

The Constitution

of

The University Park Undergraduate Association (UPUA)

Date of Origin: October 2006

Amended: October 23rd, 2019

Preamble:

In the belief that active participation in the governance of our university is a fundamental and unalienable right of students, essential to the health and wellbeing of our community, and best realized through a democratic and independent student government, we, the undergraduate students of The Pennsylvania State University - University Park, being duly elected and appointed by our peers, do hereby establish through this Constitution of the University Park Undergraduate Association to serve the undergraduate student body of The Pennsylvania State University - University Park.

Article I

Principles of Establishment

§1.1 Basis for Authority:

It is recognized that the University is governed by a Board of Trustees that may delegate governing powers to the students. Additionally, the right of students to manage themselves in all areas not related to or claimed by the University is affirmed and legitimized through free and fair elections by the undergraduate student body. These tenants are the legitimate basis for the UPUA's authority.

§1.2 Acceptance of Authority:

The UPUA hereby accepts all power granted to it by the University and the undergraduate student body. The UPUA claims all rights to authorities over matters related to students not claimed by the University or attributable to other Entities by statute or common law.

§1.3 Distribution of Authority:

All authority attributable to the UPUA is ultimately controlled by the collective power of the UPUA as integrated by this Constitution. This authority shall be delegated to the

Entities prescribed herein which shall collectively constitute the UPUA. Power granted to an Entity is the sole entitlement of that Entity and cannot be abdicated or transferred except through this Constitution.

§1.4 Statement on Shared Governance and Independence:

The UPUA recognizes the interdependence of all Members of the Penn State community, including the students, faculty, and administration of Penn State. In that spirit, all authority delegated to the UPUA is accepted under the principles of equal and equitable shared governance. A true partnership, built on communication, cooperation and compromise, requires all parties to be effective advocates. Therefore, the UPUA asserts and maintains its independence over all matters within its jurisdiction in the belief that only an independent student government can best represent the diverse interests of students at University Park.

Article II
Mission Statement and Guiding Principles

§2.1 The mission of the University Park Undergraduate Association shall be to provide:

§2.1.1 A governing body for the undergraduate student population as legitimized by free and fair elections.

§2.1.2 A unified and informed voice representing undergraduate students to the University faculty and administration and, with that voice, advocate on behalf of undergraduate students.

§2.1.3 A forum for ideas and concerns of students.

§2.1.4 The necessary communications link between undergraduate students and other Members of the University Park community so that student concerns may be addressed effectively.

§2.1.5 Event programming that benefits the education and the quality of student life of undergraduate students at the University Park campus.

§2.1.6 The listing of objectives by no means indicates priority.

§2.2 All actions of the University Park Undergraduate Association and its membership pursuant to §2.1:

§2.2.1 Shall strive to have a tangible, positive impact on the student experience and/or facilitate efforts towards that goal.

§2.2.2 Shall strive to effectively and efficiently utilize the UPUA's various resources.

§2.2.3 Shall strive to be inclusive, accessible, and mindful of the UPUA's constituencies.

Article III Membership

§3.1 Membership Types:

§3.1.1 Membership shall include all currently registered undergraduate students at the University Park campus. Membership shall be divided into general business and general election status.

cl. i General business Membership shall include all students duly elected and appointed to the Entities of the UPUA.

cl. ii All Members shall be considered general election Members.

§3.1.2 Only currently registered undergraduate students of the University Park campus shall be eligible for Membership.

§3.1.3 All Members have the right to refrain from participating in any UPUA activities based upon personal or religious beliefs, personal values, or moral reserves, as determined by the Member.

§3.1.4 All interaction and activity between Members and/or new Members will be limited by guidelines stated by University policy, as well as local, state, and federal laws.

§3.1.5 The UPUA will not restrict Membership based on characteristics of a student, which are intrinsic to the Entity of that student, and are not essential to the potential value of that student as a Member of the UPUA and the Penn State University Community at large. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender Entity or veteran status. Discrimination or

harassment against faculty, staff or students will not be tolerated at The Pennsylvania State University.

Article IV

Basic Structure and Rules

§4.1 Establishment of Entities:

§4.1.1 There shall be three Entities within the UPUA that will serve separable functions cooperatively to fulfill UPUA's mission and execute the UPUA's authority:

- cl. i An Assembly of Student Representatives to decide business.
- cl. ii An Executive Board to execute decisions and provide counsel.
- cl. iii A Judicial Board to adjudicate disputes on matters of rule and equity within the UPUA.

§4.2 Rules Pertaining to Entities and their Members:

§4.2.1 All persons taking claims to general business Membership must be registered as a Member of one Entity.

§4.2.2 No Member of an Entity may be a Member concurrently of another Entity. This provision however does not invalidate an individual having rights and responsibilities in multiple Entities pursuant to this Constitution.

- cl. i The President, under extenuating circumstances, may appeal to the Judicial Board in order to allow general business Members to serve fully in multiple Entities.

§4.2.3 Each Entity shall serve to ensure accountability to the collective organization and the students by means of this Constitution and the responsibilities delegated to the Entities.

§4.2.4 No Entity may transact business that is expressly or reasonably implied to be under the jurisdiction of another Entity.

§4.2.5 No Entity may establish, amend, or rescind the rules of another Entity except through explicit mechanisms defined in this Constitution.

§4.2.6 All Entities and Subsidiaries shall establish written rules for the conduct of their affairs.

Article V

Assembly of Student Representatives

§5.1 Powers and Responsibilities:

§5.1.1 All fundamental decision making authority is hereby vested in the Assembly of Student Representatives, referred to henceforth as the Assembly.

§5.1.2 The Assembly shall have the power to:

cl. i Determine the opinion of the UPUA and, as such, of the undergraduate students of Penn State.

cl. ii Regulate the expenditures of the UPUA.

cl. iii Establish general policies and rules for the UPUA, including appointing those who have decision making authority on other governmental Entities at this University that do not contradict provisions in this Constitution.

cl. iv Establish rules governing the elections, appointment, performance, and qualifications of Members of all Entities where not defined in this Constitution or assigned to another Entity.

cl. v Establish Officers and additional Committees of any nature of the Assembly to facilitate proper function of the deliberative body.

cl. vi Consent to appointments of non-elected offices in all Entities and express consent in all other areas as this Constitution requires.

cl. vii Have the authority to censure and impeach all Members and Officers of the UPUA.

cl. viii Fill all student positions on the Faculty Senate and its Subsidiaries granted to the UPUA via the Faculty Senate Constitution and Standing Rules. The student voting Seats for the Degree-Confering Academic Colleges, Division of Undergraduate Studies (DUS), and the Schreyer Honors College shall be apportioned to the Assembly representatives from the appropriate constituency and only with the consent of the appropriate Academic Unit's governing body. All other Seats in any Entity of the Faculty Senate may be held by any individual of the UPUA.

cl. ix Accept and execute any authority not attributable to any other Entity.

§5.2 Members:

§5.2.1 Representatives:

cl. i The Assembly shall consist of Representatives elected by the constituencies defined and established herein in accordance with election provisions set forth in this Constitution and in Acts as defined by the Assembly which may not supersede the following.

pt. a There shall be one (1) Representative for each Degree-Confering Academic College and for the Division of Undergraduate Studies (DUS), and at all times shall these Academic Units and DUS be represented equally.

pt. b There shall be one (1) Representative from the Schreyer Honors College.

pt. c There shall be twenty (20) Representatives elected at large by all full-time undergraduate students at University Park.

pt. d There shall be two (2) First-Year Students Representatives appointed to the Assembly to ensure appropriate representation of freshmen interests. Such appointments shall occur at a time to accommodate the constituency. These students shall be defined as having first or second semester standing at the time of appointment.

pt. e There shall be one (1) Representative from each Community Group as determined by the Judicial Board and confirmed by the Assembly with 2/3rd approval.

§5.2.2 Responsibilities: Representatives shall be required to:

cl. i Attend General Meetings of the Assembly and actively participate as an informed actor in the discussion and deliberation of business of the UPUA and other Entities that make decisions on students' behalf.

cl. ii Attend regular meetings of the appropriate constituency organizations including but not limited to College Council meetings, College-specific Registered Student Organizations (RSOs), Academic organizations within their College Constituency, and Community Group organizations.

cl. iii Attend various programming events and external functions across the University, in order to support their constituents and have a better understanding of the campus climate.

cl. iv Serve as a Member of at least one Standing CORE Committee.

§5.2.3 Rights of Representatives: Representatives shall be afforded the right to:

cl. i Speak on behalf of their constituencies.

cl. ii Vote on all questions before the Assembly subject to cases of conflicts of interest or personal matters.

pt. a This right is expected to be forfeited in the case of conflicts of interest including RSO involvement, business ventures, and affiliations with political action committees.

cl. iii Debate and otherwise have floor privileges.

§5.3 Transaction of Business:

§5.3.1 All business decisions shall require a majority of those present and voting to be rendered unless otherwise specified or dictated by parliamentary authority.

§5.3.2 Acts: Acts shall be generally defined as written forms of business. They shall be the primary product of the Assembly.

§5.3.3 All Acts shall require perfection to take effect. Perfection shall be the consenting signature of the President, a 2/3 vote in act of overriding the veto of the President, or implicit consent through no action of the President within four (4) academic days of initial decision by the Assembly.

§5.3.4 All perfected Acts shall take effect immediately and be effective in perpetuity.

§5.4 Committees:

§5.4.1 All committees of any nature shall be Subsidiaries of the Assembly and shall have all necessary power and authority within their jurisdiction to execute their duties and responsibilities.

§5.4.2 Standing CORE Committees:

cl. i There shall be a set number of Standing CORE Committees as defined by the UPUA Assembly Bylaws and Operational Code.

cl. ii All Standing CORE Committees shall consist of a minimum of (7) Members.

cl. iii One Member of each Standing CORE Committee shall be the Chair of the committee and one Member shall be the Vice Chair. Committee Chairs shall be elected by a majority of non-vacant Representative Seats of the Assembly. The Vice Chairs will be elected internally within each Committee as prescribed by the rules of that committee.

§5.4.3 Ad Hoc Committees:

cl. i The Assembly may create and dissolve Ad Hoc Committees as it sees fit.

cl. ii As appropriate, ad hoc committees shall be subject to all general Standing CORE Committee policies.

Article VI Executive Board

§6.1 Powers and Responsibilities:

§6.1.1 All fundamental executory authority is hereby vested in the Executive Board.

§6.1.2 The Executive Board shall have the power to:

- cl. i Carry out the will of the Assembly and the UPUA as prescribed by duly passed Acts and within the President's discretion.
- cl. ii Enter into Contracts provided that they are an Act of the Assembly.
- cl. iii Provide services to students in the name of the UPUA and the Student Body in conjunction with Student Affairs and Acts of the Assembly.
- cl. iv Conduct the day-to-day affairs of the UPUA.
- cl. v Represent the UPUA to the University and solicit University support.
- cl. vi Facilitate the selection of non-elected officials whose appointments are not governed and/or determined by Acts and/or Entities.
- cl. vii Establish rules of procedure for the efficient operation of the Cabinet including department procedures and yearly program instructions.

§6.2 Officers:

§6.2.1 There shall be two chief officers of the Executive Board, a President and a Vice President. Both officers shall be considered to be officers of the UPUA as a whole.

- cl. i The Chief Officers must be full-time students at the Pennsylvania State University, University Park campus, at the time of their election and for at least one Fall or Spring semester of their term in office. The Chief Officers must be undergraduate students throughout the Assembly for which they serve.
- cl. ii The Chief Officers must fulfill their duties during the summer session.

§6.2.2 Powers and Responsibilities of the Presidency:

- cl. i The President shall be considered the head of the Executive Board and as such organize and shape the execution of responsibilities of the Executive Board.
- cl. ii The President shall recommend all Directors of the Executive Board, all non-staff Members to the Judicial Board and its Subsidiaries, and Advisors., to be

first vetted by the Steering Standing Committee and then by the Committee affiliated with the project in the Director's charge should there be a clear relationship.

cl. iii The President shall be the primary speaker of the Student Body at The Pennsylvania State University - University Park campus.

cl. iv The President may create or dissolve any Subsidiary of the Executive Board necessary to further the mission of the UPUA unless such an action would be in contradiction to an Act of the Assembly or attempt to dissolve a Subsidiary prescribed within this Constitution.

cl. v The President or their delegate shall act as the official student Representative and non-voting delegate, unless otherwise delegated by the Assembly, of the UPUA to any and all organizations external and internal to the University.

cl. vi The President shall commit to executing all Acts through the authority to sign or veto all Acts prior to perfection.

cl. vii The President shall have the authority to submit the mandatory Budget to the Assembly for consideration.

cl. viii The President shall attend all meetings of the Assembly and present Executive Board reports at each regularly scheduled Assembly meeting.

§6.2.3 Powers and Responsibilities of the Vice Presidency:

cl. i The Vice President shall accept and carry out the duties of the President if and when the President is unable or unwilling to fulfill the requirements of the Office by voluntary decision, distance or absence from the University, or state of incapacity.

cl. ii The Vice President shall preside over the meetings of the Assembly, retain floor privileges, and vote solely in the cases that will influence the outcome of a tied vote, except on votes to override a veto of the President.

cl. iii The Vice President shall act as an official student Representative and Delegate of the UPUA to any and all organizations internal to the University in conjunction and with approval by the President.

cl. iv In addition, he or she may issue non-binding directives to the Committees of the Assembly.

cl. v Accept any duties assigned by the President and the Assembly.

§6.2.4 Vacancies and Absences:

cl. i In cases of a vacancy in the Office of the Vice President, the President shall nominate a new undergraduate student within two (2) weeks of the absence.

pt. a The nominee will be confirmed by a majority vote of the Assembly.

pt. b The nominee is exempt from screening by the Steering Committee if the nominee currently serves as a Director of the Executive Board.

cl. ii In cases of a vacancy of the Presidency the line of succession shall be as follows:

pt. a Vice President

pt. b Speaker of the Assembly

pt. c President Pro Tempore

cl. iii If both the Vice President and Speaker of the Assembly are unable to ascend to the Presidency, the Chief of Staff will serve as President Pro Tempore in order for the legislative process to continue.

pt. a The President Pro Tempore will continue to serve until he or she is confirmed by a two-thirds (2/3rds) vote of the Assembly at the next General Meeting or another suitable candidate is selected and duly confirmed.

pt. b The Assembly Officers will be charged to find another candidate should the Assembly reject the President Pro Tempore by the following General Meeting.

cl. iv Persons filling vacancies in the Chief Offices must meet all requirements laid out in the UPUA Constitution, Executive Board Bylaws, and Elections Code.

cl. v In cases of the simultaneous vacancy in the Offices of President, Vice President, and Speaker of the Assembly, the Chair of the Academic Affairs Committee will assume the position of the Speaker of the Assembly. The Assembly will then open internal elections for a new Chair of the Academic Affairs Committee.

pt. a In the event the Chair of the Academic Affairs Committee is not able to fulfil this role, the line of succession will follow the order in the UPUA's Bylaws and Operational Code, Article IV, section §4.3.

cl. vi In cases of a vacancy of the Presidency or an absence of the President that is temporary, such as distance or a state of incapacity, the Vice President shall assume the powers and responsibilities of the Presidency as Acting President.

pt. a The Vice President shall retain his or her office as Vice President and all actions including those as Acting President shall go on record under the name of Vice President.

pt. b The Assembly shall retain the right to discipline the President. The Vice President, while Acting President, may select a Director of the Executive Board to serve as Acting Vice President and delegate duties as necessary.

§6.3 Departments and Directors:

§6.3.1 All Subsidiaries of any nature shall be considered Departments of the Executive Board.

§6.3.2 All Departments shall be headed by a Director appointed by the President through public application. All Directors must be full-time undergraduates attending classes at University Park unless prescribed otherwise by an Act of the Assembly.

§6.3.3 Any Department not established within this Constitution may be created and dissolved at the reasonable will of the President, unless established by an Act of the Assembly.

§6.3.4 All Departments and Directors of the Executive Board shall be bound to aid the Assembly in the execution of its business to the extent allowed by the duties and responsibilities of Departments and Directors enumerated herein.

§6.3.5 The Department of Finance shall be a permanent Subsidiary of the Executive Board. The Chief of Staff shall be the Director of the department and shall be considered the Treasurer of the UPUA. The department shall fulfill the following duties:

- cl. i Develop, with consultation of the President, an annual comprehensive budget for the Association submitted by the President to the Assembly for approval.
- cl. ii Review all financial Budgets and any requests of any Subsidiary of any Entity and report on those items to the Executive Board and the Assembly.
- cl. iii Assist, upon request, any Subsidiary of any Entity in preparing an application for funds.
- cl. iv Manage all income and expenditures with Associated Student Activities (ASA) office in line with decisions of the UPUA.
- cl. v Regulate, maintain, and keep account of all tangible assets purchased through funds of, or donated to, the UPUA.

§6.3.6 The Department of Records shall be a permanent Subsidiary of the Executive Board. Its director shall be considered the Secretary of the UPUA. The Department, with its assistants, shall fulfill the following duties:

- cl. i Record comprehensive minutes at all General Meetings of the Assembly, Executive Board, and Judicial Board, and to maintain records of all other Business at all Entities and their Subsidiaries.
- cl. ii Make available all documents approved for public viewing or distribution to the student body.
- cl. iii Submit to the University Libraries for archiving the records of the UPUA older than three (3) years. Sufficient information should be retained within the UPUA for the conduct of Business.
- cl. iv Compose, in consultation with the President, Speaker of the Assembly, and the Chief Justice of the Judicial Board, an Annual Business Report (ABR) detailing the actions of the organization throughout its legislative session.

§6.3.7 The Department of Communications shall be a permanent Subsidiary of the Executive Board. Its director shall be considered the Director of Communications of the UPUA. The Department, with its assistants, shall fulfill the following duties:

- cl. i Maintain the UPUA's various social media accounts, website, and all other online and/or digital presences.
- cl. ii Establish and maintain a working relationship with all relevant media sources and outlets, serving as the primary contact to these organizations from the UPUA.
- cl. iii Assist, upon request, any Subsidiary of any Entity in the creation of marketing and advertising materials for the UPUA and its programs, or general public relations guidance and advice.
 - pt. a Including but not limited to the creation of custom graphics, authoring of press releases, securing advertisements and signage.

§6.3.8 The UPUA Student Conduct Peer Advisors shall be a permanent Subsidiary of the Executive Board. The Department, with its assistants, shall fulfill function to:

- cl. i Provide recommendations and similar assistance to undergraduate students at University Park related to the disciplinary and hearing processes with the Office of Student Conduct
- cl. ii The UPUA Student Conduct Peer Advisors will internally elect an Assistant Director.

§6.3.9 The Freshmen Council shall be a permanent Subsidiary of the Executive Board. The Department shall fulfill function to:

- cl. i Educate and engage a select group of first year students, as defined by the University, at University Park with a vested interest in Student Government, the UPUA, and Penn State as a whole.
- cl. ii Assist the UPUA's standing CORE Committees and Executive Department with various projects and initiatives.

§6.3.10 Members and Staff:

cl. i Executive Staff:

pt. a Any Member of a Department, excluding its Director, is considered Executive Staff.

pt. b The President may maintain additional Staff as necessary unless otherwise prescribed by an Act of the Assembly.

pt. c Staff do not need to be confirmed by the Assembly, but may be removed by a majority vote.

pt. d Staff openings may not be filled by any Assembly Representative or Judicial Board Justice.

pt. e Staff may not act on behalf of the UPUA.

cl. ii Chief of Staff:

pt. a Is considered an Executive Staff Member.

pt. b Is in charge of coordinating the business of the Executive Board as prescribed by the Chief Officers.

pt. c Will fulfill the role of Director of Finance and therefore serve as UPUA Treasurer.

§6.4 Commissions:

§6.4.1 A Commission is an affiliated non-Subsidiary of the UPUA Executive Board that is established for a specific need or function that cannot be met within the structure or restrictions of a Department or Committee of the UPUA.

§6.4.2 Establishment:

cl. i A Commission may only be established by the Assembly via the legislative process.

cl. ii A Commission will be indirectly related to UPUA as a semi-autonomous body, overseen by the Executive Board, and regulated by the Assembly.

cl. iii A Commission may be established between the Student Governments Associations in order to better coordinate policy affecting the entire Penn State Student Body.

§6.4.3 Membership:

cl. i Members of the UPUA may serve on a Commission free from the restrictions of the exclusion clause §4.2.2.

cl. ii Membership of a Commission is not restricted to undergraduate students and may include administrators, graduate students, and community Members.

cl. iii Membership of a Commission shall be chosen as specified in the authorizing legislation. The leadership of the Commission must be a member of the CORE Committee that the legislation enacting the Commission originated from.

§6.4.4 Criteria for Establishment:

cl. i Commissions can be established for the purposes of investigating, researching, and reporting on specified issues on behalf of the UPUA.

cl. ii Commissions can be established to carry out a task or event that necessitates it being indirectly related to the UPUA.

cl. iii Commissions can be established for collaboration between necessary parties to achieve their assigned goals.

cl. iv Commissions can be charged according to, but not limited to, the above criteria.

Article VII Judicial Board

§7.1 Powers and Responsibilities:

§7.1.1 All authority over matters of dispute between Entities and matters of rule and equity within the UPUA within the UPUA are solely vested in a Judicial Board.

§7.1.2 The Judicial Board shall have the power to:

- cl. i Conduct select Hearings related to disputed matters within the UPUA, specifically pertaining to Representative removal, election disputes, disciplinary actions, disputes concerning the interpretation of this Constitution, and Hearings related to student organizational conduct.
- cl. ii Review all UPUA Constitutional amendments, unless otherwise specified, for fairness and equity.
- cl. iii Assume all duties prescribed by the Assembly.
- cl. iv Vet all Recognized Student Organizations that apply for a Community Group Representative Seat whose applications will be reviewed every Fall Session as stipulated in §Section 9.5 of the Bylaws and Operational Code.
- cl. v Meet with a designee of each organization that has applied for a Community Group Seat.
- cl. vi Compile a report recommending to the Assembly which of the Recognized Student Organizations that have applied qualify for a seat in the Assembly. The Recognized Student Organizations with the aforementioned report must be confirmed with a 2/3rd vote of the Assembly.
- cl. vii Ensure every semester that Recognized Student Organizations representing Community Groups are recognized by the University, and active while also fulfilling the requirements set by the UPUA governing documents by communicating with the Office of Student Affairs.
 - pt. a Revoke Community Group recognition in the event that the RSO has ceased to fulfill the vetting criteria listed in §Section 9.5 of the Bylaws and Operational Code.

§7.2 Membership:

§7.2.1 Justices:

cl. i There shall be nine (9) Members of the Judicial Board, of which there shall be a head(s). Collectively, they shall carry out the Business of the Judicial Board.

cl. ii All Judicial Board Members must be full-time undergraduates attending classes at University Park.

cl. iii The Judicial Board Members shall be appointed to their Offices by the President and confirmed by the Assembly. The process of appointment shall be as follows:

pt. a The President or designee shall interview the President's selected nominee with an invitation given to the advisor of the Judicial Board and the current Chief Justice of the Judicial Board to attend said meeting.

cl. iv The Justices shall serve one-year long terms but may be reappointed for as long as they are eligible members of UPUA.

pt. a Judicial Board Members shall serve these terms provided a Judicial Board Member is not removed from office on reasonable grounds or does not step down voluntarily.

cl. v Only Justices may exercise the powers and responsibilities vested in the Judicial Board.

Article VIII Meetings

§8.1 General Meetings:

§8.1.1 General Meetings shall be defined as the convening of the voting Members of an Entity for the purpose of transacting business.

§8.1.2 The Assembly and Executive Board may not have more than six (6) academic days pass between any two general meetings, work session meetings, or any combination thereof. In a semester, the number of general meetings must exceed the number of work session meetings.

§8.1.3 All general meetings of all Entities are to be public. The business of Entities shall be made available to the public along with information establishing basis for transactions.

The meetings shall be advertised and designed to accommodate the public interest as appropriate. Representatives' votes shall be made public online.

§8.2 Work Session:

§8.2.1 The Assembly may have work session meetings. At these work sessions meetings all Standing CORE Committees will meet to discuss pertinent matters.

§8.3 Summer Term:

§8.3.1 No Entity shall convene in any form during the summer without first establishing rules for the transaction of Business.

§8.4 Quorum shall be a majority of the non-vacant Seats of an Entity.

**Article IX
Finances**

§9.1 Money Management:

§9.1.1 All UPUA Funds will be deposited in and handled through the Associated Student Activities (ASA) office. All Funds shall be generally maintained in the "general account."

§9.1.2 All expenditures shall be approved by the Assembly. The Assembly may demand, when extreme cases warrant, the reversal of transactions. The UPUA shall not be responsible for losses suffered by Members for transaction reversals.

§9.1.3 The Assembly may provide the President during the Fall and/or Spring with an Account for disbursement at the President's discretion without approval of the Assembly. This Account may not be used for funding items rejected by the Assembly. The books of the Account shall be closed and monies returned to the general Account at least at the end of each academic year.

§9.1.4 The Assembly may permit the establishment of Sub-Accounts with pre-approved purposes to the Unrestricted Account and may be assigned to an Entity or Subsidiary outside of the Assembly. Funds appropriately transferred to a Sub-Account by the Assembly may be disbursed for pre-approved purposes without action of the Assembly.

§9.1.5 The Assembly, as an extension of its regulatory authority, shall be responsible to ensure that all Entities and Subsidiaries are appropriately funded for the execution of their mission through a Budget. This implies due consideration to all funding requests by Departments and Associated Groups.

§9.2 Dues:

§9.2.1 Dues shall not be required for Membership. This provision shall not invalidate the power to acquire student monies through University Entities.

§9.3 Summer Term Funds:

§9.3.1 The Assembly shall at the conclusion of each Spring Semester, establish a Summer Term Fund. This Fund shall include a portion spendable by the President. If no form of the Assembly is available, all Funds shall be spendable by the President. The books of the Account shall be closed on the day of Summer Graduation. All unspent Funds shall be returned to the UPUA General Account.

Article X
Elections and Terms of Office

§10.1 Application and Time for Elections:

§10.1.1 Elections or appropriate democratically-based processes shall be applicable to Assembly Representatives and the Chief Officers of the Executive Board.

§10.1.2 Annual student public Elections shall occur on the Wednesday thirteen (13) academic days after the conclusion of Spring Break of the year in question.

§10.1.3 The Representatives for students of first and second Semester standing shall be appointed no later than the Thursday of the 5th academic week of the Fall Semester for the term of that Fall Semester and the Spring Semester of that Academic Year.

§10.2 Terms of Office:

§10.2.1 Unless set forth elsewhere in this Constitution, terms of Office shall be based on the term of the Seats. Seats for a given Academic Year running Summer to Spring shall begin on the day of election and shall end on Elections Day of the subsequent year.

§10.3 Election Rules and Elections Commission:

§10.3.1 All elected Officials must be elected by an appropriate Constituency defined by the Assembly.

§10.3.2 Elections rules shall be established by the Assembly. The Assembly shall also establish policies for the filling of Seats subject to other processes.

§10.3.3 There shall be an Elections Commission to administer all Election related matters throughout the year. It shall be governed by the rules of the Assembly and managed by the Judicial Board.

§10.3.4 Candidates who qualify as winners shall be eligible to take Office. Eligibility shall be extended to remaining Election participants until Seats have Members sworn in.

§10.3.5 All Offices filled by Election shall be elected popularly by student public vote except as contained herein:

cl. i Each Seat for the Community Groups determined by the Judicial Board and confirmed by the Assembly must be elected for each new UPUA Assembly in a democratic manner.

cl. ii The Election process, while up to the Community Group organization, must be approved by the Judicial Board when looking over the organization's application to ensure compliance with the UPUA Elections Code. It cannot violate the spirit of the UPUA Elections Code.

pt. a The election process for this shall be overseen by the organization with a member of the Elections Commission present to ensure compliance with the UPUA Elections Code.

pt. b All members of the Community Group must have the ability to vote in the election.

cl. iii The terms of Office for these Seats shall be no longer than one UPUA Assembly.

§10.4 Appointment Process:

§10.4.1 In cases where Representative Seats become vacant after the departure of a Seat holder for the Academic Year in question or was never filled, and only in such cases, Representatives shall be appointed with the following constraints:

cl. i Academic Unit Representatives being appointed by their respective Academic Unit Student Councils.

cl. ii All other Representatives being appointed by the Assembly or as prescribed by the Assembly.

§10.5 Oath of Office:

§10.5.1 Before any Member of all Entities within UPUA shall take Office or their duly appointed Position, they shall recite the following oath:

cl. i “I promise to faithfully uphold the Constitution of the University Park Undergraduate Association and to defend the rights of each individual student while working toward the betterment of student life. I shall perform, to the best of my ability, the responsibilities and duties that have been entrusted to me by the University Park undergraduate student body through virtue of the office which I hold.”

Article XI
Member Discipline and Removal

§11.1 Discipline Policy:

§11.1.1 Each Entity may establish discipline policies for matters not covered by other sections.

§11.2 Censure:

§11.2.1 The Assembly, by a two-thirds (2/3rds) vote, may censure a Member as the highest non-removal sanction imposable on any Member.

§11.3 Removal:

§11.3.2 Processes:

cl. i Representatives, Chief Officers, Directors, and Judicial Board Members of the UPUA may be removed by a three-fourths ($\frac{3}{4}$) vote of present and voting Members of the Assembly for failure to fulfill the duties of their Office, violation of University policies, or any other reasonable grounds.

cl. ii Committee Chairs of the UPUA may be removed from their role as Chair by a three-fourths ($\frac{3}{4}$) vote of present and voting members of the Assembly, but may remain in their role as a Representative.

cl. iii Representatives of the UPUA may be removed through a two-strike process for failure to fulfill the responsibilities and duties of their Office as stated in the governing documents. The power of the removal is at the discretion of the Chairs and Speaker of the Assembly.

pt. a The first strike shall be a written warning provided by the Speaker of the Assembly. Before the strike can be assigned, the Chair(s) shall explain to the Steering Committee why this Representative is being considered for a warning. If the Representative votes on two committees, the Chair of the second committee will speak to the work of the Representative. In order to assign the warning, a vote of three-fourths ($\frac{3}{4}$) is required of Steering.

pt. b The written warning shall include the reasoning, specifically naming which responsibilities outlined in the bylaws were not maintained. Additionally, it requires the signature of the Speaker of the Assembly and at least one (1) chair of the committee(s) of which the Representative is a voting member. The written warning shall be provided. If the Representative is from a community group, the organization representing the community group's highest governing body must also be notified.

pt. c In order for a second and final strike to constitute, the Representative must continue to fail to abide to their responsibilities following a minimum of ten (10) academic days from when the first written warning was given. The second strike shall be brought forward to Steering. The process will follow as outlined in 11.3.2 cl. ii pt a, however for this strike the Chair shall additionally explain how the actions of the Representative have not changed. If the Representative is a voting member on two committees, then the second Chair is also required to comment. In order to assign the second strike, thus removing the Representative as a member of the UPUA, a vote of three-fourths ($\frac{3}{4}$) is required of Steering.

pt. d The Representative has the option within five (5) academic days of their removal to either accept their removal or notify the Speaker of the Assembly that they wish to appeal to the Judicial Board as to why they should be reinstated.

pt. e The Chief Justice of the Judicial Board shall oversee the appeal process. Within one (1) week of the appeal, the Chief justice must conduct a hearing. The hearing shall provide the opportunity for both the Representative and Steering to explain their cases. The Justices shall reference Section 2.3.3 of the Bylaws and Operational Code of the UPUA to base their decision. A majority vote of the Judicial Board Justices is required in order to reinstate the Representative.

pt. f If a Representative is reinstated by the Judicial Board, the second strike shall be removed with the first strike remaining on the record. In order to assign a second strike, the former policy outlined in this section shall be followed.

pt. g If a Representative is not reinstated by the Judicial Board, the individual cannot return to the General Assembly as a Representative, in any capacity, during the remainder of the Assembly year.

pt. h The strikes shall be recorded and kept by the Speaker of the Assembly.

cl. iv For proceedings on Members of the Judicial Board, the Vice President shall preside. If the Vice President is unable to preside, the Assembly shall elect a Representative to preside.

cl. v For proceedings on Members of the Executive Board, the highest ranking Member of the Judicial Board shall preside.

cl. vi If it is found that a member of UPUA, regardless of their branch affiliation, is currently on probation with a notation on their transcript for offenses including but not limited to: sexual misconduct, hazing, or harassment, they shall hereby be removed from UPUA and shall be notified of their removal by the head of their branch.

pt. i Suspensions by the University shall also be considered grounds for removal.

pt. ii The member will be given the opportunity to resign from the role before the student conduct record and reasoning for removal becomes public.

pt. iii Filling the vacancy shall undergo the processes set forth in the Constitution and Bylaws & Operating Procedure.

§11.3.2 The provisions of removal shall not be construed to deny the President reasonable ability to remove any Director or Executive Staff Member of the Executive Board at his or her discretion.

§11.4 Resignation:

§11.4.1 All Members shall retain the right to resign from any position within the UPUA regardless of whether that Member is the subject of disciplinary proceedings.

§11.4.2 All resignations must be submitted to the highest-ranking Officer of the Entity or Subsidiary from which the Member wishes to resign. No Entity or Subsidiary may refuse a resignation.

§11.4.3 Once a member has resigned, they cannot return to the same body or entity in a similar capacity for the remainder of the Assembly session.

Article XII Parliamentary Authority

§12.1 Modern Rules of Order shall be used in all cases not covered by this Constitution and Bylaws.

§12.2 Special Rules of Order

§12.2.1 A policy shall be voted on via a roll call vote, unless otherwise motioned for by a member of the General Assembly.

§12.2.2 A bill shall be voted on via a roll call vote.

Article XIII Advisor

§13.1 The UPUA shall retain a primary Advisor and may obtain additional advisors for specific purposes.

§13.2 The Advisor(s) shall be a Faculty, Staff, or an Administrator of the University and shall be nominated by the President and consented to by the Assembly.

§13.3 The Advisor(s) shall retain their title in perpetuity unless a majority vote by the Assembly suspends or removes the title(s).

Article XIV Amendments

§14.1 Amendments to this Constitution may be brought, at any time, by and to the Assembly as an Act subject to standard submission and perfection rules.

§14.1.1 Any individual policy must be sent to the Steering Committee and passed through at least seven (7) days in advance of coming to the floor.

cl. i In the case that a policy change does not pass the Steering Committee, the Speaker of the Assembly shall be required to provide the reasoning of its failure and the original policy change to the Entire Assembly.

§14.2 The Assembly may pass the amendment with a three-quarters majority (3/4) of the entire Membership.

§14.3 The Judicial Board must approve or reject all amendments passed within forty (40) calendar days to ensure fairness and equity in the proposed changes.

§14.3.1 A majority of sitting Judicial Board Members will be required to approve the amendment and decide the effective date before it is considered duly ratified.

cl. i If the Judicial Board fails to approve or reject the amendment, it forfeits its obligation to review.

cl. ii These provisions do not apply to Referendum-initiated Constitutional amendments.

Article XV Referenda

§15.1 A Referendum shall be defined as a vote of the undergraduate Student Body to decide an action of the UPUA.

§15.2 Referenda may be proposed either by:

§15.2.1 An Act of the Assembly

§15.2.2 A Petition of three percent (3%) of the full-time undergraduate population.

§15.3 Referenda shall be subject to approval of the Board for structure only and not for merit. However, dilatory referenda may be dismissed with five (5) Board Members concurring.

§15.4 Approved Referenda shall be at the discretion of the Assembly, considered urgent, and held within the academic Semester or otherwise set for inclusion in the upcoming Election.

§15.5 A majority of those voting, with at least fifteen percent (15%) of all eligible undergraduate students voting, shall be sufficient for a decision to be considered rendered and binding on the UPUA.

Article XVI Old Constitutions

§16.1 All agreements made under prior Constitutions with reason to be valid under this Constitution shall be considered valid, upheld, and binding.

Article XVII Enactment and Protections

§17.1 Enactment:

§17.1.1 This Constitution shall be enacted following approval by the existing Student Government Entity.

§17.2 Protections Against Dissolution:

§17.2.1 This Constitution shall be protected by the standards established herein for all Entities and actions of the UPUA. Neither the UPUA nor any Entity of the University may dissolve this Organization as it stands in this Document without surpassing the highest challenges this Document establishes. These challenges may be determined as a

combination or mix of one or more provisions. All attempts at subversion will not be tolerated and will be considered a direct assault on the ability of the Student Body to organize.