

# Franciscan University Student Association

## By-Laws

(Original Version: Shawn Dommer, Ryan Kreager, Sarah Vyvlecka, Spring 2006)

(Most Recent Revision: August 26, 2009)

### I. Positions and Duties

A. Oath of Office. The following oath of office shall be administered to all members of FUSA by the standing Chief Justice of the Supreme Court upon their taking of office:

"I do solemnly swear that I will selflessly defend and uphold the Constitution of the Franciscan University Student Association, that I will discharge the duties of my office with Virtue, and that I take this oath freely, without mental reservation or purpose of evasion, so help me God!

B. Officers

1. Senate Chair

- a. The Vice President shall serve as Chair of the Senate.
- b. The Chair shall preserve order and decorum, declare all votes, and rule on any matters which occur during the operation of a meeting. Said rulings may be overturned by a 2/3 majority of the Senate.
- c. The Chair shall appoint all committee members and committee Chairs.
- d. The Chair may only facilitate discussion, and may not participate in debate.

2. Secretary

- a. The Secretary shall prepare all legislation, agendas, minutes, and other documents as the Senate and Chair direct.
- b. The Secretary shall serve as official scribe of minutes and shall present the minutes to the Chair before each formal meeting for their approval.
- c. The Secretary shall tally all roll call Senate votes and present the tally to the Senate Chair.
- d. The Secretary shall prepare all documents as directed by the President.
- e. The Secretary shall serve as official time-keeper for all formal debate.

3. Executive Assistant

- a. The Executive Assistant shall prepare all documents as directed by the president.
- b. The Executive Assistant shall oversee the FUSA website as directed by the president.

4. Public Relations Liaison

- a. The Public Relations Liaison shall serve as official liaison for all informational and published documents, as directed by the Senate, President or Chief Justice.
- b. The Liaison shall be responsible for publishing of FUSA official documents on the

FUSA website, as well as any maintenance of needed by said website.

- c. The Liaison shall be the official keeper of the FUSA bulletin boards, and shall discharge all policies associated with them.

#### 5. Treasurer

- a. The Treasurer shall be responsible for the accounting of FUSA, maintaining the official records of all expenditures for FUSA and its subsidiary clubs.
- b. The Treasurer shall give report of the financial situation of FUSA at each informal and formal meeting.
- c. The Treasurer shall attach a copy of the Treasurer's Report with each copy of the minutes from each previous formal meeting. This report shall include all revenues, expenditures, sub account balances, and current contingency fund balance.

6. Internal Auditor. The Internal Auditor shall be responsible for ensuring all monies allocated are spent in a manner consistent with their allocation.

7. Austrian Ambassador. The Austrian Ambassador shall be responsible for representing FUSA on the Austrian campus; maintaining correspondence with the main campus via a correspondence box; and coordinate absentee voting during the spring semester only.

### B. Committees

#### 1. Membership

- a. Each committee shall be made up of at least three Senators, one of whom shall be committee Chair, and other members of FUSA as set forth herein.
- b. Senators may never constitute a minority of the committee.

#### 2. Duties

- a. Each committee shall meet when prompted by the Senate, or when the committee Chair deems necessary.
- b. Any individual may be invited to appear before a committee.
- c. Committee meetings shall be open to any elected member of FUSA, and said member shall be allowed to participate, without voting rights, in the meeting.
- d. The committee Chair shall appoint a committee member as Secretary who shall record the minutes and present them at the next formal meeting.
- e. Committees shall have the power to amend bills via simple majority vote, provided a quorum is present.

#### 3. Standing Committees

##### a. Finance

- i. The Finance committee shall evaluate and provide recommendation on all non-budgetary monetary legislation from the Senate.
- ii. The Treasurer shall be an ex-officio member of the committee.

- b. Student Welfare
    - i. The Student Welfare committee shall gather information on and prioritize the concerns of the Student Body, and make recommendations to the Senate on such concerns.
    - ii. The Executive Assistant shall be an ex-officio member of this committee.
  - c. Development
    - i. The Development committee shall be responsible for aiding the development of and collaboration with student clubs, promotion of FUSA programs, and establishing and sustaining services for the Student Body.
    - ii. The Secretary shall be an ex-officio member of this committee.
  - d. Rules and Order
    - i. The Rules and Order committee shall be responsible for revision to the FUSA Constitution and By-Laws, and approval of FUSA sponsored Club constitutions.
    - ii. One Justice shall be an ex-officio member of this committee.
  - e. Outreach
    - i. The Outreach committee shall promote the vision of the Franciscan University beyond the bounds of campus via campus-community joint efforts and events.
    - ii. The Public Relations Liaison shall be an ex-officio member of this committee.
- C. Duties of FUSA Members
1. Each office-holding member of FUSA shall be required to attend every informal meeting, formal meeting, and office hour. All committee members shall be required to attend every committee meeting. Any absence must be excused in advance by the Chair of the Senate or the committee Chair. Tardiness exceeding ten minutes shall be considered an unexcused absence, unless a satisfactory explanation is made to the Chair of the Senate.
  2. As a sworn member of FUSA, each Senator must act with decorum and humility during meetings. While such mutual respect is expected of all FUSA members, the Senate shall be held to the highest standard, as they are the representatives of the Student Body.
  3. A member of FUSA may be suspended from the following formal meeting, with no voting rights in the case of Senators, in the following cases:
    - i. Two unexcused absences in a single semester. Missing two unexcused office hours in a single semester constitutes as a single unexcused absence.
    - ii. Flagrantly inappropriate behavior.

## **II. Rules of Order**

- A. The agenda of each formal meeting shall be posted no less than 24 hours previous to each

meeting in a public place.

B. Minutes and Treasurer's Report

1. The minutes and Treasurer's Report shall be distributed by the Secretary at the informal meeting following each formal meeting.
2. The minutes shall include, but not be limited to, the following:
  - a. Names of absent members, marked excused or unexcused.
  - b. Names of members making motions, motion made and action taken by the Senate.
  - c. Names of all Senate bills and brief description.
  - d. Voting record of each bill.
  - e. Any comments or announcements made by FUSA members.

C. Order of Formal Meetings

1. Distribution of Documents. Prior to the opening of each meeting, the Secretary shall distribute the agenda to any FUSA members present.
2. Call to Order. The Chair shall call the Senate to order and ask any office-holding FUSA member to lead the Senate in prayer.
3. Approval of Minutes and Treasurer's Report. The minutes previously distributed shall be open to amendment, as well as approval of the Treasurer's Report.
4. Treasurer's Report. The Treasurer shall report the current expenditures of FUSA, along with the current amount in the contingency fund and any other pertinent financial information.
5. Secretary's Report. The Secretary shall report all current information regarding executive actions.
6. Committees' Reports. Any Committee Chair deeming it necessary shall report current information and updates to the Senate.
7. Legislation. All legislation shall be considered, with untabling of bills being allowed at any time in this process.
8. President's Comments. The President shall give any comments deemed necessary on current actions or issues.
9. Adviser's Comments. The adviser of FUSA shall give comment as deemed necessary, as well as make any announcements pertinent to relations between the University administration and FUSA.
10. For the Good of the Order. Any member of FUSA may give comment to improve the order of FUSA, or draw issues of order to the fore.
11. Announcements. Any member of FUSA may make announcements pertinent to FUSA business.
12. Adjournment. The Chair shall adjourn the meeting.

D. Voting

1. Passage of all Senate bills shall require in a simple majority of the Senate.
2. A vocal vote shall be taken. Upon the request of the Chair or any Senator, a roll call vote may be taken either after or in place of a vocal vote. If a roll call vote is requested, the voting shall be in order of seniority, with Graduate Senators voting first, followed by Senior Senators, Junior Senators, Sophomore Senators, and Freshman Senators.
3. Absentee voting is prohibited.
4. All Senators present are required to cast a vote each time a vote is called.
5. Voting possibilities shall consist of 'aye', 'nay' and 'abstain'.
  - a. An 'aye' vote is a vote in favor of the motion at hand.
  - b. A 'nay' vote is a vote against the motion at hand.
  - c. An 'abstain' vote is a position of non-choice by a Senator, constituting neither assent nor dissent on the issue.
  - d. An abstention shall not be counted in the member count of the motion at hand; the majority shall be determined from the total number of 'aye' and 'nay' votes.
6. Following a vote, a Senator may request the floor to explain their vote, limited to one minute.
7. Any Senator who is the primary beneficiary of a bill must abstain from voting on said legislation, unless said bill is for a FUSA expenditure.

#### E. Decorum

1. No individual shall use profanity.
2. If a Senator wishes to speak, they shall stand and await recognition by the Chair. Upon recognition, the Senator shall have the floor for no more than three minutes.
3. The floor shall always be yielded back to the Chair.
4. All comments shall be confined to the question at hand.
5. If any member transgresses the Rules of Order, any Senate member or the Chair may call them to order. The Chair may then ask the person to explain their transgression.
6. The Chair, or the majority vote of the Senate may expel any FUSA member from a meeting for disorderly conduct.

#### F. Agents

1. Any individual desiring to appear before the Senate shall make written application to the Chair no less than two days before the formal meeting.
2. The President of the University shall have standing invitation to address the Senate at any time.
3. The Chair may, at their discretion, recognize any person from the gallery to speak, limited to three minutes.

4. The Senate may recognize any person from the gallery to speak, limited to three minutes.

### **III. Legislative Process**

#### **A. Definition of Legislation**

1. A bill shall be a draft of law presented to the Senate for passage.
2. Each bill shall embrace but one subject.
3. Special Legislation
  - a. A Confirmation expresses the Senate's formal approval or disapproval of a Presidential nominee, or the approval or disapproval of a Presidential action.
  - b. A Memorial Resolution honors an individual or organization for exceptional performance.
  - c. An Advisory Resolution requests action be taken by the University.
  - d. A Presidential Petition proposes action to be taken by the Senate on behalf of the President. The President shall be allowed three minutes to address the Senate at the first formal insertion of the bill to explain the petition, but may not participate in formal debate.

#### **B. Order of Passage**

1. A bill seeking passage must be submitted to the Secretary by 5pm on the Monday prior to the informal meeting. The Secretary shall give the bill the next sequential number and add it to the agenda of the informal and formal meetings. The Secretary shall duplicate the bill and pass it out to the Senate at the informal meeting.
2. The bill shall then be discussed at the informal meeting, with the Senate Chair sending the bill to the appropriate committee following the discussion for amendment and recommendation. The sponsoring Senator and one representative of the club or individual to whom the bill applies must be present for the bill to be inserted as legislation.
3. The committee responsible for said legislation must meet between the informal and formal meetings to discuss, research and amend the bill as necessary. They shall also vote on the bill, and said vote will constitute their recommendation to the Senate. The sponsoring Senator is required to be present at the committee meeting in which their bill is being discussed.
4. At the subsequent formal meeting, a committee member shall read the bill, along with any amendments and their recommendation on the bill to the Senate.
5. Any Senator may recognize a person from the gallery to speak who has formal connection to the current legislation and is authorized to speak on behalf of a party benefiting from said legislation.

6. If the sponsoring Senator and at least one authorized representative of the bill's interests are not present, the bill shall be automatically tabled.
7. Ten minutes shall be allotted at the formal meeting for discussion of the bill.
8. The bill may be tabled for any amount of time, or until certain stipulations are met, by a majority vote of the Senate.
9. After discussion, the bill shall be determined by a vote.
10. If the bill is passed, it shall be given over to the President for approval or veto. If veto power is exercised by the President, it must be exercised within five days; lack of decision shall be considered approval. Furthermore, the President must inform the Senate of any veto at the next informal meeting.
11. A 2/3 majority shall be required of the Senate to overturn a veto. The overturning of a veto must take place at the next formal meeting after the presidential veto is announced.
12. Lobbying, which is defined as influencing policy and/or decision making, is limited to the Senate. Thus, only points of information may be given by anyone else at the formal meetings.

#### **IV. Election Code**

##### **A. Officials**

1. The Supreme Court shall be responsible for all election procedures.
2. The Supreme Court may temporarily create any positions they deem necessary for effective execution of the elections.
3. The Chief Justice shall have final power and responsibility over all election proceedings.
4. Candidates or individuals campaigning for candidates may not serve as election officials.

##### **B. Process**

###### **1. Obtaining Candidacy**

- a. Any member of the Student Body seeking office shall file a letter of intent with the current President and the Senate Rules committee no later than one week prior to the election.
- b. Those individuals seeking the offices of President and Vice President shall run as teams, and be elected as such.
- c. Individuals seeking office must be enrolled in at least 9 undergraduate or 6 graduate credit hours in the semester of candidacy.
- d. All individuals seeking candidacy must attend a meeting held by the election officials to explain the election code. The Chief Justice shall provide each candidate with an official notice of candidacy upon completion of said meeting.

###### **2. Campaign Materials and Campaigning**

- a. No candidate may post materials until they have obtained official candidacy.
  - b. All materials must be in good taste in the compliance with University policy.
  - c. No materials shall be placed in the FUSA offices.
  - d. Unauthorized destruction, defacement or removal of campaign materials is prohibited. If the offender is a candidate or acts with the candidates consent, said candidate is disqualified.
  - e. No campaign materials or campaigning shall be allowed on or in the building housing the ballot box on election day.
3. Polling
- a. The polling booth shall be open from 9:00 am until 6:30 pm on election day.
  - b. The polling booth shall be staffed by at least two election officials at all times, with at least one of said officials being a Justice.
  - c. Proof of identification shall be required of all voters.
  - d. No absentee voting shall occur, excepting members of the Student Body currently enrolled at the Austrian campus during the spring semester.
4. Tabulation of Votes
- a. Only the Supreme Court Justices may participate in tabulation.
  - b. If a voter casts more votes for a particular position than allowed, their vote(s) in that particular position shall be disqualified.
  - c. The candidate(s) with the greatest number of votes shall be declared the winner(s). When more than one position is available for a particular voting category, the candidate(s) with the next highest number of votes shall also be declared the winner(s) until all positions are filled.
  - d. In the case of a tie, the Senate shall decide the winner by secret ballot.
  - e. The election results shall be publicly posted no later than 11:59 pm on the second day following the election.
5. Infractions of Rules
- a. Any member of the Student Body may file formal complaint against any candidate or the election staff for infraction of the rules.
  - b. Complaints may be filed any time during the election process, or up to one week after election results are posted.
  - c. The Rules and Order Committee shall assess the validity of all complaints and render a decision. The decision may be appealed to the Supreme Court.
  - d. Fines may be levied against individuals who transgresses the election code.
    - i. Placing campaign materials in a prohibited area shall carry a fine of \$10 per item.
    - ii. Failure to remove campaign materials shall carry a fine of \$3 per item.

iii. To ensure collection of fines, if the individual chooses not to pay FUSA directly, the Franciscan University Business Office shall be notified of said fines.

e. Disqualification of candidates may occur in cases of gross and willing infraction of the election code.

#### C. Assumption of Office

1. Officials elected in the fall semester shall assume office at the next formal meeting.
2. Officials elected in the spring semester shall not assume their position until the last formal meeting of the semester.
3. Justices of the Supreme Court shall hold their offices until the President-elect appoints new Justices and they are confirmed, or until the last class day of the current semester, whichever is shorter.
4. During the time between election and assumption of office, officer-elect individuals shall be required to attend all meetings so that they might become acclimated to FUSA procedures.
5. It shall be the responsibility of all outgoing elected officials and appointed officials to acclimate new officials and their staff, and provide all documentation possible to encourage continuity.

#### D. Filling of Vacancies

1. Should a minority of vacancies occur any time between the fall elections and two weeks prior to the spring elections, those positions shall be filled as follows:
  - a. The position shall be publicly advertised for no less than seven days.
  - b. All persons seeking the vacant position shall submit a letter of intent to the Vice President at least one day prior to the formal meeting of election.
  - c. At the formal meeting of election, candidates shall be brought before the Senate, given time to speak on their behalf, and questioned by the Senate as deemed necessary.
  - d. The Senate shall vote by secret ballot, administered by the Chief Justice.
  - e. The winner(s) shall be the candidate(s) with the most votes.
  - f. In the event of a tie, the Vice President shall cast a vote.
2. Filling of Presidential Vacancies
  - a. In the case that the president's vacancy is prolonged but not permanent, the president will appoint a pro-tem to preside in office during that absence. If the absence exceeds that of 2 weeks, the pro-tem will need 2/3 approval by the Senate to continue acting in the vacancy of the office.
  - b. The pro-tem, as acting chair of the Senate, necessarily follows the duties of the Vice President as outline by the by-laws.

- c. In the case that the president's vacancy is permanent, the current president will appoint a pro-tem to preside in office until a new Vice President is approved by the Senate. If a new Vice President is not approved by the Senate within 2 weeks, the pro-tem will need 2/3 approval by the Senate to continue acting in the vacancy of the office.

## **V. Sponsored Club Policy**

- A. Purpose. The principles of subsidiarity and mutual respect shall govern the relationship of FUSA to its sponsored clubs and organizations, thus respecting their initiative, freedom and responsibility. These clubs have a symbiotic relationship with FUSA, and represent FUSA by proxy in their activities and initiatives. Their subsidiarity and self-determination has been granted them by FUSA, which in turn owed its self-determination to the Franciscan University.
- B. Requirements of a Sponsored Club
  1. All clubs must conform to the mission of the Franciscan University and the established guidelines of the University.
  2. Clubs are to be operated by students, functioning by the voluntary activity and initiative of students.
  3. Clubs shall not fulfill any function or duty otherwise considered to be the responsibility of the administration, faculty or staff of Franciscan University.
- C. Constitutions
  1. All clubs are required to draft and submit a constitution to the Chair of the Rules and Order committee and to the Dean of Students. The constitution must be approved by both parties, and include at least the following articles:
    - a. Article I Name. The Name of the Organization.
    - b. Article II Purpose. State the purpose, aims, and functions of the club.
    - c. Article III Membership. State the membership requirements, limitations, and admittance procedure.
    - d. Article IV Officers and Duties. State the officers, their duties, requirements, terms of office, manner of election, and procedure for removal.
    - e. Article V Funding. State sources of funding.
    - f. Article VI Ratification. State the requirements for adopting the constitution.
  2. The approval or removal of a club shall require a 2/3 vote of the Senate; in cases of approval, said vote shall not occur until the Dean of Students has approved the constitution.

## **VI. Financial Process**

- A. Budget Requirements

1. FUSA shall set a budget each semester, including all foreseeable expenditures of FUSA and its clubs.
  2. The budget may not exceed the expected income of FUSA for the coming semester.
- B. Budgetary Process
1. The budget shall be submitted as a bill the semester previous to the semester of usage.
  2. A Budget committee shall be created each semester, consisting of the Finance committee and the Vice President. The President shall serve as an ex officio member.
  3. The Budget committee shall distribute budget request forms to the clubs during the ninth full week of classes.
  4. Clubs shall have until the Friday of the tenth full week of classes to complete and return the form with a typed, detailed budget for their club.
  5. All clubs seeking stipend allocations shall send a list of their stipend positions, with amounts, to the Troubadour for publishing no later than the budget request deadline.
  6. Within one week following the budget request deadline, the Budget committee must convene and establish an initial budget. This budget must then be distributed to the clubs, who shall have at least two days to submit a revised budget based on their initial allocation, and to the Senate.
  7. The budget shall be put forth as a bill no later than the third to last week of FUSA meetings in a given semester.
  8. The budget shall require a 2/3 majority for passage.
  9. The President, in addition to normal veto power, shall have the power of line-item veto for the budgetary bill. Any overturning of said veto(s) shall require a 2/3 majority of the Senate. Any overturning of said veto(s) must take place by the end of the second formal meeting after the presidential veto is announced.
- C. Non-Budgetary Expenditures
1. Any club, organization, or individual who has expenses which were not allocated for in the budget may seek funding from FUSA in the form of a bill.
  2. Any sponsored club holding an event using FUSA funds shall be required to complete and submit an event review form within one week of their event.
  3. Funding shall be considered on the following basis:
    - a. Number of students served.
    - b. Number of students involved.
    - c. Quality and quantity of student participation.
    - d. Previous record of requesting organization.
    - e. Efforts of organization to independently generate funds.
    - f. Total amount of funds available to FUSA.

- g. Conformity of expenditure to the mission statement of the University.
- 4. No FUSA funded organization shall be allowed to hold an account outside the FUSA accounts.
- 5. Any bill allocating funds solely to FUSA, and not a club, organization or individual, shall require a 2/3 majority for passage and  $\frac{3}{4}$  majority for the overturning of a veto.

D. Enforcement

- 1. If specifically allocated funds are misused by any club, organization or individual, the President may recall the funds and/or place the organization on probation. If said actions are taken, they must be ratified by a majority vote in the Senate.
- 2. The terms of financial probation shall be determined by the Rules and Order committee with the recommendation of the President.
- 3. The Vice President, President, Treasurer or Internal Auditor may fine clubs according to the rules of the financial process. While no confirmation by the Senate is needed, a 2/3 majority of the Senate may overturn the fine.
- 4. Fines charged to a club shall be determined by the executive officer levying the fine, but may not exceed the club's budget.