

CONSTITUTION OF THE STUDENT BODY OF THE
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL



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CONSTITUTION OF THE STUDENT BODY OF THE
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL



PREAMBLE

On the authority of the faculty and the trustees of the University, to advance the common interests of students, to instill the sense of citizenship and the trust in institutional governance which sustain a free people, and to labor toward light and liberty, we students do ordain and establish this Constitution of the Student Body of the University of North Carolina at Chapel Hill.

CHAPTER ONE: LAWS AFFECTING ALL STUDENTS

ARTICLE I: FUNDAMENTAL PRINCIPALS

- §1. This Constitution, and the laws made in pursuance thereof, shall be the supreme law of the Student Body, and all persons shall be bound thereby.
- §2. Except as otherwise provided by this Constitution, no political subdivision of the Student Government, nor any person or group of persons shall exercise power belonging to a political subdivision that they are not duly authorized to exercise.
- §3. No provision of this Constitution shall be construed to provide any political subdivision of the Student Government, or any person holding a position within the Student Government, with an immunity from liability for violating the law, or any provision of this Constitution.
- §4. The Student Government is a democratic institution. All authority is derived from the Student Body and the University from which authority is delegated. This authority shall be exercised through specific bodies within the Student Government and votes of the Student Body which shall be regulated by law.
- §5. This Article shall be enforced by means of appropriate legislation.

ARTICLE II: DECLARATION OF RIGHTS

- §1. All political subdivisions described in this Constitution and provided for by law shall adhere to the University Non-Discrimination Policy, and shall not discriminate in matters of policy or financial allocation on the basis of actual or perceived age, gender, race, color, national or social origin, religion (including religious dress and practices), creed, political or other opinion, political affiliation, immigration status, language, caste, socio-economic status, physical or mental disability, medical condition, marital status, military or veteran status, sex, sexual orientation, gender identity, ancestry, gender expression, or genetic information. Further, all persons are entitled to all the rights and freedoms set

forth in this Constitution, without distinction of any kind.

- §2. All persons have the right to recognition everywhere as a person before the law. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Constitution and the laws enacted under its authority.
- §3. All persons have the right to an effective remedy by a court of competent jurisdiction for acts violating the fundamental rights granted them by the Constitution or by law.
- §4. Every person shall have the fundamental right to vote in any public election that an individual may vote in. Furthermore neither the Student Government nor any political subdivision thereof shall erect any unreasonable barrier to voting.
- §5. Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the political subdivision of the Student Government. No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.
- §6. The enumeration in this Constitution, of certain rights, privileges, or immunities, shall not be construed to deny or disparage others retained by the Student Body.
- §7. The Student Government and all political subdivisions thereof shall only act to increase the rights of all persons and shall not act in any way to restrict the rights established in the Constitution or by law.
- §8. This Article shall be enforced by means of appropriate legislation.

ARTICLE III: DUTIES OF STUDENTS

- §1. All students have the duty to comply with and obey this Constitution and the laws and other official acts promulgated by the Student Government and all political subdivision thereof.
- §2. This Article shall be enforced by means of appropriate legislation.

ARTICLE IV: THE STUDENT GOVERNMENT AND THE
CONSTITUENCIES

- §1. The Student Government shall be composed of two (2) Constituencies. These Constituencies shall be the Undergraduate Student Body and the Graduate and Professional Student Body (Hereafter within this Chapter referred to as The Constituencies).
- §2. Except as otherwise provided or permitted by this Constitution, the exercise and discharge of governmental powers and functions as it relates to just one (1) Constituency is a matter for each Constituency.
- §3. The constitutional order in The Constituencies must conform to the principles of a democratic system governed by the rule of law within the meaning of this Constitution. In each Constituency, the population shall be represented by a body elected in general, direct, free, and equal elections. Such elections must be conducted by the use of a secret ballot. Each

Constituency shall also designate a chief executive which shall be elected in general, direct, free, and equal elections. Such elections must be conducted by the use of a secret ballot. Each Constituency shall have a judicial system whose form and functions may be prescribed by the Constituency provided that such system shall ensure the fundamental right to a competent tribunal.

ARTICLE V: THE LEGISLATIVE POWER

- §1. All legislative powers shall be vested in the representative bodies of The Constituencies.
- §2. The representative bodies of The Constituencies shall have exclusive legislative jurisdiction on matters related to their Constituency and may enact legislation necessary and proper to carry into execution all powers granted to The Constituencies and for promoting the general welfare thereof. The representative bodies of The Constituencies shall not legislate upon issues that do not concern their respective constituents and are not joint issues. Joint shall be defined as affecting both undergraduate and graduate and professional students.
- §3. Any bill which would affect both undergraduate and graduate and professional students are defined as joint excepting those which are designated as concurrent. Any resolution, order, or vote passed by a representative body of a Constituency which would affect both undergraduate and graduate and professional students shall be defined as joint excepting those which are designated as concurrent. The representative bodies of the Constituencies may pass joint bills, resolutions, orders, or vote as is necessary and proper to carry into execution all powers vested by this Constitution in the representative bodies of The Constituencies or which may be necessary and proper for promoting the general welfare of the Student Body. Any joint bill, resolution, order, or vote passed by a representative body of a Constituency shall be referred to the Joint Governance Council for consideration and upon a two-thirds (2/3) vote of members present and voting thereof it shall take effect.
- §4. Any bill, resolution, order, or vote which seeks to appropriate funds for joint purposes, which seeks to amend Chapter One (1) of this Constitution, which seeks to express the opinion of the Student Body on an issue, or which seeks to carry into execution other powers as designated by this Constitution shall be designated as concurrent by a representative body of a Constituency. Any concurrent bill, resolution, order, or vote must be passed by a two-thirds (2/3) vote of members present and voting of both representative bodies of a Constituency whereupon it shall take effect.
- §5. The power to propose new student fees shall be vested in the representative bodies of the Constituencies, and shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only. The levy of a new student fee, an increase in an existing student fee, or a repeal of an existing student fee shall be enacted through a concurrent bill.
- §6. The representative bodies of the Constituencies shall in addition to the powers, duties, responsibilities, and authorities provided elsewhere in this Constitution:
1. With the approval of the Board of Trustees and the Board of Governors, and with approval of the Student Body or the specific population which pays the fee obtained by means of a ballot measure, determine the level of the following fees:
 - A. Childcare Services Fee;
 - B. Sonja Stone Scholarship Fee;
 - C. Student Endowed Library Fund Fee;
 - D. Student Legal Services Fee;
 - E. A.P.P.L.E.S. Program Fee;
 - F. Student Organizations Fee; and
 - G. Student Safety and Security Fee;
 2. Provide for appropriations by law, and establish laws governing the appropriation, use, and expenditure of funds;
 3. Establish laws governing elections and the conduct and spending of campaigns for office;
 4. Approve or reject appointments made individuals making appointments which are subject to the advice and consent of the representative body of the Constituency;
 5. Review and approve or reject the constitutions, charters, and bylaws of all student organizations receiving funding from student fees;
 6. Determine the composition and approve any changes to the bylaws of the Carolina Union Board of Directors, the Student Fee Audit Committee, the Student Legal Services Board of Directors, the Campus Recreation Board, the Student Library Advisory Board, and the Board of Elections, provided that the Chancellor shall appoint any faculty representatives on these boards;
 7. Make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Student Government, or in any political subdivision thereof;
 8. Perform any additional action necessary and proper for the governance of the Student Body; and
 9. Make all laws necessary and proper to promote the general welfare of the Student Body.
- §7. The representative bodies of the Constituencies may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, and may punish those in willful disobedience of its orders for contempt. This power shall extend to all students, organizations receiving funds from student fees paid by students, and all political subdivisions of the Student Government.
- §8. The representative bodies of the Constituencies shall be the sole judge of the elections, returns and qualifications of their members. They may vote to exclude a member-elect upon a two-thirds (2/3) vote if a member-elect does not meet the qualifications to hold office as prescribed by law. Complaints against such a decision may be filed with a court of competent jurisdiction.

- §9. The representative bodies of the Constituencies shall have the power to impeach and initiate removal from office any individual elected by either part of or the whole Student Body or whose appointment a representative body of the Constituency confirmed and the Joint Governance Council approved. Impeachment of a position elected or appointed by just one Constituency shall be a matter for The Constituencies and shall not be governed by this Chapter.
- §10. The representative bodies of the Constituencies shall, upon a majority vote, have the sole power of impeachment. Upon the adoption of a resolution of impeachment by a representative body of a Constituency, a notice of an impeachment of an individual shall be immediately served upon the Chief Justice of the Supreme Court of the Student Body and the individual impeached, the former being responsible for calling a session of the representative body of the Constituency to try the impeachment as the Court of Impeachment, and when sitting for that purpose, the elected members of the representative body shall be on oath or affirmation. The impeached individual shall not be allowed to decline to answer questions regarding actions taken under color of law. No person shall be convicted without the concurrence of two-thirds (2/3) of the members of the Court of Impeachment present and voting upon belief such person is more likely than not guilty of one or more impeachable offenses. Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust or profit of the Student Body, but this shall not preclude prosecution according to law. No individual shall exercise their official duties after they shall have been notified of their impeachment until their acquittal. In the event of there being no Chief Justice of the Supreme Court of the Student Body or the former being impeached, the next Justice being greatest in seniority shall preside. If there be no Justice qualified or able to preside, the presiding officer of the representative body of the Constituency shall be responsible for calling a session of the representative body of the Constituency to try the impeachment as the Court of Impeachment, and the Court shall itself elect, by an absolute majority of the members present and voting, a President Pro Tempore of the Court of Impeachment to preside, provided that the the presiding officer of the representative body of the Constituency shall not serve as such during the trial of a Student Body President. The presiding officer of the representative body of the Constituency shall preside over the election of the President Pro Tempore of the Court of Impeachment, and the case shall not be tried or voted upon unless the office be filled. Any impeachment and conviction of a position elected by either part of or the whole Student Body or whose appointment the representative body of the Constituency confirmed and the Joint Governance Council approved must be confirmed by a two-thirds (2/3) majority vote of present and voting members empowered to vote of the Joint Governance Council.

ARTICLE VI: THE EXECUTIVE POWER

- §1. All executive power shall be vested in The Constituencies who shall determine how such power shall be exercised. The executive power shall also be vested in a Student Body President but such power shall be limited to matters concerning only the entire Student Body.
- §2. The Student Body Officers shall be:
1. The Student Body President; and
 2. The Student Body Vice President.
- §3. The Student Body Officers shall be enrolled as fee-paying students at the University of North Carolina at Chapel Hill and meet any other qualifications prescribed by law. In addition to their duties prescribed in this Article or elsewhere in this Constitution, they shall have other powers and perform other duties as provided by law.
- §4. The Student Body President shall serve a term of one (1) year. Their term shall begin on the first Tuesday of April and end with the inauguration of the succeeding Student Body President. No person who served at least six (6) months as the Student Body President shall be eligible to serve another term as Student Body President. The Student Body President shall be elected in general, direct, free, and fair election. The election must be conducted by means of a secret ballot. An individual elected as Student Body President shall be elected concurrently as the chief executive of the constituency they are from.
- §5. The Student Body Vice President shall be the chief executive of the Constituency which the Student Body President is not from. If the Office of Student Body President should fall vacant, the Student Body Vice President shall become Student Body President. Succession beyond this shall be prescribed by law.
- §6. Orders and directives of the Student Body President shall require for their validity the countersignature of the Student Body Vice President.
- §7. The Student Body President shall serve as the chief executive of the Student Body, serve as the chief executive of the Constituency they are from, serve as a voting member of the Board of Trustees of the University of North Carolina at Chapel Hill, and shall take care that the laws be faithfully executed.
- §8. The Student Body Vice President shall exercise the powers delegated to them by the Student Body President or assigned to them by law.
- §9. If the Student Body President is allocated a stipend, the amount of the stipend shall not be less than the stipend allocated to the Student Body Vice President. The stipends paid to the Student Body President and Vice President shall be paid by the constituency which they represent. Neither the Student Body President nor the Student Body Vice President shall receive multiple stipends.

ARTICLE VII: THE JUDICIAL POWER

- §1. The judicial power shall be vested in the Supreme Court of the Student Body and by lower courts as provided for in this Constitution.
- §2. The Supreme Court of the Student Body shall possess original jurisdiction in matters involving:
1. Issues of law concerning Chapter One (1) of this Constitution and all matters affecting both undergraduate and graduate students;
 2. Cases involving both undergraduate and graduate and professional students; and
 3. On such other matters as shall be assigned to them by law.
 4. In the event of disagreements or doubts concerning the formal or substantive compatibility of law with this Constitution, upon the application of the Joint Governance Council or a representative body of a Constituency, the Supreme Court of the Student Body may issue advisory rulings.
- §3. In all the other cases, the Supreme Court of the Student Body shall have appellate jurisdiction, both as to law and fact, with such exceptions provided by law. If no inferior court has been established with jurisdiction over a particular controversy the Supreme Court of the Student Body shall possess original jurisdiction.
- §4. The Supreme Court of the Student Body shall consist of justices appointed by the chief executives of the Constituencies subject to confirmation by the representative bodies of the Constituencies and the Joint Governance Council. They shall serve until they graduate, resign, participate in a University sanctioned leave of absence or program which prevents them performing their duties for longer than a single academic semester, or are otherwise unable to perform the duties of their office. There shall be five (5) Justices of the Supreme Court of the Student Body. The number of Justices appointed by each Constituency shall be proportionate to the population of each Constituency. The Justices of the Supreme Court of the Student Body shall among themselves elect a Chief Justice. All other justices shall be Associate Justices.
- §5. The chief executives of the Constituencies shall have power to fill up vacancies in the Supreme Court of the Student Body that may happen, by granting commissions which shall expire at the end of the next academic semester.
- §6. The organization and procedure of the Supreme Court of the Student Body shall be regulated by law. The law may require that all other legal remedies be exhausted before a complaint may be filed, and may provide for a separate proceeding to determine whether the complaint will be accepted for decision.
- §7. All Justices of the Supreme Court of the Student Body and Judges of inferior courts must be independent from political involvements relating to Student Government and maintain an utmost level of impartiality in executing all official acts.
- §8. The representative bodies of the Constituencies may establish courts inferior to the Supreme Court of the Student Body. The particular composition and

jurisdiction of any inferior courts shall be prescribed by law.

- §9. Justices of the Supreme Court of the Student Body and Judges of inferior courts may issue all needful writs, orders, and processes in aid of the jurisdiction of their court. Exercise of this authority by a Justice or Judge is subject to review by the whole court if the court is composed of more than one Judge or Justice.
- §10. The power to punish for contempt of court shall be limited by law.
- §11. The judicial power of the Student Body shall also be vested in the process 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 entire 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. To be approved by the entire Student Body, the Instrument and its amendments hereafter shall be approved as a concurrent resolution. The Undergraduate Honor System and Graduate and Professional Honor System shall be maintained as separate entities that operate in accordance to the Instrument but shall remain subject to the oversight of The Student Government.
- §12. When provisions of this Constitution or the Instrument of Student Judicial Governance are changed, cases and controversies 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 VIII: THE JOINT GOVERNANCE COUNCIL

- §1. The Student Body President shall have to assist them in the performance of their duties a Joint Governance Council. The Joint Governance Council shall also serve as the principal body for the governance of the institutions of the Student Government.
- §2. The Joint Governance Council shall be composed of the following members:
1. The chief executive of each Constituency;
 2. The individual designated by each Constituency by law as being responsible for student fee funds paid by members of the Constituency;
 3. One individual designated by each of the Constituencies in a manner prescribed by law who shall represent the interest of the executive power; and
 4. Four individuals designated by each of the representative bodies of the Constituencies who shall represent the interest of the legislative power.
- §3. The Chair of the Joint Governance Council shall be enrolled as a fee-paying student at the University of North Carolina at Chapel Hill, shall not be a member of the Joint Governance Council, and meet any other

qualifications prescribed by law. In addition to their prescribed duties in this Article or elsewhere in this Constitution, they shall have other powers and perform other duties as provided by law. The term of the Chair of the Joint Governance Council shall begin the first Tuesday of April or upon their election by the Joint Governance Council whichever be later, and ends upon the confirmation of their successor. If the Chair should fall vacant, the Student Body President shall appoint an Acting Chair who shall serve until a Chair can be elected in accordance with the terms of this Constitution; such an Acting Chair may be removed by the Student Body President on grounds of malfeasance, misfeasance, or nonfeasance.

- §4. The Chair of the Joint Governance Council shall be elected by a vote of two-thirds (2/3) of present and voting members of the Joint Governance Council on the proposal of the Student Body President without debate. If the person nominated by the Student Body President is not elected, the Joint Governance Council shall consider nominations by any other member and may elect by a vote of two-thirds (2/3) present and voting members a Chair provided such individual meets the qualifications provided for in this Constitution.
- §5. The Joint Governance Council may express its lack of confidence in the Chair only by electing a successor by the vote of two-thirds (2/3) of members present and voting, who thereupon shall assume the Office of Chair
- §6. A majority of the legislative members of the Joint Governance Council designated by the representative bodies of the Constituencies shall represent a quorum and only such members shall be allowed to vote.
- §7. The Joint Governance Council shall determine the rules of its proceedings, and shall keep minutes of its proceedings, which shall be made public, expecting those parts as may in their judgment require secrecy subject to the limitations of this Constitution and the law.
- §8. The Joint Governance Council shall not act upon any legislation which is not joint. Any joint bill, resolution, order, or vote before it comes into effect, shall be presented to the Joint Governance Council. If an item of joint legislation receives a two-thirds (2/3) vote of present and voting members empowered to vote of the Joint Governance Council it shall enter into effect. If it does not, it shall be returned to the representative body of a Constituency which originated it. The Joint Governance Council may choose to accompany it with their objections. A representative body of a Constituency shall not be prohibited from the normal consideration of an item of joint legislature upon its return.
- §9. All decisions of the Joint Governance Council shall require a majority vote of members present and empowered to vote unless provided elsewhere in the Constitution. Voting by proxy shall be allowed subject to limitations prescribed by law. In the event of a tie, the item shall not be considered to be passed.
- §10. The Joint Governance Council shall in addition to the powers, duties, responsibilities, and authorities provided elsewhere in this Constitution:

1. Determine whether legislation passed by a representative body of a Constituency is joint subject to limits prescribed by this Constitution and by law;
 2. Make germane amendments to joint and concurrent legislation received from a representative body of a Constituency;
 3. Identify and resolve sources of conflict between The Constituencies wherever possible;
 4. Require reports from political subdivisions of the Student Government as necessary;
 5. Assist in ensuring the inclusiveness and diversity of the Student Government and its subdivisions;
 6. Adopt, by majority vote, Orders in Council to govern its affairs or request the action of political subdivisions of the Student Government;
 7. Oversee continuity of governance planning for the institutions of the Student Government;
 8. Provide oversight of the financial stability of the Student Government and its political subdivisions.
- §11. The Joint Governance Council may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, and may punish those in willful disobedience of its orders for contempt. This power shall extend to all students, organizations receiving funds from student fees paid by students, and all political subdivisions of the Student Government.
- §12. Regular meetings of the Joint Governance Council may be held at such times and at such places as the Chair shall from time to time determine. Special meetings of the Joint Governance Council may be held upon the written direction of one-third (1/3) of the proscribed full membership provided that at least one individual from each Constituency shall sign such petition, at such a time and such a place as such petition shall and must specify.

ARTICLE IX: THE BOARD OF ELECTIONS AND ELECTION LAWS

- §1. The Board of Elections shall be charged with the organization of elections for public office and ballot measures and enforcement of elections laws.
- §2. The Board of Elections shall in addition to the powers, duties, responsibilities, and authorities provided elsewhere in this Constitution:
1. Resolve any doubts and unregulated areas raised by or contained in such laws;
 2. Prepare a budget in accordance with the law;
 3. Certify election results and provide preliminary in accordance with the law provided that the final certification of election results be approved by two-thirds (2/3) present and voting members of the Board of Elections;
 4. Declare elections null and void, either in whole or in part, subject to appeal to the Supreme Court of the Student Body;
 5. Control, regulate and investigate the funds raised to finance organizations for political purposes; and
 6. Perform such other functions may be provided by law.

- §3. The Board of Elections shall guarantee the equality, reliability, impartiality, transparency and efficiency of electoral processes, as well as implementation of the right to vote.
- §4. The Board of Elections is governed by principles of independence, functional and budgetary autonomy, impartiality, transparency and expeditiousness of the voting process and tallying of votes.
- §5. The Board of Elections shall consist of Members appointed by the chief executives of the Constituencies subject to confirmation by the representative bodies of the Constituencies and the Joint Governance Council. They shall serve until they graduate, resign, participate in a University sanctioned leave of absence or program which prevents them performing their duties for longer than a single academic semester, or are otherwise unable to perform the duties of their office. There shall be six (6) Members of the Board of Elections which shall be evenly divided between The Constituencies. The Members of the Board of Elections shall among themselves elect a Chair.
- §6. All elections shall direct, free, and fair elections. All elections must be conducted by means of a secret ballot. Elections shall be carried out in the manner prescribed by law and organized by the Board of Elections.
- §7. To be placed on the ballot for Student Body President, a candidate must collect a number of unique signatures which shall be prescribed by law provided that at least twenty-five (25%) of such signatures shall be collected from the Constituency which the candidate is not from. Requirements for the collection of unique signatures needed to be placed on a ballot for any other elected positions shall be provided elsewhere in this Constitution or provided by law.
- §8. Unique signatures is a mandate to obtain signatures from unique individuals but does not apply to the repetition of signatures between candidates or ballot measure campaigns.
- §9. A candidate for the Office of Student Body President shall also stand as a candidate for the chief executive of their Constituency. Signatures collected for one candidacy can be counted towards the other candidacy, as long as the signatures are from members of the appropriate constituency. The Board of Elections shall consider a candidate for both positions as participating in only one campaign when applying penalties and spending limits.
- §10. No individual, group of individuals, or organization shall coerce any voter or attempt to unduly influence their vote in any manner.
- §11. The law regulating the electoral process shall not be in any form modified in the period between the election day and the preceding thirty (30) days.

ARTICLE X: BALLOT MEASURES

- §1. A ballot measure shall be a question placed on the ballot for the electors to vote on. There shall be four types of ballot measures: recall, review, referendum, and initiatives. Recall is the power of the electors to remove an elective officer. The initiative is the power of the electors to propose statutes and to adopt or reject them. The review is the power of the electors to approve or reject laws or parts of statutes. The referendum is the power of the representative body of the Constituency to place a measure on the ballot for approval by the electors.
- §2. A recall election shall be initiated upon the submission of a petition signed by the required number of eligible electors. Such a petition shall be filed with the Board of Elections. Recall campaigns shall be further regulated in a manner prescribed by law.
- §3. If the Board of Elections determines that the petition submitted by the recall campaign has been determined to have the requisite number of signatures, the Board of Elections shall immediately schedule a special election for the office or officer position in question in accordance with the election laws. The individual subject to recall shall be allowed to stand for election in this special election. The elective officer in question shall continue in office until the election returns are certified. There shall not be any recall election until after an elected official takes the oath of office.
- §4. The required number of unique signatures to recall an elective officer shall be no less than:
1. In the case of an elected member of a representative body of a Constituency, five (5) but no more than fifty (50) unique signatures of electors in the constituency of an elected member of a representative body of a Constituency,
 2. In the case of a chief executive of a of a Constituency, one-fourth (1/4) but no more than one-third (1/3) of the total number of electors who voted in an election for the chief executive of a Constituency,
 3. In the case of any other position elected by a Constituency, fifty (50) but no more than one hundred (100) unique signatures of electors in the constituency which elects the position,
 4. In the case of any position which is elected by part of or the whole Student Body, one- fourth (1/4) but no more than one-third (1/3) of the total number of electors who voted in an election for the position,
 5. In the case of the Student Body President, one-third (1/3) but no more than two-fifths (2/5) of the total number of electors who voted in the elected for the Student Body president provided that signatures from each Constituency shall be gathered such that neither Constituency shall have less than twenty-five percent (25%) of the total signatures be from their Constituency.
- §5. An initiative or review measure shall be proposed to the electors upon the submission of a petition signed by the required number of eligible electors. Such a petition shall be filed with the Board of Elections. Initiative and review measure campaigns shall be further regulated in a manner prescribed by law. An initiative or review measure embracing more than one subject may not be submitted to the electors or have any effect.
- §6. If the Board of Elections determines that the petition submitted by the initiative or review campaign has the requisite number of signatures, the Board of Elections

shall submit the measure at the next scheduled general or special election.

- §7. The required number of unique signatures required for an initiative or review petition shall be:
1. In the case of an initiative or review which affects only one Constituency, one-third (1/3) of the total number of electors who voted in an election for the chief executive of the same Constituency, or
 2. In the case of an initiative which affects more than one Constituency, one-third (1/3) of the total number of electors who voted in an election for the Student Body president provided that signatures from each Constituency shall be gathered such that neither Constituency shall have less than twenty-five percent (25%) of the total signatures be from their Constituency.
- §8. The required number of votes that must be cast for the passage and adoption of an initiative or review measure shall be:
1. Five percent (5%) of the number of votes cast for the chief executive of a Constituency in the case of a measure affecting one Constituency, or
 2. Ten percent (10%) of the number of votes cast for Student Body President in the case of a measure affecting more than one Constituency.
- §9. Except as provided elsewhere in this Constitution, referendums shall be placed on the ballot in a manner prescribed by this Constitution and by law. A referendum may not be placed on the ballot which seeks to only gauge the level of support for an issue. The required number of votes for the passage and adoption of a referendum shall be:
1. Five percent (5%) of the number of votes cast for the chief executive of a Constituency in the case of a measure affecting one Constituency, or
 2. Ten percent (10%) of the number of votes cast for Student Body President in the case of a measure affecting more than one Constituency.
- §10. Except as provided elsewhere in this Constitution, ballot measures shall be considered adopted if a majority of votes cast are cast in favor of the ballot measure provided that the required number of total votes were cast.

ARTICLE XI: FINANCIAL PROVISIONS

- §1. Each Constituency shall be funded solely by the fees paid by the members of that Constituency. The representative bodies of the Constituencies may authorize the expenditure of funds for joint purposes. The expenditure of funds for joint purposes shall be overseen and executed by an individual designated by law. Except as otherwise provided by this Constitution, no money shall be withdrawn from the treasury for joint purposes except through specific appropriation, and no appropriation shall be made with contingencies or for longer than one (1) year. Any joint appropriations shall be itemized, and all joint appropriations shall be made by law.
- §2. The appropriation, use, and expenditure of student fee funds by the Student Government may not violate any policy of the University of North Carolina or University

of North Carolina System regarding the appropriation, use, or expenditure of student fee funds.

- §3. The Student Organizations Fee shall be distributed as follows:
1. \$13.00 per student per year to the Carolina Union Activities Board;
 2. \$1.56 per student per year to WXYC;
 3. \$1.95 per student per year to Student Television;
 4. \$5.00 per student per year to the financial institution managing Student Government funds;
 5. Twenty (20) percent of the respective Student Organizations Fee collected during the summer sessions is appropriated to the Carolina Union Activities Board for the purpose of summer programming;
 6. The remainder of the Student Organizations Fee paid by undergraduate students shall go to the representative body of the Undergraduate Student Body;
 7. The remainder of the Student Organizations Fee paid by graduate and professional students shall go to the representative body of the Graduate and Professional Student Body; and,
 8. All unspent funds shall revert to the appropriate reserve of the general reserve of the Constituencies except those of the Carolina Union Activities Board, WXYC, Student Television, and the financial institution managing Student Government funds.
- §4. The cost to the Student Government of operations related to the management and expenditure of student fees shall be apportioned to the Constituencies based on their population. All Student Government Funds must be held within the appropriate financial institution, as determined by law, until expended in a manner prescribed by law.
- §5. No expenditure may be made using any Student Government funds for the following purposes:
1. To pay salaries to people no longer employed by an organization, except in settlement of salary due at the time of termination of employment;
 2. To purchase alcohol, tobacco, or illegal substances;
 3. For electioneering or lobbying;
 4. For any religious events that aims to indoctrinate or recruit for a specific religion;
 5. To purchase gift cards, certificates, vouchers, cash cards or any token which may be exchanged for some other item of value;
 6. To purchase weapons; however, exceptions may be made for official training equipment for a Registered Student Organization, rented or leased firearms, or ammunition for events; and
 7. For investments or grants to a private business or enterprise.
- §6. Funding decisions related to the disbursement of any student fee may not have any relationship to the particular view of a group or activity. Requests for funding must be made in a manner that is neutral to the views of an organization or activity. Funding may not be contingent on a particular level of support or popularity of an organization or activity, although the

amount allocated to an organization may take into account student involvement in the organization and the expected benefits to other students. All funds disbursed by political subdivisions of the Student Government shall be appropriated based only on the even application of objective criteria, which shall be prescribed by law.

ARTICLE XII: INDEPENDENT AGENCIES

- §1. Additional political subdivisions that manage funds generated from student fees or which are student advisory committees may be provided by law. These groups shall have a number of members which shall be prescribed by law which law shall also prescribe whether a political subdivision is a joint institution and if those members shall be apportioned based on the population of undergraduate and graduate and professional students. All members of political subdivisions created under this provision shall be appointed by and with the advice and consent of the appropriate representative body of the Constituency.
- §2. Revisions to the governing documents of a political subdivision established by this Article or created pursuant to this Article may be introduced by a representative body of a Consistency and approved by the Joint Governance Council. Further descriptions and operating procedures of political subdivision established or created by this Article shall be prescribed by law and shall be considered joint.
- §3. These groups include but are not limited to:
1. Campus Recreation Board
 2. Carolina Athletics Association
 3. Carolina Union Board of Directors
 4. Chancellor's Child Care Advisory Committee
 5. Committee on Student Conduct
 6. Hardship Parking Committee
 7. Renewable Energy Special Projects Committee
 8. Residence Hall Association
 9. Student Advisory Committee to the Chancellor
 10. Student Fee Audit Committee
 11. Student Grievance Committee
 12. Student Leadership Advisory Committee to the Vice Chancellor of Student Affairs
 13. Student Legal Services Board of Directors
 14. Student Library Advisory Board
 15. Student Safety and Security Committee
 16. Student Television Board of Directors
 17. WXYC Board of Directors
- §4. The purposes of the political subdivisions established by this Article shall be:
1. The Campus Recreation Board shall be the governing body of the University of North Carolina at Chapel Hill Campus Recreation.
 2. There shall be a Carolina Athletic Association whose duty it shall be to represent the athletic concerns of the Student Body.
 3. The Carolina Union Board of Directors shall be the governing body of the Carolina Student Union.
 4. The Chancellor's Child Care Advisory Committee shall study and evaluate alternatives for improving and strengthening child/family services for the University of North Carolina at Chapel Hill faculty, staff, and students, make recommendations to the Chancellor for future goals for programs and services, and assist the Office of Human Resources, Benefits Services Department, in implementing new programs and services.
 5. The Committee on Student Conduct shall oversee the operation of the Instrument of Student Judicial Governance and the Honor System and shall perform the duties described within the Instrument.
 6. The Hardship Parking Committee shall evaluate Hardship Parking Permit applications, and recommend a plan for allocating Hardship Parking Permits.
 7. The Renewable Energy Special Projects Committee shall try to increase the use of renewable energy and sustainable practices through funding of renewable energy, energy efficiency, maintenance, and energy education projects on campus.
 8. There shall be a Residence Hall Association whose duty it shall be to handle all matters concerning student life in University-owned and approved housing and residence halls.
 9. The Student Advisory Committee to the Chancellor shall provide a means for a wide range of student constituencies to speak directly with the Chancellor and the Vice Chancellor for Student Affairs in order to advance the interests of the students and the University.
 10. The Student Fee Audit Committee shall oversee the levying and expenditure of all student fee dollars. The committee shall have the power to inspect the financial record of any student organization receiving Student Activity Fee money. The Student Fee Audit Committee shall be co-chaired by the head of the Treasury of each Constituency.
 11. The Student Grievance Committee shall hear student grievances and appeals in cases arising under the Non-Discrimination and Prohibited Harassment and Discrimination laws and policies of the University of North Carolina at Chapel Hill.
 12. The Student Leadership Advisory Committee to the Vice Chancellor for Student Affairs shall gather feedback from students on various matters and communicate that feedback to University administrators.
 13. The Student Legal Services Board of Directors shall supervise the business of Student Legal Services.
 14. The Student Library Advisory Board shall direct the expenditures of the Student Endowed Library Fund.
 15. The Student Safety and Security Committee shall maintain and appropriate the Student Safety and Security Fee to campus organizations and university departments to promote student safety at the University of North Carolina at Chapel Hill.
 16. The Student Television Board of Directors shall oversee the operations of the University of North Carolina at Chapel Hill Student Television.

17. The WXYC Board of Directors shall oversee the operations of the University of North Carolina at Chapel Hill radio station, 89.3 WXYC.

ARTICLE XIII: MISCELLANEOUS PROVISIONS

- §1. Any political subdivision of the Student Government which possess policy-making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies, shall have meetings open to the public and records available for public inspection. Limited exceptions to this requirement may be provided by law.
- §2. The provisions of any law or provision of this Constitution shall be considered severable and presumed Constitutional. Any decision by a court of competent jurisdiction regarding the constitutionality of any chapter, article, section, or subsection shall apply only to that chapter, article, section, or subsection.
- §3. The powers not delegated by the Constitution, nor prohibited by it, are reserved to The Constituencies and to the Student Body.
- §4. No individual may concurrently hold two or more positions elected by the Student Body except as provided by this Constitution.
- §5. The representative bodies of the Constituencies shall provide for orderly and temporary continuity of government, in periods of emergency, until normal processes of government can be reestablished in accordance with the Constitution and the laws enacted under its authority; and, except as otherwise provided by this Constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions.
- §6. The Joint Governance Council shall create and maintain a Code of the Permanent Laws of the Student Government which shall contain the permanent joint statutes.
- §7. The Student Government shall send four delegates to the Association of Student Government. If any member of this delegation is unable to attend a meeting of the Association of Student Government, they may designate a proxy. Those members shall be:
1. The Student Body President,
 2. The Student Body Vice President
 3. Two (2) Association of Student Government's Campus Liaisons,
- §8. The chief executive of each Constituency shall appoint one (1) Association of Student Government's Campus Liaison. The Campus Liaison shall be subject to confirmation by the representative body of the Constituency.
- §9. Any law passed by a representative body of a Constituency that is found to be in conflict with Chapter One (1) of this Constitution shall be superseded by Chapter One (1) of this Constitution. The powers of the Constituencies shall be limited to those issues affecting their own constituents, excepting under the joint governance powers of Chapter One (1) of the Constitution.

ARTICLE XIV: AMENDMENTS

- §1. A ballot measure seeking to amend Chapter One (1) of the Constitution of the Student Body may be proposed by vote of the representative body of a Constituency or petition.
- §2. A representative body of a Constituency may propose a concurrent resolution to amend Chapter One (1) of this Constitution. If a concurrent resolution is passed according to the provisions of this Constitution and the law, the proposed amendment shall be placed before the Student Body as a referendum. The passage threshold for such a referendum shall be a simple majority of those students voting in the election, provided that two and a half percent (2.5%) of the Student Body votes.
- §3. A ballot measure proposed by a petition shall be considered by the procedures prescribed by this Constitution and by law for initiatives.

CHAPTER TWO: LAWS AFFECTING UNDERGRADUATE STUDENTS

ARTICLE I: FUNDAMENTAL PRINCIPALS

- §1. Chapter Two (2) of this Constitution, and the laws made in pursuance thereof, shall be the supreme law of the Undergraduate Student Body in so far as it does not conflict with Chapter One (1) of this Constitution, and all undergraduate students shall be bound thereby.
- §2. Except as otherwise provided by this Chapter, no political subdivision of the Undergraduate Student Government, nor any person or group of persons, shall exercise power belonging to a political subdivision that they are not duly authorized to exercise.
- §3. No provision of this Chapter shall be construed to provide any political subdivision of the Undergraduate Student Government, or any person holding a position within the Undergraduate Student Government, with an immunity from liability for violating the law, or any provision of this Constitution.
- §4. The Undergraduate Student Government is a democratic institution. All authority is derived from the Undergraduate Student Body and the University from which authority is delegated. This authority shall be exercised through specific bodies within the Undergraduate Student Government and votes of the Undergraduate Student Body which shall be regulated by law.
- §5. The Senate of the Undergraduate Student Body shall have the power to enforce this Article by means of appropriate legislation.

ARTICLE II: THE SENATE OF THE UNDERGRADUATE STUDENT BODY

- §1. All legislative powers shall be vested in a Senate of the Undergraduate Student Body (Hereafter within this Chapter referred to as the Senate) which shall be a unicameral body.
- §2. The Senate shall be composed of Senators who shall serve a term of one (1) year. Their term shall begin on the first Tuesday of April following their election and

- end the first Tuesday of April of the following year. The elected membership of the Senate shall consist of a number of Senators that is to be no less than one-tenth (1/10) of one (1) percent of the population of the Undergraduate Student Body. Each Senator, as of the first meeting of the Senate following their election, shall be enrolled as a fee-paying student at the University of North Carolina at Chapel Hill and meet any other qualifications prescribed by law.
- §3. Senators shall be elected in general, direct, free, and fair elections. All elections must be conducted by means of a secret ballot.
- §4. When vacancies occur in the Senate, the Speaker of the Senate shall notify the Board of Elections of such a vacancy and request a special election be called if a general election is not scheduled to occur within thirty (30) days. An individual elected to fill a vacancy shall serve the remainder of the prescribed term.
- §5. The Senate shall elect a Speaker, Speaker Pro Tempore, and other officers as it deems necessary.
- §6. The Senate shall be the sole judge of the elections, returns and qualifications of Senators. The Senate may vote to exclude a Senator-Elect upon a two-thirds (2/3) vote if a Senator-Elect does not meet the qualifications to hold office as prescribed by law. Complaints against such a decision may be filed with a court of competent jurisdiction.
- §7. A majority of Senators seated and empowered to vote shall represent a quorum, but a smaller number may adjourn from day to day. The Senate shall have the ability to compel the attendance of absent Senators. The Senate shall have power to assign penalties to absent Senators and assign such other penalties for absenteeism as it deems necessary.
- §8. The Senate shall have the authority to expel or impose other penalties upon a sworn Senator for misfeasance, malfeasance, or nonfeasance upon a two-thirds (2/3) vote of Senator's present and voting.
- §9. The Senate shall determine the Rules of its Proceedings, and shall keep a journal of its proceedings, which shall be made public, excepting those parts as may in their judgment require secrecy subject to the limitations of this Constitution and the law.
- §10. Every bill passed by the Senate, before it becomes a law, shall be presented to the President. If they approve they shall sign it, and thereupon it shall become a law, but if they do not approve, they shall return it to The Senate and may choose to accompany their objections with an explanation. If three-fifths (3/5) of the Senator's present and voting agree to pass the bill with objections it shall become a law. Any bill which is not returned by the President within five calendar (5) days after the President has received notice of its passage shall become a law as if they had signed it. The President may not disapprove of bills passed by the Senate which pertain to the appropriation of funds. Nor shall the President reduce any item or items of appropriation contained in bills passed by the Senate.
- §11. Decisions of the Senate shall require a majority vote of the Senators present and voting unless explicitly provided elsewhere in this Constitution.
- §12. The Senate shall in addition to the powers provided elsewhere in this Constitution have the power to:
1. With the approval of the Board of Trustees and the Board of Governors, and with approval of the Student Body or the specific population which pays the fee obtained by means of a ballot measure, determine the level of the following fees:
 - A. Childcare Services Fee;
 - B. Sonja Stone Scholarship Fee;
 - C. Student Endowed Library Fund Fee;
 - D. Student Legal Services Fee;
 - E. Undergraduate Teaching Award Fee;
 - F. Senior Class Enrichment Fee;
 - G. A.P.P.L.E.S. Program Fee;
 - H. Student Organizations Fee; and
 - I. Student Safety and Security Fee;
 2. Establish a budget for the Undergraduate Student Government, provide for all other appropriations by law, and establish laws governing the appropriation, use, and expenditure of funds;
 3. Establish laws governing elections and the conduct and spending of campaigns for office;
 4. Approve or reject all appointments made by the President of the Undergraduate Student Body or other individuals making appointments which are subject to the advice and consent of The Senate;
 5. Impeach and remove from office any individual elected by the Undergraduate Student Body or whose appointment The Senate approved;
 6. Review and approve or reject the constitutions, charters, and bylaws of all student organizations receiving funding from undergraduate student fees;
 7. Propose ballot measures to amend the constitution;
 8. Propose ballot measures on the creation, increase, decrease, or change in justification of a student-originated fee;
 9. Approve changes to the Instrument of Student Judicial Governance;
 10. Determine the composition and approve any changes to the bylaws of the Carolina Union Board of Directors, the Student Fee Audit Committee, the Student Legal Services Board of Directors, the Campus Recreation Board, the Student Library Advisory Board, and the Board of Elections, provided that the Chancellor shall appoint any faculty representatives on these boards;
 11. Make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Undergraduate Student Government, or in any political subdivision thereof;
 12. Pass joint legislation in accordance with any of the purposes outlined in this Constitution , subject to the approval of the Joint Governance Council;
 13. Perform any additional action necessary and proper for the governance of the Undergraduate Student Body; and

14. Make all laws necessary and proper to promote the general welfare of the Undergraduate Student Body.
- §13. The Senate may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, and may punish those in willful disobedience of its orders for contempt. This power shall extend to all undergraduate students, organizations receiving funds from student fees paid by undergraduate students, and all political subdivisions of the Undergraduate Student Government.
- §14. The Members of the Undergraduate Executive Council or their designee may attend all meetings of the Senate and its committees, including those held in closed session. Members of the Undergraduate Executive Council shall have the right to speak during meetings of the Senate and its committees, except when the Senate shall adopt a measure providing otherwise.
- §15. The Senate shall adopt a code of ethics prohibiting conflict between public duty and private interests of Senators.
- §16. At no time may a Senator be subjected to court proceedings or disciplinary action or otherwise called to account outside the Senate for a vote cast or for any speech or debate in the Senate or in any of its committees.
- §17. The Senate shall, upon a majority vote, have the sole power of impeachment. Upon the adoption of a resolution of impeachment, a notice of an impeachment of any individual shall be immediately served upon the most senior Undergraduate Justice of the Student Supreme Court and individual impeached, the former being responsible for calling a session of the Senate to try the impeachment as the Court of Impeachment, and when sitting for that purpose, Senators shall be on oath or affirmation. The case against the impeached individual shall be brought in the name of the Senate and shall be managed by two Senators, appointed by the Senate, who may make non substantive amendments to the articles of impeachment as needed. The impeached individual shall not be allowed to decline to answer questions regarding actions taken under color of law. No person shall be convicted without the concurrence of two-thirds (2/3) of the members of the Court of Impeachment present and voting upon belief such person is more likely than not guilty of one or more impeachable offenses. Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust or profit of the Undergraduate Student Body, but this shall not preclude prosecution according to law. No individual shall exercise their official duties after they shall have been notified of their impeachment until their acquittal. In the event of there being no such eligible Undergraduate Justice of the Student Supreme Court, the Speaker of the Senate shall be responsible for calling a session of the Senate to try the impeachment as the Court of Impeachment, and the Court shall itself elect, by an absolute majority of the members present

and voting, a President Pro Tempore of the Court of Impeachment to preside, provided that the Speaker shall not serve as such during the trial of a Student Body President or of an Officer of the Undergraduate Student Body. The Speaker of The Senate shall preside over the election of the President Pro Tempore of the Court of Impeachment, and the case shall not be tried or voted upon unless the office be filled.

ARTICLE III: THE OFFICERS OF THE UNDERGRADUATE STUDENT BODY

- §1. The Officers of the Undergraduate Student Body (hereafter within this Chapter referred to as Officers or Officer) shall be:
1. The President of the Undergraduate Student Body (hereafter within this Chapter referred to as the President);
 2. The Vice President of the Undergraduate Student Body (hereafter within this Chapter referred to as the Vice President);
 3. The Treasurer of the Undergraduate Student Body (hereafter within this Chapter referred to as the Treasurer);
 4. The Secretary of the Undergraduate Student Body (hereafter within this Chapter referred to as the Secretary); and
 5. The Chief of the Cabinet of the Undergraduate Student Body (hereafter referred to as the Chief of the Cabinet).
- §2. Officers shall be enrolled as fee-paying students at the University of North Carolina at Chapel Hill and meet any other qualifications prescribed by law. In addition to their prescribed duties prescribed in this Article or elsewhere in this Constitution, they shall have other powers and perform other duties as provided by law.
- §3. The President shall serve a term of one (1) year. Their term shall begin on the first Tuesday of April and end with the inauguration of the succeeding President. No person who served at least six (6) months as the President shall be eligible to serve another term as President. The President shall be elected in general, direct, free, and fair elections. The election must be conducted by means of a secret ballot. The terms of all other Officers shall begin the first Tuesday of April or upon their confirmation by the Senate whichever be later, and ends the first Tuesday of April of the following year provided that a later date may be prescribed by law. An individual appointed to fill a vacancy shall serve the remainder of the prescribed term.
- §4. If the Office of President should fall vacant, the Vice President shall become President. Succession beyond this shall be prescribed by law.
- §5. Orders and directives of the President shall require for their notarization the countersignature of the Chief of the Cabinet.
- §6. The President shall serve as the chief executive of the Undergraduate Student Body, appoint the other Officers upon the recommendation of a selection committee and subject to the advice and consent of the Senate, and shall take care that the laws be faithfully

executed. The President shall from time to time give to the Senate information of the state of the Undergraduate Student Body, and recommend to their consideration such measures as they shall judge necessary and expedient. The President may dismiss any official from an office they have appointed and the Senate has confirmed. Such dismissal shall only take effect upon a two-thirds (2/3) vote of Senators present and voting at a meeting of the Senate. Until such time that the Senate votes on dismissal, the official that the President has moved to dismiss shall be suspended from office. All positions within the Undergraduate Judicial Branch, the Student Supreme Court, and the Board of Elections shall not be subject to the President's power of dismissal.

- §7. The Vice President shall exercise the powers delegated to them by the President. The Senate may by law vest the appointment of such positions, as they think proper, in the Vice President.
- §8. The Treasurer shall head the Treasury and shall be responsible for the custody, and disbursement of the funds of the Undergraduate Student Government, except as otherwise provided by this Constitution. They shall report annually to the President and to the Senate on the financial condition of the Undergraduate Student Government.
- §9. The Secretary shall act as secretary of the Undergraduate Executive Council, maintain the Great Seal of the Undergraduate Student Government, and oversee all external communications of the Undergraduate Executive Council. They shall coordinate the transfer of records into the permanent archives of the Undergraduate Student Government.
- §10. The Chief of the Cabinet shall oversee all political subdivisions of the Undergraduate Executive Council, organize the meetings of the Cabinet, and oversee the operations of the Cabinet.
- §11. Each Officer except the President shall appoint a principal deputy, subject to confirmation by the Senate, and may dismiss them at their pleasure. A vacancy in an Office other than that of The President shall be filled by the principal deputy. Succession beyond this shall be prescribed by law.

ARTICLE IV: THE UNDERGRADUATE EXECUTIVE COUNCIL

- §1. All executive powers shall be invested in the Undergraduate Executive Council. The Undergraduate Executive Council shall determine and be responsible for the general guidelines of policy. Within these limits each Officer shall conduct their affairs with independence and autonomy. The Undergraduate Executive Council shall resolve differences of opinion between the Officers.
- §2. The Undergraduate Executive Council shall be composed of:
1. The President;
 2. The Vice President;
 3. The Treasurer;
 4. The Secretary; and
 5. The Chief of the Cabinet.

- §3. The Undergraduate Executive Council, in addition to the powers vested in the Undergraduate Executive Council by this Constitution, shall have the following powers:
1. To provide oversight over the Cabinet, departments, and all other political subdivisions of the Undergraduate Executive Council;
 2. To request in writing the opinion of any Officer or the principal individual in charge of a department or political subdivision of the Undergraduate Executive Council on matters under their jurisdiction;
 3. To provide oversight of the financial stability of the Undergraduate Executive Council and its political subdivisions;
 4. To assist in ensuring the inclusiveness and diversity of the Undergraduate Executive Council and its political subdivisions; and
 5. To oversee succession planning for Officers.
- §3. Regular meetings of the Undergraduate Executive Council may be held at such times and at such places as The President shall from time to time determine. Special meetings of the Undergraduate Executive Council may be held at such times and at such places whenever called by the Secretary upon the written direction of any two (2) Officers.
- §4. A majority of the Undergraduate Executive Council shall constitute a quorum for the transaction of business at any meeting of the Undergraduate Executive Council, and the vote of a majority of the Officers present at any meeting at which a quorum is present shall be required for any official act. Voting by proxy shall not be allowed.
- §5. The Undergraduate Executive Council may adopt such rules, regulations, and policies not inconsistent with law or this Constitution for the conduct of its meetings.
- §6. The Chair shall be the President and, when present, shall preside at meetings of the Undergraduate Executive Council.
- §7. The Vice Chair shall be the Vice President. In the absence of the Chair, the Vice Chair shall discharge the duties of the Chair.
- §8. The Secretary shall act as secretary and take minutes of all meetings. The Secretary shall see that all notices of meetings of the Undergraduate Executive Council are duly given and that agendas and other relevant documents are distributed.
- §9. Whenever all members of the Undergraduate Executive Council, excluding the President, transmit to the Speaker of the Senate their written declaration that the President is unable to discharge the duties of their office, the Vice President shall immediately assume the powers of the office as Acting President. Thereafter, when the President informs the Speaker of the Senate that no inability exists, they shall resume the duties of their office unless all members of the Undergraduate Executive Council, excluding the President, transmit within three (3) days to the Speaker of The Senate their written declaration that the President is unable to discharge the powers and duties of their office. Thereupon the Senate shall decide the issue,

assembling within forty-eight (48) hours for that purpose. If the Senate determines by a two-thirds (2/3) vote of Senators present and voting that the President is unable to discharge the powers and duties of their office, the Vice President shall discharge the same as President; otherwise, the President shall resume the powers and duties of their office.

ARTICLE V: THE UNDERGRADUATE JUDICIARY

- §1. The judicial power shall be vested in the Student Supreme Court and other courts authorized by this Constitution. Judges of inferior courts shall hold their offices for such time as may be prescribed by law.
- §2. The Senate may establish courts inferior to the Student Supreme Court from time to time.
- §3. The particular composition and jurisdiction of any inferior courts established under this Chapter shall be prescribed by law but shall not extend to cases or controversy which may involve the Graduate and Professional Student Body.
- §4. Judges of inferior courts shall be independent from political involvements and maintain an utmost level of impartiality in executing all official acts.
- §5. The judicial power shall also be invested in the Undergraduate Honor System whose composition, policies, and procedures shall be set in the manner prescribed by law in the Instrument of Student Judicial Governance.
- §6. Judges of inferior courts may issue all needful writs, orders, and process in aid of the jurisdiction of their court. Exercise of this authority by a judge of an inferior court is subject to review by the whole court if the inferior is composed of more than one judge. The power to punish for contempt of court shall be limited by law.

ARTICLE VI: FINANCIAL PROVISIONS

- §1. Funding decisions related to the disbursement of any student fee may not have any relationship to the particular view of a group or activity. Requests for funding must be made in a manner that is neutral to the views of an organization or activity. Funding may not be contingent on a particular level of support or popularity of an organization or activity, although the amount allocated to an organization may take into account student involvement in the organization and the expected benefits to other students. All funds disbursed by political subdivision of the Undergraduate Student Government shall be appropriated based only on the even application of objective criteria, which shall be prescribed by law.
- §2. Except as otherwise provided by this Constitution, no money shall be withdrawn from the Treasury except through specific appropriation, and no appropriation shall be made with contingencies or for longer than one (1) year. Any appropriations within a bill shall be itemized, and all appropriations shall be made by law. A regular statement and account of the receipts and expenditures of all Undergraduate Student Government funds shall be published from time to time.

- §3. Any and all appropriations made by a political subdivision of the Undergraduate Student Government must be evaluated according to the following criteria:
 1. Representation: how many students are affected and the number of students involved in a project. This should be examined by considering past involvement, enthusiasm for the program, and the amount of involvement anticipated by the organization.
 2. Vitality: how vital a program is to the organization. This should be examined by considering the priority of the program in relation to other programs sponsored by the organization, whether or not it is, in part, a fundraising program, and how it would affect the morale of the organization.
 3. Specialization: how unique a program is to the Undergraduate Student Body. This should be examined by considering the cultural and educational value of the program, whether or not it overlaps with another program on campus, the amount of recognition it brings to the University, and the identification it has with the organization.
- §4. The Senate shall not allocate more than ninety-five percent (95%) of available funds in a given fiscal year.
- §5. The Treasurer shall in cooperation with the Senate set the maximum amount of funds available for appropriation. The Senate may override the decision of the Treasurer subject to the limitations of the Constitution.
- §6. The Undergraduate Senate shall have all authority to make appropriations of fee money to support or to sustain the operations of the financial institution housing student government funds.

ARTICLE VII: COMMISSION ON THE FUTURE OF THE UNDERGRADUATE STUDENT BODY

- §1. The Commission on the Future of the Undergraduate Student Body (hereafter referred to as the Commission) shall be a political subdivision of the Undergraduate Student Government composed of not more than eleven (11) but no less than five (5) members chosen in a manner prescribed by law. The Commission shall be a legal entity separate from the Legislative, Executive, and Judicial Branches of the Undergraduate Student Government.
- §2. The Commission shall meet every four (4) years and shall produce a four-year plan to outline long term objectives and plans of the Undergraduate Student Government. Such a plan must outline the steps necessary to advance the interests of the Undergraduate Student Body for the next four (4) years. All political subdivisions of the Undergraduate Student Government shall be guided by the plan produced by the Commission. If the Commission fails to adopt a plan within the year it is supposed to meet, the Senate shall be empowered and required to adopt a plan prior to end of the year after which the Commission was to adopt a four-year plan.
- §3. The Commission may meet at any time to revise a four (4) year plan with the unanimous consent of the

Undergraduate Executive Council and a two-thirds (2/3) vote of the Senate.

- §4. The Commission shall meet for the first time before the conclusion of the year two thousand twenty four (2024) and shall produce the first four (4) year plan before the conclusion of the year two thousand twenty four (2024).

ARTICLE VIII: MISCELLANEOUS PROVISIONS

- §1. Any person holding office within the Undergraduate Student Government who fails to attend, without excuse, six (6) or more meetings of any body of which they are a member shall be disqualified from holding any office of honor, profit, or trust of the Undergraduate Student Body for a period of twelve months following the completion of their current term.
- §2. Any political subdivision of the Undergraduate Student Government which possess policy-making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies, shall have meetings open to the public and records available for public inspection. Limited exceptions to this requirement may be provided by law.
- §3. Immediately before assuming any position that is elected or is subject to confirmation by the Senate, any undergraduate student shall take the following Oath of Office: I do solemnly swear (or affirm) that I will support and defend the Constitution of the Student Body of the University of North Carolina at Chapel Hill; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.
- §4. The Undergraduate Student Government recognizes in perpetuity the ancient rights and privileges of the oldest student organization at the University of North Carolina at Chapel Hill.
- § 5. The provisions of any law or provision of this Constitution concerning only undergraduate students shall be considered severable and presumed Constitutional. Any decision by a court of competent jurisdiction regarding the constitutionality of any chapter, article, section, or subsection shall apply only to that chapter, article, section, or subsection.
- §6. The powers not delegated by the Constitution, nor prohibited by it, are reserved to the Senate and to the Undergraduate Student Body.
- §7. No Officer or any Senator may concurrently hold two or more positions elected by the Undergraduate Student Body or which serve on the Undergraduate Executive Council unless otherwise provided for by this Constitution.
- §8. The Senate shall provide for orderly and temporary continuity of government, in periods of emergency, until normal processes of government can be reestablished in accordance with the Constitution and the laws enacted under its authority; and, except as otherwise provided by this Constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions.

- §9. The Senate shall create and maintain a General Statutes of the Undergraduate Student Body which shall contain the permanent statutes adopted by the Senate.

ARTICLE IX: AMENDMENTS

- §1. A ballot measure seeking to amend Chapter Two (2) of the Constitution of the Student Body may be initiated upon a two-thirds (2/3) vote of Senators present and voting at a duly called meeting of The Senate.
- §2. A ballot measure seeking to amend Chapter Two (2) of the Constitution of the Student Body may be initiated by a petition collecting signatures from ten percent (10%) of the Undergraduate Student Body. Upon confirmation of the successful collection of signatures by the Board of Elections, the ballot measure shall appear on the ballot.
- §3. Only undergraduate students shall vote on referenda amending Chapter 2.
- §4. The passage threshold for a ballot measure initiated by the Senate shall be a simple majority of those undergraduate students voting in the election, provided that 2.5% of the Undergraduate Student Body votes.
- §5. The passage threshold for a ballot measure initiated by petition shall be a two-thirds (2/3) majority of those undergraduate students voting in the election, provided that 2.5% of the Undergraduate Student Body votes.

ARTICLE X: ADOPTION AND TRANSITIONAL PROVISIONS

- §1. Laws in force before The Senate shall convene for the 2024 Session shall remain in force insofar as they do not conflict with this Chapter. Disagreements concerning the continued applicability of law shall be resolved by a court of competent jurisdiction.
- §2. This Chapter shall cease to apply on the day on which an amendment freely adopted by the Undergraduate Student Body takes effect.
- §3. The following individuals shall form the Transitional Council:
1. USG President or their designee,
 2. Speaker of the Undergraduate Senate or their designee,
 3. USG Treasurer or their designee,
 4. USG Vice President or their designee,
 5. Speaker Pro Tempore of the Undergraduate Senate or their designee,
 6. The Rules and Judiciary Chair of the Undergraduate Senate or their designee,
 7. USG Chief of Staff or their designee,
 8. The Finance Chair of the Undergraduate Senate or their designee,
 9. The Ethics Chair of the Undergraduate Senate or their designee, and
 10. The two senior most Undergraduate Justices of the Student Supreme Court.
- §4. The Transitional Council shall be charged with setting the size of The Senate for the 2024 Session subject to the limits of this Constitution and overseeing the

transition to this Chapter and shall exercise all necessary powers to do so.

§5. Until the inauguration of the 106th Senate all powers delegated to the Undergraduate Executive Council, Officers, and the Senate shall be exercised by the Transitional Council. The Transitional Council shall be chaired by the senior most Undergraduate Justice of the Student Supreme Court.

§6. This Chapter shall become law upon ratification by a two-thirds (2/3) vote of the members present and voting of the Senate and a majority vote of two and a half (2.5) percent of the Undergraduate Student Body.

Done with the consent of the Undergraduate Legislative, Executive, and Judicial Branches on the Sixth day of June in the year two thousand and twenty three and of the founding of the University the two hundred twenty seventh. In witness whereof we have hereunto subscribed our names,

Andrew Gary, Speaker of the Undergraduate Senate

Deniz Eral, Speaker Pro Tempore of the Undergraduate Senate

Rebecca Segal, Undergraduate Student Government Vice President

Logan Grodsky, Undergraduate Student Government Treasurer

Nathaniel Shue, Undergraduate Justice of the Student Supreme Court

CHAPTER THREE: LAWS AFFECTING GRADUATE AND PROFESSIONAL STUDENTS

ARTICLE I: GOVERNING BODIES

§1. Executive Branch of the Graduate and Professional Student Body

1. Executive Power of the Graduate and Professional Student Body

The executive power of the Graduate and Professional Student Body shall be vested in the President of the GPSG. The powers of the GPSG President shall be set in the manner prescribed by law in the GPSG Code.

2. Election, Term, and Qualifications

The GPSG President shall be enrolled as a fee-paying graduate or professional student at the University of North Carolina at Chapel Hill and shall be elected in the spring by the graduate and professional student body for a one-year term beginning with inauguration on the first Tuesday of April and ending with the inauguration of the succeeding Student Body President.

3. Executive Officers and Directors

Other officers of the executive branch shall be approved in a manner prescribed by law in the GPSG Code and shall have the powers and duties outlined therein. These executive positions will

include a Senior Vice President and a Vice President for Finance who shall also serve as members of the Joint Governance Council.

§2. Legislative Branch of the Graduate and Professional Student Body

1. The Legislative Power of the GPSG

The legislative power of the graduate and professional student body shall be vested in the Graduate and Professional Student (GPS) Senate, which shall be a unicameral body.

2. Legislative Jurisdiction of the GPS Senate

Graduate and Professional Student Issues

1. The GPS Senate shall have sole legislative jurisdiction on issues related exclusively to the Graduate and Professional Student Body.

B. Student Body Issues

Legislation affecting the entire student body may be passed by the GPS Senate and referred to the Joint Governance Council for consideration.

C. Limitations

The GPS Senate shall not legislate upon issues that solely concern Undergraduate students unless asked to issue a resolution of support on an issue by the Undergraduate Senate.

3. Powers of the GPSG Senate

The GPSG Senate shall have the power to:

A. With the approval of the Board of Trustees and the Board of Governors, and with approval of the student body obtained by means of a student body referendum, determine the level of the following fees to be paid by the respective student body:

1. Childcare Services Fee;
2. Sonja Stone Scholarship Fee;
3. Student Endowed Library Fund Fee;
4. Student Legal Services Fee;
5. Student Organizations Fee; and
6. Student Safety and Security Fee;

B. Establish an annual budget for the GPSG;

C. Establish procedures annually for the execution of its business;

D. Establish laws governing elections;

E. Approve or reject all codified appointments made by the GPSG President;

F. By a two-thirds (2/3) majority of members present and voting, override a veto of the GPSG President if the legislation was not a joint issue as determined by the Joint Governance Council;

G. Impeach, initiate trials, and remove from office any codified student government official representing the graduate and professional student constituency, save for the heads of independent agencies directly elected by their full constituency;

H. Require reports from all committees and from all organizations receiving funds from the GPS Senate or committees or

groups managing funds levied by a Student Fee when the head of such a committee or group is not directly elected by the fee-paying students;

- I. Establish remuneration that it deems appropriate for all Student Government officials, provided any changes shall not affect the officers currently holding the positions in question;
 - J. Review and approve or reject the constitutions, charters, and bylaws of all student organizations receiving funding from graduate and professional student fees;
 - K. Initiate Constitutional Referenda;
 - L. Initiate Student Fee Referenda on the creation, increase, decrease, or change in justification of a student-originated fee;
 - M. Approve changes to the Instrument of Student Judicial Governance;
 - N. Determine the composition and approve any changes to the bylaws of the Carolina Union Board of Directors, the Student Fee Audit Committee, the Student Legal Services Board of Directors, the Campus Recreation Board, the Student Library Advisory Board, and the Board of Elections, provided that the Chancellor shall appoint any faculty representatives on these boards;
 - O. Determine the powers, composition, and functions of their respective Summer School Student Governments;
 - P. Make all laws necessary and proper to promote the general welfare of the student body;
 - Q. Pass joint legislation in accordance with any of the purposes outlined in this section, subject to the approval of the Joint Governance Council; and
 - R. Perform any additional action necessary and proper for the governance of the graduate and professional student body, provided that such action is not prohibited by the jurisdiction of the legislative branch.
4. Journal of the GPS Senate

The GPS Senate shall keep a journal of their proceedings, which shall be made public and preserved in the University Archives.
 5. Membership of the GPS Senate

The elected membership of the GPS Senate shall consist of at least one representative from each of the Representative Units recognized within the GPSG Code.
 6. Voting in the GPS Senate

Voting in the GPS Senate shall be by Representative Unit. One vote shall be cast per Unit by the Senator(s) of that Unit.
 7. The Representative Units of the GPS Senate
 - A. Factors in Districting

The Representative Units of the GPSG shall be determined by academic and degree program as outlined in the GPSG Code.

B. Addition of Representative Units

The GPS Senate shall be empowered to add new Representative Units upon receipt of a formal petition from a program and a 2/3 affirmative vote of the present Units at a duly called meeting of the GPS Senate.

8. Officers of the GPS Senate

The GPSG Senior Vice President shall serve as the President of the Senate.

9. Elections of GPSF Senators

A. Democratic Elections

GPS Senators shall be elected democratically in elections organized by the Board of the Elections and carried out in accordance with the GPSG Code. All members of the relevant constituency shall be afforded the opportunity to stand for the election and to vote in accordance with the principle of one person, one vote.

B. Timing of Elections

GPS Senators shall be elected according to the schedule their Representative Units established with the Board of Elections and GPSG Senior Vice President, as outlined in the GPSG Code. Any seats still open after the scheduled elections shall be filled in the manner prescribed by the GPSG Code.

10. Qualifications for GPS Senators

Senators shall be enrolled as a fee-paying student at the University of North Carolina at Chapel Hill and belong to the Representative Unit they were elected to represent.

11. Term of Office for GPS Senators

The term length for a GPS Senator shall be determined by the respective Representative Unit and registered with the Board of Elections. A term length shall not be less than one legislative session as defined by the GPSG Code.

12. Vacancies in the GPS Senate.

Every vacancy occurring in the membership of the Senate shall be filled in the manner prescribed by the GPSG Code.

§3. Judicial Branch of the Graduate and Professional Student Body

1. Judicial Power

The judicial power of the graduate and professional student body shall be vested in the Graduate and Professional Honor System, whose composition, policies, and procedures shall be set in the manner prescribed by law in the Instrument of Student Judicial Governance.

2. Graduate and Professional Student Attorney General

The Graduate and Professional Student Attorney General shall perform the duties and functions for which they are made responsible under the Instrument of Student Judicial Governance. The

Graduate and Professional Student Attorney General shall be appointed in the spring by the GPSG President, subject to the approval of two-thirds (2/3) of present and voting members of the GPS Senate at a regular meeting of the Senate, and shall serve until a successor is confirmed. The Graduate and Professional Student Attorney General shall be a fee-paying graduate or professional student.

ARTICLE II: AMENDMENTS TO CHAPTER THREE

§1. Initiation of Amendment Referendum for Chapter Three

1. Initiation of an Amendment Referendum by the GPSF Senate

A referendum for amendment to Chapter Three of the Student Body Constitution may be initiated upon a 2/3 majority vote of the present and voting members at a duly called meeting of The GPSF Senate.

2. Initiation of an Amendment Referendum by Petition

A referendum for amendment to Chapter Three of the Student Body Constitution may be initiated by a petition collecting signatures from 10% of the Graduate and Professional Student body. Upon confirmation of the successful collection of signatures, the referendum shall appear on the ballot.

§2. Voting Limitations

Only graduate and professional students shall vote on referenda amending Chapter 3.

§3. Passage Threshold for Amendment Referendum on Chapter 3

1. The Passage Threshold for a Referendum Initiated by The GPSF Senate

The passage threshold for a referendum initiated by the GPS Senate shall be a simple majority of those graduate and professional students voting in the election, provided that 2.5% of the graduate and professional students vote.

2. The Passage Threshold for a Referendum Initiated by Petition

The passage threshold for a referendum initiated by Petition shall be a 2/3 majority of those graduate and professional students voting in the election, provided that 2.5% of the graduate and professional students vote. Once the Board of Elections have confirmed the appropriate number of signatures have been collected, a resolution to consider lowering this threshold shall be presented by the GPSG Senior Vice President to the GPS Senate and shall pass by a simple majority vote of the GPS Senate.

responsibilities of this Board. Adopted by student body in referendum.

03/2/2021: Graduate and Professional Student Federation (GPSF) renamed "Graduate and Professional Student Government (GPSG)" and GPSF Senate renamed "Graduate and Professional Student (GPS) Senate." Adopted by graduate and professional student body in referendum.

02/22/2023: Chapter 1, Article VII amended to prohibit viewpoint discrimination in the appropriation of student fees. Adopted by student body in referendum.

10/7/2023: A total rewrite of Chapter Two adopted by undergraduate student body in referendum.

02/14/2024: A substantive rewrite of Chapter One and the Preamble, and relocation of the Non Discrimination Clause, adopted by the entire student body in referendum. Chapter 2, Article VI amended to authorize the Undergraduate Senate to appropriate fee money to support or sustain the operations of the financial institution housing student government funds; adopted by undergraduate student body in referendum.

RECORD OF CHANGES

03/02/2017: Rewritten Constitution adopted by student body via referendum.

02/11/2020: Chapter 1, Article V amended to add "Be-A-Maker" (BEAM) Makerspace Advisory Board to list of independent agencies. Section 22 added to outline the