



## Constitution of the CLAS Student Government of Brooklyn College, CUNY

Retyped Summer 1998

Retyped Thursday De. 9, 2004

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### **ARTICLE I – STUDENT LEGISLATURE**

1. All legislative powers herein granted shall be vested in a Student Assembly composed of twenty-nine representatives elected for a term of one year by a popular vote of the CLAS student body.
2. The Representatives shall be chosen, twenty-nine for the entire year, from the entire CLAS student body in accordance with the qualifications outlined in the Rules of the Assembly.
3. The Assembly shall elect its own chairperson (Speaker) from among its own members. The Chairperson (Speaker) shall call the regular meetings of the Assembly and shall chair all the meetings of the Assembly, unless they shall designate another member to act in their place.
4. The Assembly shall have the power:
  - a. To propose and initiate legislation on all activities it deems relevant to the students;
  - b. To establish committees involving all aspects of student affairs it deems pertinent;
  - c. To determine all funds, i.e. budget proposals, appropriations, etc., it deems necessary and to budget and allocate said funds;
  - d. To overrule a Presidential veto by a two thirds vote of all certified representatives; and
  - e. To adopt its own rules of procedure, create its own by-laws, and determine the qualifications of its own members.

### **ARTICLE II – STUDENT EXECUTIVE**

1. All executive powers herein granted shall be vested in a President and a Vice-



President of the CLAS student body, elected on a joint ticket for a term of one year by a majority of the CLAS student body in a popular election. The President and Vice-President of the CLAS student body shall take office on the first day of July following their election and shall serve for a term of one year which ends on the thirtieth day of June of the Succeeding year.

2. The President shall have the following powers and duties:
  - a. To confer upon the Vice-President all those executive powers the President deems fitting and proper;
  - b. To appoint advisors and delegate to them any authority within the Presidents' power;
  - c. To submit a budget to the Assembly for ratification;
  - d. To call campus-wide referenda on matters they deem urgent and pressing: but they must, with dispatch, call referenda on those issues on which referenda are asked for by petition containing the signatures of at least ten percent of the CLAS student body;
  - e. To veto within seven (7) days of presentation to the CLAS President or their designee, legislation of the Assembly in whole or part excepting those actions dealing with internal procedures of the legislation and send to the Assembly Chairperson at their next official meeting a message explaining the reasons for such action. Failure to send such a message in the event of a veto shall constitute grounds for impeachment;
  - f. To call emergency meetings of the legislature, specifying in writing, in the notice of meeting the exact reasons for calling the meeting;
  - g. To address the Assembly at least once a month at the President's convenience, to report fully on their activities, and to propose legislation;
  - h. To represent the Student Government in all dealings with the faculty and administration; and
  - i. To take all actions the President deems necessary and in accordance with a particular item of legislation, and to execute that particular legislation.
3. The Vice-President shall have the power:
  - a. To assume all those powers granted to them by the President;
  - b. To fully report to the legislature, at their convenience, their activities, and to propose legislature; and
  - c. To become President upon the vacancy of that office.

### **ARTICLE III – STUDENT JUDICIARY**

1. All judicial powers herein granted shall be vested in a Student Judiciary. The



Student Judiciary shall deal with conflicts and disciplinary action involving all the combinations of student, student organizations, and Student Government. At the request of any of the aforementioned parties, the Student Judiciary shall deal with conflicts between that party and the faculty or administration. The Student Judiciary shall adopt its own rules of procedure according to established practice.

2. The Student Judiciary shall be composed of an Upper Court and at least one Lower Court. The student serving as judges shall be seniors and shall serve for a term of one year.
3. Each Lower Court shall be composed of three students appointed by the Assembly, and shall have the power to adjudicate the disputes that fall into its jurisdiction as defined in the first section of this Article.
4. The Upper Court:
  - a. The Upper court Shall be composed of three students appointed concurrently by the Assembly, the President, and the Vice-President. In appointing the judges, the Assembly, the President, and the Vice-President shall each have one-vote per judge and a binding veto on the other two.
  - b. The Upper Court Shall have the power to review decision of the Lower Court in order to decline or accept appeals from said decisions; to be the final court of appeal; and to interpret this Constitution.

#### **ARTICLE IV – AMENDMENTS**

1. Amendments to this Constitution may be proposed by the either of the two methods:
  - a. A majority of certified representatives; or
  - b. A petition signed by ten percent of the CLAS student body.
2. Amendments, once proposed, may be ratified by:
  - a. Three Fourths of the certified representatives who are in attendance; or
  - b. A majority of those students voting in a referendum provided that at least one-sixth of the CLAS student body votes in favor of ratification.

#### **ARTICLE V – STUDENT BILL OF RIGHTS**

1. No student shall incur punishment of any sort for their ideas, written or spoken, nor shall any person be denied admission to Brooklyn College or its campus, nor be dismissed or denied employment on account of their ideas or beliefs.
2. All students shall enjoy freedom of Assembly on the campus, and the right to petition the Student Government for the redress of grievances.



3. No one shall be forced to identify themselves unless a duly identified officer of the College charges them with a violation of a regulation of the College or the Board of Higher Education. No one shall be forced to relinquish their student identification card without due process of the law.
4. In all charges regarding regulation of the College or Board of Higher Education, the accused shall have the right to a speedy and public hearing before an impartial adjudicatory body before any disciplinary action may be taken against them. In these hearings the accused shall be notified of the charge against them, and shall enjoy the powers of subpoena and cross-examination, and the right to be accompanied, advised, and represented by counsel of their own choosing. No person shall be subject to be twice put in jeopardy for the same offense. Due process of law shall be observed in all cases. No summary disciplinary action shall be upheld by the Student Judiciary.
5. If, on a given complaint, relief is sought in the civil or criminal courts, one's arising in the Student Judiciary from that complaint shall immediately be dismissed.
6. All students shall have the right, after the effective date of this constitution, to significantly participate in the framing of College regulations which affect them directly.
7. The College shall not deny funds to, or otherwise punish, any governing body, association, or publication because of ideas attained by them or in them, or by their individual members. No publication may be restricted from on-campus distribution or sale because of the nature of its publisher or staff, the views expressed therein, or the manner of expression thereof.
8. The records of the student maintained by the College, including (but not limited to) their academic and counseling records, are their private property, and must be released to them and to those the student specifies, and to no one else, except where otherwise provided by law. Students must be alerted of any intention to insert material in their records. No non-factual material may be inserted in a student's record.
9. Every student has the right to a quality education. Students shall have the right to participate in the evaluation of instructors and in the formation of curricula. Grades shall be based on achievement. Students have the right to appeal.
10. Neither the fact of to Brooklyn College or its campus, nor its status as a government- supported institution, shall be construed to deny, disparage, or restrict the rights guaranteed by the Constitution of the United States of America and of the State of New York.



## **AMENDMENTS**

### **AMENDMENT I**

Article III Section 2 amended to:

The Student Judiciary shall be composed of an Upper Court and at least one Lower Court. Any matriculated CLAS student shall be eligible to serve. All judges shall serve for a term of one year.

### **AMENDMENT II**

No group or organization shall libel, slander, or defame any racial, religious, or ethnic group or incite violence against them either through publications, sponsored by the group or through policy or resolution endorsed by the group. The Student Court shall be compounded to conduct hearings on charges arising from Section 1 and may take any action in its power against the accused group.

### **AMENDMENT III**

The 50-50 Alignment Amendment:

The total amount for grants-in-aid set aside by the Assembly each fiscal year shall be divided in two. A maximum of 50 percent of grants-in-aid may be distributed in the Fall term. The remainder, which shall be at least 50 percent of total grants plus in distributed grants from the Fall term shall be distributed in the spring of that fiscal year

### **AMENDMENT IV**

The 10 percent Rule:

Ten percent of the allocation made by the Student Assembly in their yearly (fiscal) distribution will be set aside in the grants-in-aid fund. This will allow proper monetary support for any group formed in the following fall and spring terms (coupled with the 50-50 rule, new groups and those groups who believe they were improperly funded, can be reheard).

### **AMENDMENT V**

Impeachment of President and Vice President of Student Government:

- I. Grounds for impeachment
  1. Malfeasance, misfeasance, or nonfeasance in office
    - a. Neither the President nor the Vice-President may be tried for any



alleged act for which they have been acquitted by any local, state, or federal, criminal or civil court.

## II. Procedure 4

1. The question of impeachment may be raised by any member of the Student Assembly.
  - a. The member may submit a written report to the chairperson of the Student Assembly stating the reasons for requesting the investigation.
  - b. The Chairperson shall notify the Assembly of the investigation.
  - c. Initial Investigation shall be conducted by the Government Operations Committee.
2. Student Assembly shall have the authority to limit the time of Governmental Operations' Investigation to any number of meetings with a minimum of three.
  - a. The Governmental Operations Committee shall make a report and suggestions to the Student Assembly upon completion of its investigation
3. Impeachment hearings shall take place before the Student Assembly covering a minimum of two meetings of the Student Assembly.
  - a. All members of the Student Assembly shall be notified of impeachment at least five days in advance of said meeting.
  - b. A majority vote of all members of the Student Assembly is required to begin expulsion trial.
4. All members of the student Assembly must be notified five days in advance of expulsion trial.
  - a. The trial shall cover at least two meetings of the Student Assembly.
  - b. The accused shall be allowed to speak in their defense at the trial.
  - c. Expulsion from office shall be obtained by a two-thirds vote of the Student Assembly.

## III. Succession of Officers

1. In case of the removal of the President from office or their resignation from office, the Vice President of the CLAS student body shall become





President.

2. In the event of the removal or resignation of both the President and the Vice-President, the following officers shall become President in the order set forth below:
  - a. The Speaker (Chairperson) of the CLAS Student Assembly
  - b. The Deputy Speaker of the CLAS Student Assembly
  - c. The Chairperson of the Governmental Operations Committee
  - d. The Chairperson of the Budget and Finance Committee
  - e. The Chairperson of the Student Affairs Committee
  - f. The Chairperson of the Academic Affairs Committee
  - g. The Chairperson of the Media, Outreach, and Engagement Committee

#### AMENDMENT VI – RIGHT TO KNOW AMENDMENT

1. Any student registered in Brooklyn College CLAS may, within one week of demand at the office of the Central Depository, inspect, examine, or audit any and all financial books and ledgers, payment receipts and vouchers, canceled checks, and any and all financial records of the CLAS Student Government, or any branch division, or department thereof, or of any organization chartered by and receiving funds from the CLAS Student Government. This section applies to the Student Center Corporation and those funds set aside for athletics.
2. Notice must be given to the President or Treasurer of the organization whose financial records are being inspected, and a representative of the organization will be allowed to be present at inspection. Other unbiased observers may be present as well. Student Government may establish an independent auditing team to assist students in the implementations of Section I.
3. No Brooklyn College Student may receive funds originating in funds allocated by Student Government without express approval of the Student Assembly by majority vote, and of the President of the CLAS Student Government.
4. No organization may receive funds originating by Student government while also receiving funds from another source, unless these non-Student Government funds are held on deposit in Central Depository and records are available for inspection or under the following pre-conditions:
  - a. The organization in question must file a complete and truthful financial statement, including income from all sources and expenses for the



previous year with the President of Student Government. This statement must be made available upon demand to the inspection of any registered CLAS student.

- b. The organization in question must file a waiver guaranteeing that any member of the Student Assembly or any individual designated or the President of Student Government access upon demand, to any and all financial records of said organization for their inspection.
5. The full and complete report of any audit of the account of Student Government and chartered organizations shall be made available upon demand at the office of Central Depository, to the inspection and examination of any registered CLAS student.
6. It shall be the duty of the President of the CLAS Student Government to enforce the above provisions and regulations. Failure to do so shall constitute nonfeasance in office and shall be grounds for the impeachment and removal from office.

#### **AMENDMENT VII**

In addition to the means set forth in Article IV, Section I, subsequent i. and ii., an Amendment deemed necessary by the Governmental Operations Committee may be proposed.

#### **AMENDMENT VIII Charter of Student Organizations, Ratified 2/14/13**

1. Student organizations, after initial charter, shall fall into one of two (2) categories: “Budget-organizations” and “non-budget entities.” Only budget-organizations shall be eligible to receive CLAS funds, grants, budgets or co-sponsorships.
  - a. “Budget-organizations” shall be defined as organizations for which student governments are the primary source of funding, and the only source of Student Activity Fee funds.
  - b. “Non-budget entities” shall be defined as any other student organization that receives initial charter from CLAS.
2. The President shall have the sole authority in all matters of charter and authorization of student organizations, and revocations thereof, as granted to CLAS Student Government by Article VI, section B of the Brooklyn College Governance Plan.
3. Once an organization is given initial charter by the, the President shall, through Joint Resolution pursuant to the rules of Assembly, introduce a joint resolution in the Assembly to grant the organization budget- organization status, if the





organization is so petitioned. Failure to bring such a resolution to the Assembly by the second Assembly meeting after initial charter is granted shall constitute malfeasance in office.

4. A two-thirds ( $2/3$ ) majority of those present and voting in the Assembly shall be required to grant budget-organization status after initial charter. Once an organization is placed into either of the two categories set forth in (VII.a.) a three-fourths ( $3/4$ ) majority of the total membership of the Assembly shall be required to change that status.
5. Any student organization that is the recipient of Student Activity Fee funds from allocating bodies other than the three student governments (CLAS, SGS, and GSO, only) shall not be eligible for budget-organization status.
  - a. Any budget-organization that is the recipient of any Student Activity Fee funds from any bodies not listed in (VIII.e.), including the Academic Club Association, or any other referendum-funded group that is currently chartered or that shall arise under the Brooklyn College Association (BCA) shall immediately forfeit their budget-organization status, and will require a three-fourths ( $3/4$ ) majority of the total Assembly membership to change that status.
6. The Assembly shall, in a method which they see fit, review all organizations chartered by CLAS as of the passage of this amendment and place them into either of the two categories set forth in (VIII.a).

#### **Amendment IX—Vacancy in the Vice Presidency, Ratified 5/7/13**

Should the position of Vice President be vacant, whether due to the resignation of the Vice President, or impeachment, or removal of the Vice President, the President shall nominate a successor to fill the position. After presidential nomination, the nominee shall be confirmed by a four-fifths ( $4/5$ ) majority of the Assembly's committee on Governmental Operations, and subsequently by a two-thirds ( $2/3$ ) majority of the Assembly. After confirmation, the nominated Vice-President shall have all the power of the duly-elected Vice-President, as stated in Article II of this Constitution.