the express purpose of funding Student Legal Services.
- C. With the approval of the Board of Trustees or Board of Governors, and with approval by means of a Student Body Referendum, determine a separate Undergraduate Teaching Award Fee to be levied against undergraduates for the express purpose of funding the Undergraduate Teaching Awards.
- D. With the approval of the Board of Trustees or Board of Governors, and with approval by means of a Student Body referendum, determine a separate undergraduate fee for the express purpose of funding the A.P.P.L.E.S. program.
- E. With the approval of the Board of Trustees or the Board of Governors, and with approval by means of a Student Body referendum, determine a separate Student Body Scholarship Fee for the purpose of funding the Student Body Scholarship Fund.
- F. With the approval of the Board of Trustees or the Board of Governors, and with approval by means of a Student Body referendum, determine a separate Student Endowed Library Fund fee to be levied against graduates and undergraduates, excluding Law and Health Sciences graduates, for the purpose of funding the Student Endowed Library Fund.
- G. With the approval of the Board of Trustees or the Board of Governors, and with approval by means of a Student Body referendum, determine a separate Senior Class Enrichment and Publicity Fee to be levied only against members of the Senior Class, excluding all other undergraduates and graduates, for the purpose of funding the Senior Class Enrichment and Publicity Fund Fee. The Senior Class shall be required to submit a budget to Student Congress for each fiscal year and obtain the approval of that budget before the budget may become effective.
- H. Appropriate all revenue derived from the Student Activities Fees other than that specifically earmarked for a special purpose in the above Subsections, provided:
 - (1) The minimum amount to be appropriated to the Student Union each year shall be one-third of the Student Activities Fees collected each year;
 - (2) The minimum amount to be appropriated to WXYC shall be four percent of the Student Activities Fees collected each year;
 - (3) The minimum amount to be appropriated to the Graduate and Professional Student Federation shall be twenty-five percent of the Student Activities Fees collected from graduate and professional students each year; and
 - (4) The Student Union shall be appropriated twenty percent of the Student Activities Fees collected during the summer sessions of each year to be used for summer programming, and the Union Board of Directors shall report to the Congress its uses.
 - (5) The minimum amount to be appropriated to Student Television will be 5 percent of the Student Activities Fees collected each year.

All unspent funds shall revert to the General Reserve except those of the Student Union, WXYC, the Graduate and Professional Student Federation, Student Television, and such other organizations as Congress may by law direct. The financial affairs of the Graduate and Professional Student Federation and its sub organizations shall be conducted under its financial legislation, while the financial affairs of all other organizations shall be conducted under the legislation of the Congress.

- I. Approve or reject all appointments made by the President, excepting such minor positions as may be exempted by the Congress by majority vote.
- J. Impeach and bring to trial by majority vote, and remove from office by two-thirds (2/3) vote any official.
- K. Annually establish procedures for the execution of its business, provided the Congress by majority vote may call any measure from committee after the meeting at which the measure is introduced.
- L. Establish laws governing election.
- M. Determine the powers, composition, and function of Summer School Student Government.
- N. Require reports from all committees and from all organizations receiving funds from Student Government.
- O. Establish remuneration for all Student Government officers it deems appropriate provided any changes shall not affect the officers then holding the positions in question.
- P. Establish the annual budget as follows: The Finance Committee of the Congress of which the Student Body Treasurer shall be a non-voting ex-officio member, shall, with the assistance of the Student Body President present the Congress with an annual budget bill for adoption. The budget shall be prepared and presented for the next succeeding academic year by the Congress, provided nothing in this section shall be construed to forbid amendment of the budget before approval or at some later time.
- Q. By a two-thirds (2/3) majority vote of members present, override a veto by the President of the Student Body.
- R. Make laws necessary and proper to promote the general welfare of the Student Body.
- S. With the approval of the Board of Trustees or Board of Governors, and with approval by means of a Student Body referendum, determine Student Safety and Security Fee.
- T. The Student Congress shall not be prevented from approving Student Fees to programs, services, or events because of their religious or politically partisan nature.
- U. No Student Congress Member shall be entitled to a salary.

Section 5. Residence Hall Association

There shall be a Residence Hall Association (RHA) whose duty it shall be to handle all matters concerning student life in University-owned and approved undergraduate residence halls, composed of the Governing Board and Program Board.

Section 6. Graduate-Professional Student Federation

There shall be a Graduate-Professional Student Federation whose duty it shall be to regulate matters concerning the welfare and activities of the graduate and professional student population.

Section 7. Carolina Athletic Association

There shall be a Carolina Athletic Association whose duty it shall be to represent the athletic concerns of the Student Body.

Section 8.

The constitutions, charters and by-laws of all organizations receiving funds from the Student Congress shall be subject to review and approval by the Student Congress each year.

Article II. Judiciary

Section 1. Student Responsibility

- A. It shall be the responsibility of every student at the University of North Carolina at Chapel Hill to obey the Honor Code, which prohibits lying, cheating, or stealing, when these actions involve academic processes or University, student or academic personnel acting in an official capacity.
- B. It shall be the further responsibility of every student to abide by the Campus Code, namely to conduct oneself so as not to impair significantly the welfare or the educational opportunities of others in the University community.

Section 2. Student Judicial Governance

The judicial power of the Student Body shall be vested in the courts provided by the Instrument of Student Judicial Governance for the University of North Carolina at Chapel Hill. The Instrument, accepted by the Chancellor, approved by the Student Body, and approved by the Faculty Council, shall be set forth in a separate document and provide its own procedures for amendment. The Instrument shall provide a Code of Conduct for the Student Body and establish officers, structures and procedures by which the Code is implemented and offenses adjudicated. Provisions of the Instrument in relation to these matters shall be exclusive.

Section 3. Supreme Court of the Student Body

- A. The Supreme Court of the Student Body shall be composed of a Chief Justice and four associate justices appointed by the President of the Student Body and confirmed by a two-thirds (2/3) vote of the Student Congress. The members of the Supreme Court of the Student Body shall serve during good behavior for the duration of their enrollment at the University.
- B. The Supreme Court of the Student Body shall have original jurisdiction in controversies concerning executive and legislative action raising questions of law arising under this Constitution or laws enacted under its authority.

Section 4. Attorney General of the Student Body

- A. The Attorney General of the Student Body shall be appointed by the President of the Student Body subject to the approval of the Student Congress by a two-thirds (2/3) vote of the members present.
- B. The Attorney General shall be appointed in the Spring to serve until a successor is confirmed.
- C. The Attorney General shall perform the duties and functions for which he/she is made responsible under the Instrument of Student Judicial Governance.
- D. The Attorney General shall represent the President and the Student Congress in all judicial matters.

Section 5. Savings Clause

When provisions of the Constitution or the Instrument of Student Judicial Governance are changed, cases and controversies which are pending at the time the change becomes effective shall be tried under the later provisions except when such a change has the effect of creating new penalties or new violations of law.

Article III. Executive

Section 1. Executive Power Vested in President

The executive power shall be vested in a President of the Student Body, who shall have the assistance of an undergraduate Vice-President, a Secretary, and a Treasurer of the Student Body. None of these offices may be held by more than one person at any time. The President shall be elected from the student body at large. The President of the Graduate and Professional Student Federation, elected by a majority of graduate and professional students, shall be an ex-officio Student Body Vice-President. The undergraduate Vice-President, Secretary, and Treasurer of the Student Body shall be appointed by the Student Body President from a pool of nominees recommended by the Search Committee with the approval of two-thirds (2/3) of the Congress members present at a regular meeting of the Student Congress.

Section 2. Selection Committee

A. Membership

- (1) The membership of the Selection Committee shall consist of 3 permanent members: those being the outgoing GPSF President, the outgoing Student Body President, and a designate of the incoming Student Body President.
- (2) For the selection of the undergraduate Vice-President and Secretary, the outgoing undergraduate Vice-President and the outgoing Speaker will also be members of the Committee. For the selection of the undergraduate Vice-President, the GPSF president is replaced by the outgoing Rules and Judiciary Chairman.
- (3) For the selection of the Treasurer, the outgoing Finance Chair and the outgoing Treasurer will also be members of the Committee. In the event that the Finance Chair is an applicant for the position of Treasurer, his or her seat on the Selection Committee shall be filled by the Speaker of Student Congress.
- (4) The Supreme Court Chief Justice will be a non-voting ex-officio member of the Selection Committee.

B. Process

- (1) The Selection Committee will accept applications for the positions of Vice-President, Secretary, and Treasurer of the Student Body.
- (2) The chairperson of the Selection Committee shall be the Chief Justice of the Student Supreme Court. His or her responsibilities shall be to call and preside over committee meetings and ensure fairness in the selection process.
- (3) Applications for the positions of Vice-President, Secretary, and Treasurer of the Student Body shall be available by the second full week of classes in February from the Executive Secretary.
- (4) Applications shall be accepted through the first full week of classes in March. Those applications are to be delivered to the Executive Secretary.
- (5) The Selection Committee shall convene during the second full week of classes in March in order to begin review of the applications.
- (6) The Selection Committee shall review all applications considering the merits of each and interviewing those applicants that are considered meritorious by the members of the Selection Committee. The Selection Committee shall not discriminate on the basis of race, creed, sex, sexual preference, national origin, or handicap in the selection process. The Selection Committee shall then select three of the applicants for each of the positions of Vice-President, Secretary, and Treasurer of the Student Body to be submitted to the Student Body President Elect by the end of March. If three or less than three applicants apply for any one of the three enumerated offices, then all of the names shall be submitted to the Student Body President, accompanied by a report of each candidate's qualifications.

- (7) Subject to the approval of the particular committees as specified in Title IV, Part 2, Article III, Sections C, D, and E of this code and a two-thirds (2/3) vote of the Congress members present at a regular meeting of the Student Congress, the Student Body President shall appoint a Vice-President, Secretary, and Treasurer of the Student Body from the pool of nominees for each position from the Selection Committee. In the event that none of the candidates is acceptable to the President, the President may ask the committee to further their search.

Section 3. Powers of the President

The President of the Student Body shall have the powers:

- A. To appoint the chair of all standing committees and bodies not otherwise provided for in this Constitution, submitting initial appointments within five (5) weeks of his or her inauguration, with the exception of Freshmen Focus Council appointments. Membership on all standing committees and boards not established by this Constitution (except committees of the Congress and the Freshman Focus Council) shall contain a number of graduate and professional students in proportion to the number of graduate and professional students in the student body, in formula to be set by Congress. No graduate or professional student shall be submitted for confirmation without solicitations of nominations to the Graduate and Professional Student Federation.
- B. To make recommendations from time to time directly to the Student Congress and to submit legislation to the appropriate SC Committee.
- C. To enforce and administer laws enacted by the Student Congress.
- D. To veto acts of the Student Congress, provided that the president shall exercise such power of veto within ten (10) school days after the bill is placed in the executive offices.
- E. To call and preside at meetings of the student body.
- F. To serve as a non-voting ex-officio member of all standing committees and boards.
- G. To issue orders to the standing committees and to require reports from them.
- H. The President shall represent the Student Body, especially in dealing with the students of other schools, with the faculty, with the Administration, with the Board of Trustees, and with the Board of Governors. The President shall be ex-officio member of the Board of Trustees.
- I. To establish such bodies subsidiary to him or her as he or she shall deem necessary and proper to aid him or her in the performance of his or her duty.

Section 4. Powers of the Undergraduate Vice-President

The Undergraduate Vice-President of the Student Body shall have the powers:

- A. To perform the duties of the President in his or her absence with the specific directives of the President of the Student Body.
- B. To oversee all those appointments of the President of the Student Body as enumerated by the Student Code.
- C. To represent the President of the Student Body and the Student Body as a whole on occasions in which the President is not present.

Section 5. Powers of the Graduate and Professional Vice-President

The Graduate and Professional Vice-President shall have the following powers:

- A. To advise the Student Body President on all Graduate and Professional student appointments
- B. To represent the graduate and professional students
- C. To address any other issues that the Student Body President deems appropriate.

Section 6. Powers of Secretary

The Secretary of the Student Body shall maintain all records and files of the Student Body and shall arrange for permanent preservation of its archives.

Section 7. Student Body Treasurer

The Treasurer shall be a student at this University and his or her services shall be paid from the annual budget as recommended by the Student Congress Finance Committee, and approved by the Congress. The Treasurer shall prepare and present every month to the Student Congress in a regular session a financial statement prepared in accordance with generally accepted accounting principles and reflecting as well the balance in the Unappropriated Balance, the General Surplus, and changes in balances of all organizations funded by the Congress. Failure to present such a report on a timely basis shall constitute malfeasance of duty. The Treasurer of the Student Body shall disburse all moneys appropriated by the Student Congress following those regulations set out in the Treasury Laws.

Section 8. Presidential Succession

The Vice-President shall succeed to the office of President in the event that the office becomes vacant.

Section 9.

The Speaker of the Student Congress shall forward all bills to the President within five (5) school days of passage.

Article IV. Organizations and Committees

Section 1. Student Union Board of Directors

The composition of the Student Union Board of Directors shall be established by the Student Congress, provided that the Chancellor of the University shall appoint the faculty members of the Board. This Board shall be the governing body of the Student Union.

Section 2. Student Fee Audit Committee

The composition of the Student Fee Audit Committee shall be established by Congress. The Student Body Treasurer shall serve as chair of the Student Fee Audit Committee. The committee shall establish its own guidelines for working with the appropriate university administrators to oversee the levying and expenditure of all student fee dollars. The committee will pursue the goals of accounting specific fees for service and projecting long term growth patterns in student fees so that the appropriateness of fee revenue versus state and private revenue can be determined. It shall also be the duty of the committee to supervise the Student Activity Fund Office, and it shall have the power to inspect the financial records of any student organization receiving Student Activity Fee money. Any student may petition any committee member to commence such an inspection.

Section 3. Elections Board

There shall be an Elections Board whose duty shall be to administer all laws governing elections passed by the Student Congress.

Section 4. Student Legal Services Board

The composition of the Student Legal Services Board shall be established by the Student Congress. It shall be the duty of the Board to supervise Student Legal Services, to prepare and present the annual budget to the Student Congress, and to advise the Congress on any matter pertaining to Student Legal Services.

Section 5. Student Recreation Center Board of Directors

The composition of the Student Recreation Center Board of Directors shall be established by the Student Congress provided that the Chancellor shall appoint any at-large faculty representatives. The Board shall govern the affairs of the Center according to its by-laws, provided that the Congress shall approve the by-laws and any changes to them.

Section 6. Student Endowed Library Fund

Each year the following committee will develop recommendations on the allocation of the interest from the fund:

- An appointee of the GPSF President for a two year term
- Two undergraduate appointees of the Student Body President, one serving for one year and the other a two year term to be staggered with the appointee of the GPSF. President
- Two appointees of the Speaker from the Student Congress, one being a Finance Committee Member. Each will serve a one-year term. None of these appointees may be Law or Health Sciences graduate students. By simple majority, the committee shall elect a chair and may select non-voting, ex-officio members. The committee will need four voting members to have quorum.

Section 7. Graduate and Professional Student Membership

The organizations and committees created in Section 1, 2, 4, and 5, of this article shall contain a number of graduate and professional students in proportion to the number of graduate and professional students in the student body, to be appointed in a manner to be established by the Student Congress.

Article V. Elections, Recall, Initiative, and Review

Section 1. Elections

All elections for Student Government officers established by this Constitution, or established by the Student Congress, and any recalls and referendums shall be conducted by the Elections Board. The dates for all elections shall be established by an act of the Student Congress, but there shall be no elections held within one week after a scheduled University recess. All Student Government officers shall take an oath to uphold, protect, and preserve this Constitution. The inauguration ceremonies for all elected positions from the Spring semester shall be held on the first Tuesday in April of that semester.

Section 2. Recall

Any constituency shall have the power to recall any officer elected by that constituency under this Constitution. If the constituency is campus-wide, the petition to recall shall be handed to the President of the Student Body and shall not be valid unless containing the signatures of at least fifteen percent (15%) of the qualified voters in the constituency concerned. If the constituency is less than campus-wide, the petition to recall shall not be valid unless it contains the signatures of at least fifteen percent (15%) of the qualified voters. The President shall, if he or she determines the petition to have the requisite number of signatures of qualified voters for the constituency concerned, direct the Elections Board to conduct an election for the office in question, in which election the officer in question shall have the right to be a candidate. Said incumbent shall continue in office until the election returns shall be officially announced.

Section 3. Initiative

The Student Body has the power to initiate any act within the power of the Student Congress, provided that ten percent (10%) of the Student Body shall sign a petition calling for an election on a bill which they shall submit in writing with the petition to the President of the Student Body. The President shall, if he or she determines the petition to be in good order within the limitations of the Constitution, direct the Elections Board to conduct an election on the bill in not less than six (6), nor more than fifteen (15) days after he or she shall have received the petition and bill. Public notice of such election shall be given not less than four (4) days before it shall take place. A majority of the votes cast in an election in which at least 2.5% of the student body votes on the bill shall be sufficient to pass the bill.

Section 4. Review

The Student Body shall have the power to call for a ballot on any act of the Student Congress, provided a petition calling for the ballot and specifying in writing the proposed action shall be signed by ten percent (10%) of the Student Body. The President shall, if he or she determines the petition to be in good order within the limitations of this Constitution, direct the Elections Board to conduct an election on the act not less than six (6) days nor more than fifteen (15) days after he shall have received the petition. Public notice of such an election shall be given not less than four (4) days before it shall take place. A majority of the votes cast in an election in which at least 2.5% of the student body votes on the bill shall be sufficient to pass the bill.

Section 5. Coercion of Voters Prohibited

No group or organization on the campus of the University shall coerce any student or in any manner unduly influence his or her vote. The Student Congress shall have the power to make laws to enforce this provision.

Section 6.

When an initiative or review of an act of Student Congress would affect only undergraduates or only graduate and professional students, at least 2.5% of the affected party alone would be required to vote on the bill.

Article VI. Amendment Procedure

Section 1. Amendments

Amendments to this Constitution shall become valid when passed by a simple majority, provided that at least 2.5% of the Student Body votes on the amendment, of those voting in campus elections conducted by the Elections Board at the direction of the Student Congress, or, they shall become valid when, upon petition in writing signed by ten percent (10%) of the duly enrolled students in the University of North Carolina, the President of the Student Body shall direct the Elections Board to conduct an election in which a favorable

vote of two-thirds (2/3) of those voting shall be necessary to ratify the amendment. Public notices of such election shall be given by the Elections Board not less than six (6) days before the vote shall be taken.

Article VII. Supreme Student Law

Section 1. Constitution and Laws Supreme

This Constitution and all laws enacted pursuant thereto shall be supreme student law.

Section 2. Present Laws and Rules to Continue in Effect

All laws enacted by the Student Congress and all rules passed by the various constitutionally established agencies of Student Government shall continue in full force and effect until repealed or changed in accordance with the Constitution or laws.

Article VIII. Ratification and Approval

Section 1.

Each year, beginning in the Spring 1973, the Congress shall have the power to determine and enact the Student Government General Budget. If a Student Government Budget has not been enacted by the Congress by the end of any fiscal year, no expenditures may be made from the funds received from student activities fees until such budget is enacted by the Congress.

Section 2.

Undergraduate districts for members of the Student Congress shall be established by the Student Congress. Graduate and professional districts for members of the Congress shall be established by the Graduate and Professional Student Federation with the consent of the Congress.