



# Berkshire Community College Student Government Association Constitution

Approved at the April 2<sup>nd</sup>, 2024 SGA Meeting

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## Preamble

We, the students of Berkshire Community College, in order to promote an efficient form of self-government, hereby establish and affirm this Constitution as the official constitution of the Student Body of Berkshire Community College. The name of this organization shall be the Berkshire Community College Student Government Association (SGA). This Constitution will govern the rights of students in the areas of educational quality, involvement in college affairs, and the facilitation of communication among students, faculty, and the administration of Berkshire Community College.

## Article 1 – Mission of the Student Government Association

### Section 1 – Mission of the Student Government Association

- A. The mission of the Berkshire Community College Student Government Association (SGA) is to represent, relate to, recruit, retain, and protect the rights of BCC students. The members of SGA shall represent the views of the student body to the faculty and administration of the College, while maintaining a channel of communication between these groups. Working alongside with the BCC Shared Governance System, it is the goal of the SGA to unite the students of Berkshire Community College through representative leadership and to join with the faculty, staff, and administration of Berkshire Community College in order to enhance the campus community.

### Section 2 – Vision Statement of the Student Government Association

- A. The purpose of the Student Government Association shall be to join with the faculty, staff, and administration of Berkshire Community College in order to enhance the campus community. It shall also provide the community with quality programming as a means of enhancing life at Berkshire Community College.
- B. The Student Government Association members shall help to recruit new members to the SGA and offer to provide them with the proper services. The SGA will relate to the students by sharing their college experience and represent students' interests and concerns at meetings with college staff.
- C. The Student Government Association shall ensure fiscal responsibility and fiscal management of the Student Government Trust Fund and ensure the fair and responsible distribution of funds to clubs and organizations.
- D. The Student Government Association realizes its commitment to the study body, as well as its commitments to its members. The SGA shall take actions to ensure that these commitments are satisfied in order to better address the needs of the study body.

## Article 2 – Rights of Students and the SGA

### Section 1 – Non-Discrimination Statement

- A. The SGA shall not discriminate on the basis of race, religion, color, creed, sex, age, national origin, marital status, sexual orientation, gender identity, disability, or veteran status.

## Section 2 – Rights and Responsibilities of the Student Body

The student body shall have the right and responsibility to:

- A. Attend any SGA meetings and/or any College Committees where the SGA appoints a member to the named committee.
- B. Request and have access to all minutes and resolutions passed by the SGA, which shall be made public.
- C. Petition the SGA on any matter or grievance the student body has regarding the College.
- D. To be informed by the SGA on all college-related matters.
- E. Understand and participate in the distribution of funds for clubs and organizations on campus and to understand college spending of the Student Activity Fees.
- F. Establish new student organized clubs and organizations with a faculty or staff advisor.

## Section 3 – Rights and Responsibilities of the SGA

The SGA shall have the right and responsibility to:

- A. Represent all students attending Berkshire Community College.
- B. Be the main legislative, representative, and investigate body of the student body.
- C. Act upon recommendations sent to it by other college committees for consideration on behalf of the student body.
- D. Consider proposed college policy changes brought forth by the students, faculty, and administration.
- E. Maintain cooperative relationships with various education organizations, with the community, with the student body, and with student organizations.
- F. Establish processes for ensuring the fair and equitable distribution of club and organization funding.
- G. Have representatives on policy-barring college-wide committees and elect said representatives at the beginning of the academic year by majority vote.
- H. Create and publicize a regular schedule for SGA meetings, with agendas for the SGA meetings posted on a designated college bulletin board no later than twenty-four (24) hours before the start of the meeting.
- I. Transact business with a quorum of members present at a posted meeting. A quorum shall be defined as one-half plus one of the voting seats of the SGA or any of its committees. If a quorum is not obtained in any meeting, the meeting may be held but no votes can be taken. In the absence of an advisor a meeting can be held.
- J. Conduct a roll call vote if one (1) SGA members request it.
- K. Ensure all of its members are following policies set forth by the SGA and conducting oneself in a manner becoming a member pursuant to college policy on or off campus, as set forth by the Student Policy Guide and the Student Code of Conduct.

## Article 3 – Membership

### Section 1 – Eligibility

- A. Students interested in representing the study body on the SGA must be taking a minimum of one (1) credit hour per semester. Students must maintain a minimum GPA of 2.0 per semester and maintain a cumulative GPA of 2.0.
- B. The SGA may permit students participating in non-credit programs at BCC to participate in the SGA. The number of non-credit students and their level of participation, including if non-credit members may vote on any motion, shall be outlined in the SGA Bylaws.

### Section 2 – Composition and Terms of Office

- A. The total number of members shall not exceed twenty (20). The number of voting members may be waived by a 2/3rds vote of the SGA.
- B. Student Government Association members shall be elected at the end of the spring semester, as outlined in Article 6.
- C. With the exception of the Student Trustee, the terms of office for elected members shall begin at noon on the day of Commencement following their election and shall end at noon on the day of Commencement of the following year.
- D. The term of office for the Student Trustee shall begin on July 1<sup>st</sup> following their election and shall end on June 30<sup>th</sup> of the following year. If the Student Trustee vacates their position upon graduation from Berkshire Community College prior to July 1st, the elected successor may assume the position of Student Trustee effective at noon on the day of Commencement following their election (MGL c. 15A § 21).
- E. The terms of office for appointment members shall begin on the day of appointment and shall end at noon on the day of Commencement following their appointment.

### Section 3 – Appointments

- A. If there are any vacancies except for the position of Student Trustee, the SGA shall be able to appoint members to the SGA by a majority vote of the whole SGA.
- B. Students wishing to be appointed to the SGA shall attend at least one meeting of the SGA before being appointed.

### Section 4 – Attendance and Leave of Absence

- A. SGA members must be present for all SGA meetings and a maximum of three (3) absences per year are permitted from SGA meetings. Any representative arriving fifteen (15) minutes after the opening or leaving fifteen (15) minutes before the close of any SGA meeting will be marked absent unless formal notice is given to the SGA President or the SGA Advisors. If after three (3) absences the member does not request a leave of absence, the SGA may remove the member by a two-thirds (2/3rds) vote of the entire SGA.
- B. If a member is no longer a student at the college during the academic year, through withdrawal, graduation, suspension, or other means, they shall be deemed to vacate their membership on

the SGA. If possible, the member shall provide notice to the SGA Advisors if they are no longer a student at the college,

- C. At any time, a member may make a request for a leave of absence of up to five (5) weeks. The request must be made to the SGA advisors and shall be granted at the discretion of the SGA advisors. If the request is denied by the SGA advisors, the member may appeal to the Dean of Students. If the request is denied by the Dean of Students, the member may appeal to the SGA President.
- D. If a member is appointed to a college committee or an SGA Committee, the member shall miss no more than two (2) meetings per year. If a member is absent for more than two (2) meetings, they may be removed from the named committee by a majority vote of the SGA.

## Article 4 – Officers

### Section 1 – Officers of the SGA

- A. The officers of the SGA shall be the SGA President, SGA Vice-President, SGA Secretary, SGA Treasurer, and the Student Trustee.
- B. The SGA may add additional officer positions in its bylaws.
- C. With the exception of the SGA President Pro-Tempore, no SGA member shall hold more than one SGA officer position established in the Constitution.
- D. SGA members, including any officers established in the Constitution, may hold more than one SGA officer position established in the SGA Bylaws.
- E. For any occasion requiring the attendance of officers of the SGA the order of delegates is as follows: President, Vice-President, Student Trustee, Secretary, Treasurer, or any member designated by the SGA President.
- F. All SGA officers shall be able to vote on any matters before the SGA.
- G. In the event of a vacancy in an officer position, the SGA Vice-President shall assume the responsibilities of said officer or appoint a temporary officer as appropriate until a new election may be held for that position. In the case of a vacancy in the position of SGA Vice-President, the President shall assume the responsibilities of the Vice-President.

### Section 2 – Election of SGA Officers

- A. Elections for the SGA officers other than the Student Trustee shall occur at the third meeting of the fall semester.
- B. The terms of office for all SGA officers other than the Student Trustee shall end at the end of the current SGA's term.
- C. After the spring election, the SGA shall elect an Interim SGA President, Interim SGA Secretary, and Interim SGA Treasurer if there will be vacancies in the positions of SGA President, SGA Secretary, and SGA Treasurer, respectively. These interim officers shall serve from the end of the current SGA's term until officers are elected in the fall. The SGA shall only be able to elect members who will be returning in the fall. These interim officers shall not be considered incumbents if they participate in the officer elections.
- D. All officer elections shall be conducted by secret ballot.

## Section 3 – SGA Executive Board

- A. The SGA Executive Board shall be composed of all of the officers of the SGA.
- B. The SGA Executive Board shall meet when called by the SGA Advisors or the SGA President. At its discretion, the SGA Executive Board may meet on a regular schedule.
- C. The SGA President shall be the chair of the SGA Executive Board.

## Section 4 – Responsibilities of the SGA President

The SGA President shall be responsible for:

- A. Drawing up an agenda prior to the SGA meeting with collaboration from the SGA advisors.
- B. Providing the agenda to all members at least 24 hours before the SGA meeting.
- C. Running a fair and orderly meeting.
- D. Taking proposals, passed by the SGA, through the proper channels.
- E. Acting as a liaison between the SGA and college's faculty and administration by keeping an awareness of developing situations concerning the student body.
- F. Meeting weekly with the SGA advisors.
- G. Maintaining active communication with the SGA Vice-President and the Executive Board.
- H. Attending meetings of the Massachusetts Student Advisory Council (SAC).

## Section 5 – Responsibilities of the SGA Vice-President

The SGA Vice-President shall be responsible for:

- A. Assisting the SGA President or SGA President Pro-Tempore in running a fair and orderly meeting.
- B. Fulfilling the duties of the President in the event of their absence, resignation, or termination until another election can be held for that position.
- C. Ensuring the other SGA officers are fulfilling their responsibilities. In the event that an officer is not fulfilling their responsibilities, the SGA Vice-President shall notify the SGA President and the SGA Advisor.
- D. Fulfilling the roles of other officer positions as needed, and/or assigning these positions to capable SGA members as appropriate, after consultation with the SGA President and the SGA advisors.

## Section 6 – Responsibilities of the Student Trustee

The Student Trustee shall be responsible for:

- A. Attending all BCC Board of Trustee meetings.
- B. Writing a monthly SGA Report, approved by the SGA Executive Board, to read at the Board of Trustees meeting.
- C. Representing and informing the SGA about all Board of Trustees meetings and providing a monthly Trustee's report to the SGA.
- D. Being a liaison between the Student Government Association, the student body, and the Board of Trustees.
- E. Attending meetings of the Massachusetts Student Advisory Council (SAC).

## Section 7 – Responsibilities of the SGA Secretary

The SGA Secretary shall be responsible for:

- A. Taking minutes for all SGA meetings, which are to be distributed to members 24 hours before a regular meeting to be approved.
- B. Maintaining attendance records for all members of the SGA and weekly sending the attendance records to the SGA President for review by the SGA President and the SGA advisors.
- C. With support from the SGA Advisors, maintaining a record of all membership on all SGA committees and all members appointed to the College Committees and maintaining attendance records of members on those committees.

## Section 8 – Responsibilities of the SGA Treasurer

The SGA Treasurer shall be responsible for:

- A. Keeping track of all SGA funds, including funding received by the College or any fundraised money for the SGA.
- B. Participating in the clubs and organizations funding allocation process.
- C. Reviewing budget request forms for all clubs and organizations in the fall semester
- D. Routinely reporting to the SGA on the status of the SGA budget.
- E. Routinely reporting to the SGA on all club and organization budgets.
- F. Helping to support and encourage involvement with clubs and organizations.
- G. Chairing the Standing Committee on Finance.

## Section 9 – President Pro-Tempore

- A. The SGA President may designate a member to serve as SGA President Pro-Tempore for a single meeting or for the whole SGA term and shall serve until a successor is appointed or is removed by the SGA President..
- B. If a member is designated for a single meeting, they shall be referred to as the Acting President Pro-Tempore.
- C. If a member is designated for the whole SGA term, they shall be referred to as the President Pro-Tempore.
- D. The President Pro-Tempore shall be responsible for chairing the meetings of the SGA in a fair and orderly manner.

## Article 5 – Advisors

### Section 1 – Advisors to the SGA

- A. There shall be at least one Berkshire Community College staff member that shall serve as advisor to the SGA.
- B. The specific staff members' position that shall serve as SGA advisor shall be listed in the SGA Bylaws.

## Section 2 – Responsibilities of the SGA Advisors

The SGA Advisors shall be responsible for:

- A. Understanding the Constitution, Bylaws, and other policies passed by the SGA.
- B. Advising the SGA on running effective and orderly meetings.
- C. Advising the SGA on matters being deliberated by the SGA and ensuring the SGA follows its policies and College policies.
- D. Supporting and encouraging members and helping to develop leadership skills.
- E. Supporting SGA's fiscal responsibility.

## Article 6 – Elections

### Section 1 – Electronic Elections

- A. All SGA elections shall be conducted by electronic ballot. The ballots and software used to create the ballots shall be maintained by the SGA Advisors.
- B. The SGA election ballots shall be open for one (1) academic week. The election ballots shall be accessible starting at 8am on Monday of the week of the election and close on Friday at 3pm of the week of the election.
- C. An eligible voter shall be any BCC student enrolled in at least one (1) credit hour.

### Section 2 – Campaigns

- A. No candidate shall bribe, coerce, or threaten any candidate(s) for office or any eligible voter(s) before or during an election.
- B. All candidates shall be given equal opportunity and equal time to express their thoughts and opinions through BCC media.
- C. Any campaign materials for a candidate provided by the College shall be available to any other candidate.
- D. Campaign materials of a slanderous nature shall be deemed inappropriate and shall be removed.
- E. No candidate or their campaign material shall be placed within twenty-five (25) feet of any designated voting area.
- F. No candidate shall mark, destroy, or otherwise deface another candidate's campaign materials.
- G. A candidate shall not receive contributions or spend their own money in excess of \$25 if they will be disqualified by the SGA Advisors. Any proof of purchases must be presented to the SGA advisors prior to the elections.

### Section 3 – Ballots

- A. The order of the names of the candidates shall be drawn in a random order at the SGA meeting prior to the election.
- B. All candidates' names shall appear on the ballots with proper spelling and in legible form.

## Section 4 – Elections for SGA Members

- A. Elections for members to the SGA shall occur during the regular spring elections.
- B. Eligible voters may vote for up to twenty (20) candidates if there are more than twenty (20) candidates on the ballot, or up to the number of candidates on the ballot if there are twenty (20) or less candidates on the ballot.
- C. The twenty (20) candidates with the most votes and with a minimum of ten (10) votes shall be elected to office.

## Section 5 – Elections for Student Trustee

- A. Elections for Student Trustee shall occur during the regular spring elections.
- B. Eligible voters may select one candidate for Student Trustee.
- C. The candidate with the most votes and with a minimum of ten (10) votes shall be elected.

## Section 6 – Regular Spring Elections

- A. Regular Spring Elections to elect members to the SGA, the Student Trustee, and any other question or position as decided by the SGA shall occur during the last full week of April.
- B. The election shall be announced prior to the first day of April.
- C. Any eligible BCC student may declare themselves a candidate to be placed on the ballot no later than 2 weeks before the start of the election and shall declare their candidacy to the SGA Advisors.

## Section 7 – Ballot Questions

- A. A question may be added to an election ballot by a vote of the SGA, through the Constitution Amendment Process in Article 8, or through any other process outlined in BCC polices or in the Massachusetts General Laws.
- B. All questions added to the ballot solely by a vote of the SGA shall be non-binding.

## Section 8 – Special Elections

- A. In the event there is a vacancy in the office of Student Trustee, or the SGA by a majority vote request a special election to vote on a ballot question, the SGA shall hold a special election.
- B. If the special election is to be held for filling a vacancy in the office of Student Trustee, notice of the election shall be made one (1) month before the election start date. Any eligible BCC student may declare themselves a candidate to be placed on the ballot no later than 2 weeks before the start of the election and shall declare their candidacy to the SGA Advisors.
- C. In all other special elections, notice of the election shall be made no later than one (1) week before the election start date.

# Article 7 – Removal Procedures and Resignations

## Section 1 – Removal of an SGA Officer

- A. Removal procedures may be initiated by any SGA member against any SGA officer, or by a petition of 2% of the student body. The member or the petitioners must initiate the removal process through the SGA Advisors and must state any specific violations that warrant removal.
- B. Any violation of the Constitution, violation of the SGA Bylaws, violation of the responsibilities of the position the officer holds, or a severe violation of the Student Policy Guide or the Student Code of Conduct could be deemed as grounds for removal from the officer position. Proven dishonesty, corruption, or fraud could also be deemed as grounds for removal.
- C. The officer to be removed shall be given due process and a fair trial at least two (2) weeks prior to the meeting where any action may be taken against the officer.
- D. A 2/3rds vote of the entire SGA, conducted by secret ballot, shall be required for removal of the officer.

## Section 2 – Removal of an SGA Member

- A. Removal procedures may be initiated by any SGA member against any SGA member, or by a petition of 2% of the student body. The member or the petitioners must initiate the removal process through the SGA Advisors and must state any specific violations that warrant removal.
- B. Any violation of the Constitution, violation of the SGA Bylaws, or a severe violation of the Student Policy Guide or the Student Code of Conduct could be deemed as grounds for removal from the SGA. Proven dishonesty, corruption, or fraud could also be determined as grounds for removal.
- C. The member to be removed shall be given due process and a fair trial at least two (2) weeks prior to the meeting where any action may be taken against the member.
- D. A 2/3rds vote of the entire SGA, conducted by secret ballot, shall be required for the removal of the SGA member.
- E. Any member of the SGA who has been removed shall no longer be eligible to be a candidate for SGA member or Student Trustee unless otherwise reinstated by the SGA.

## Section 3 – Resignation of any SGA Officer or Member

- A. If any officer of the SGA wishes to resign from their officer position, they shall write a formal letter of resignation to give to the SGA President and SGA Advisors to be accepted by the SGA Executive Board. The SGA President shall notify members of the acceptance of the letter of resignation.
- B. If any member of the SGA wishes to resign, they shall write a formal letter of resignation to give to the SGA President and SGA Advisors to be accepted by the SGA at the meeting following the submission of the resignation letter.

## Section 4 – Reinstatement of any Member of the SGA

- A. A former SGA member who was removed or resigned may be reinstated by a 2/3rds vote of the entire SGA. The reinstatement may carry further stipulations as determined by the SGA, and shall occur only once per academic year.
- B. For former SGA members who have vacated their position under Article 3 Section 4 (B), the former student may be reinstated through the regular appointment or election process.

## Article 8 – Amendments to the Constitution

### Section 1 – Special Committee on Constitutional Amendments

- A. The SGA may be able to designate a Special Committee on Constitutional Amendments, as needed, to devote more time to Constitution-related issues.
- B. The SGA President shall be an ex-officio member of the Special Committee on Constitutional Amendments.

### Section 2 – Review of Amendments

- A. All proposed changes to the SGA Constitution shall be sent to the SGA Advisors, Dean of Students, and the Vice President of Student Affairs for review and recommendations.

### Section 3 – Adoption of Amendments and Vote of the Student Body

- A. If a Special Committee on Constitutional Amendments has been designated, the Committee shall report to the SGA the recommended amendments to the SGA Constitution.
- B. If an SGA member or the SGA as a whole is proposing amendments to the SGA Constitution, the amendments shall be sent to the Executive Board for review.
- C. After the report or review of the proposed amendments has taken place, a 2/3rds vote of the whole SGA shall be required to approve of the amendments and send it to the student body for a vote.
- D. Immediately after passing any amendments to the SGA Constitution, the SGA shall call for an election to occur on the proposed amendments ending no earlier than two weeks after the SGA's vote to approve the amendments.
- E. The SGA shall also call for an open meeting for the purpose of encouraging discussion on the amendments by interested students at least 1 week prior to the end of the election period and posted at least 2 weeks before the end of the election period.
- F. A majority of the votes cast by the student body shall be required to adopt the proposed amendments to the SGA Constitution.

### Section 4 – Student Petitions for Amendments

- A. With a petition signed by 2% of the student body, the student body may propose changes to the SGA Constitution.
- B. Any petitions to amend the SGA Constitution shall be submitted to the SGA President, SGA Secretary, SGA Advisors, and the Dean of Students.

- C. After verification of the signatures, the SGA shall forward the proposed amendments for review as outlined in Section 2.
  - 1. If after review there are no suggested recommendations, the SGA shall call for an election to occur on the proposed amendments and an open meeting as outlined in Section 3 (D) – (G).
  - 2. If after review there are suggested recommendations, the SGA shall take them up at a regular scheduled meeting. A 2/3rds vote of the SGA is required to amend the petition. After review of the recommendations the SGA shall call for an election to occur on the proposed amendments and an open meeting as outlined in Section 3 (D) – (G).

## Article 9 – Establishment of SGA Bylaws

### Section 1 – Establishment of Bylaws

- A. The SGA shall establish bylaws that interpret and extend the SGA Constitution.
- B. The SGA Bylaws shall not conflict with the SGA Constitution, and all provisions in the SGA Constitution supersede any provision adopted by the SGA.

### Section 2 – Adoption and Amendment of SGA Bylaws

- A. A majority vote of the whole SGA is required to adopt and amend the SGA Bylaws.
- B. Proposed revisions to the SGA Bylaws shall be made available to members at least one week before any vote, except in the case of an emergency as determined by the SGA Executive Board.

## Article 10 – SGA Committees

### Section 1 – Establishment of SGA Committees

- A. The SGA shall establish the following standing committees, the Standing Committee on Finance and the Standing Committee on Events and Fundraising.
- B. The SGA may designate any other standing committees in its bylaws.
- C. The SGA may designate any special committee by a majority vote of the SGA.

### Section 2 – Appointments to the SGA Committees

- A. The SGA shall appoint members to the SGA standing committees no earlier than the third meeting of the fall semester following officer elections.
- B. The SGA shall appoint members to the SGA special committees after the vote to establish a special committee.

### Section 3 – Subcommittee Officers

- A. The Subcommittee Chair shall be responsible for:
  - 1. Conducting orderly meetings of the subcommittee.
  - 2. Carrying out the decisions of the subcommittee.
  - 3. Keeping the SGA President informed of subcommittee business regularly.

4. Providing regular reports to the SGA on subcommittee business.
  5. Posting the agenda of all meetings on the designated bulletin board at least 24 hours prior to the meeting.
- B. The Subcommittee Vice-Chair shall be responsible for:
1. Assisting the Chair in running an orderly meeting.
- C. The Subcommittee Secretary shall be responsible for:
1. Keeping minutes and records of all subcommittee meetings and sharing those records with the SGA Secretary.
  2. Keeping track of attendance at all subcommittee meetings and reporting attendance records to the SGA Secretary and SGA President.

## Section 4 – Subcommittee Bylaws

- A. Subcommittees shall be able to establish and amend its bylaws by a 2/3rds vote of the entire subcommittee, and a majority vote of the entire SGA.

# Article 11 – Ratification of the Student Constitution

## Section 1 – Ratification

- A. To be ratified, the Constitution must be approved by a 2/3rds vote of the entire SGA before any open vote of the student body, unless amendments or a new Constitution are proposed by a student petition. A simple majority of the votes cast by the student body is needed for ratification of the Constitution.