

## **The Constitution of the Eastern New Mexico University Student Government Association**

**PREAMBLE:** We the students of the Eastern New Mexico University (ENMU) System from the ENMU-Portales (Main) campus do through this Constitution establish an association of self-government, assuring equal opportunity to education and the development of institutional and individual growth, in a spirit of harmony with the System, for the purpose of bringing forth interest, activity and pride in ENMU.

### **ARTICLE 1: ORGANIZATION OF THE STUDENT GOVERNMENT ASSOCIATION**

**Section 1:** The student association associated with this Constitution is recognized by the ENMU System as the Eastern New Mexico University (ENMU) Student Government Association (SGA).

**Section 2:** Any and all students enrolled within the ENMU-Portales (Main) campus shall be represented members.

**Section 3:** The Constitution, Writ of Elections, Student Government Association Code of Conduct, Rules, Policies and/or Bylaws of the Student Government Association are recognized and supported by the Chancellor of the ENMU System and the Board of Regents when such governing documents of the association do not conflict with ENMU System policy, local law, state law or federal law.

**Section 4:** The powers, duties and responsibilities of the Eastern New Mexico University Student Government Association shall be delegated among three branches: Executive, Legislative and Judicial.

### **ARTICLE 2: EXECUTIVE BRANCH**

**Section 1:** The Executive powers of the ENMU SGA shall be vested in the Student Body President or any other executive position and/or student coordinator as appointed by the Student Body President and approved by two thirds (2/3) majority vote of Student Senate. The Student Body President shall serve as the head of the Executive Branch.

**Section 2:** The Executive Branch of the ENMU SGA may additionally be comprised of the following:

- A. Chief of Staff
- B. Treasurer
- C. Attorney General
- D. Student Coordinators
- E. Any other executive position or student coordinator as appointed by the Student Body President and approved by two thirds (2/3) majority vote of Student Senate.

**Section 3:** The Executive Branch of the ENMU SGA shall have the collective power and authority to:

- 1. Maintain normal day to day business operations of the association.
- 2. Establish and approve bylaws, rules or any other policy and/or procedure governing the Executive Branch.

3. Utilize available funding from the ENMU SGA operating budget to enhance operations or facilitate the normal day to day business operations of the association as approved by the Advisor and/or Vice President for Student Affairs.
4. Make emergency decisions regarding business operations of the association.
5. Maintain accountability among members of the Executive Branch.

### **ARTICLE 3: LEGISLATIVE BRANCH**

**Section 1:** The legislative power shall be vested in Student Senate and other legislative positions as appointed by the Student Body Vice President and approved by two thirds (2/3) majority vote of Student Senate. The Student Body Vice President shall serve as the President of Student Senate and head of the Legislative Branch.

**Section 2:** The Legislative Branch of the ENMU SGA may additionally be comprised of the following:

- A. President Pro-Tempore of Student Senate
- B. Parliamentarian of Student Senate
- C. Sergeant at Arms of Student Senate
- D. Secretary
- E. Any other legislative position appointed among existing Student Senators by the Student Body Vice President and approved by two thirds (2/3) majority vote of Student Senate.

**Section 3:** The Student Senate may be comprised of representatives of the following constituencies except as specified in Article 5 of the Constitution.

- A. Five (5) elected members from the College of Liberal Arts and Sciences.
- B. Five (5) elected members from the College of Business.
- C. Five (5) elected members from the College of Education and Technology.
- D. Five (5) elected members from the College of Fine Arts.
- E. Five (5) appointed freshmen representatives selected from among the incoming fall freshmen class by the Student Body Vice President and approved by a two thirds (2/3) majority vote of Student Senate.

**Section 4:** The Legislative Branch of the ENMU SGA shall have the collective power and authority to:

1. Have legislative prerogative.
2. Establish and approve the Constitution, SGA Code of Conduct, bylaws, rules or any other policy and/or procedure governing the Legislative Branch.
3. Suspend for good cause the rules of the Code of Elections, bylaws, rules or any other policy and/or procedure of the ENMU SGA unrelated to the Constitution, SGA Code of Conduct, Student Supreme Court and/or Executive Branch.
4. Approve appointments of the Student Body President.
5. Approve appointments of the President of Student Senate.
6. Prepare and act upon legislation.
7. Review all reports and documents of the Executive Branch.
8. Control allocations of the ENMU SGA legislative budget when such budget has been pre-approved by the Board of Regents subject to the recommendations of the Student Fees Board, Vice President of Student Affairs and Chancellor of ENMU.
9. Maintain accountability among members of the Legislative Branch.

## **ARTICLE 4: JUDICIAL BRANCH**

**Section 1:** The judicial power shall be vested in the Student Supreme Court. The Student Supreme Court shall afford due process and hearings for formal grievances filed against the ENMU SGA or within its own association that fall within its scope of responsibility.

**Section 2:** The Student Supreme Court shall be comprised of the following:

1. Chief Justice appointed by the Student Body President and approved by a two thirds (2/3) majority vote of Student Senate.
2. Four (4) justices appointed by the Chief Justice and approved by a two thirds (2/3) majority vote of Student Senate.

**Section 3:** The Judicial Branch of the ENMU SGA shall have the collective power and authority to:

1. Review decisions of the Executive and/or Legislative Branch.
2. Revise or overturn a decision of the Executive and/or Legislative Branch if such decision is found to be beyond the scope of authority of the Executive and/or Legislative Branch.
3. Establish its own procedures for conducting the Student Supreme Court.
4. Interpret the ENMU SGA Constitution, SGA Code of Conduct, bylaws, rules or any other policy and/or procedure established by the SGA.
5. Serve as the court of last resort or final appeal, thus making decisions of the Student Supreme Court final when they are acting within the scope of their responsibility, authority and jurisdiction.
6. Maintain accountability among members of the Judicial Branch.

## **ARTICLE 5: ELECTIONS, APPOINTMENTS AND TERMS OF OFFICE**

**Section 1:** The Student Coordinator of Elections will facilitate, conduct and oversee any and all elections concerning the ENMU SGA elected officials in accordance with established timelines, SGA Code of Conduct, Code of Elections, bylaws, rules or any other policy and/or procedure of the ENMU SGA.

**Section 2:** The Student Body President, Student Body Vice President (President of Student Senate), Student Public Defender and Student Senators shall be elected by an all-campus election in accordance with established procedures of ENMU SGA.

**Section 3:** All elected officials shall be sworn in at the last regular meeting of the Student Senate in the Spring semester.

**Section 4:** The terms of office for ENMU SGA officials shall be:

- A. One (1) full academic year from 12:00 a.m. of the day after the last day of the spring semester.
- B. The transition period starting when new officials are sworn in during the last meeting of Student Senate of the spring semester and 12:00 a.m. of the day after the last day of the spring semester shall be utilized as a time of mentorship and leadership transfer.

**Section 5:** Any and all appointed positions shall be approved by a two third (2/3) majority vote of Student Senate.

**Section 6:** Elected or appointed officials of the ENMU SGA shall not hold more than one position within the ENMU SGA. This provision does not include the position of Student Senator or committee member.

**Section 7:** A student may run for the office of Student Body President, Student Body Vice President or Student Public Defender while running for the office of Student Senator. The candidate will assume the highest seat for which he or she campaigned and to which he or she was elected. In such a situation, the Student Senate election will default to the next candidate with the highest number of tabulated votes in the same election. For a Student Body President-Elect, Vice President-Elect or Public Defender-Elect votes cast for the position of Student Senator will be null and void.

**Section 8:** ENMU SGA elections encourage equal representation of the Colleges at Eastern New Mexico University. Elections will utilize an automatic filling format in the event students do not declare candidacy for available Student Senate seats within their college. Candidates from other Colleges will be utilized to fill these available seats starting with the candidate with the highest number of votes until all seats are filled regardless of what College they represent.

**Section 9:** The Student Body Vice President serves as the President of Student Senate and shall only have the ability to vote on Student Senate legislation or appropriations in the event of a tie vote. The Student Body Vice President also serves as an ex-officio member of the ENMU SGA Executive Branch.

**Section 10:** The Student Body President serves as an ex-officio member of the ENMU SGA Legislative Branch (Student Senate) and shall not have any voting privileges within Student Senate.

**Section 11:** The ENMU SGA Advisor serves as an ex-officio member of the ENMU SGA Executive, Legislative and Judicial Branch and shall not have any voting privileges.

## **ARTICLE 6: VACANCIES**

**Section 1:** If the Office of the Student Body President should become vacant, the Student Body Vice President shall serve as Student Body President for the remainder of the unexpired term.

**Section 2:** If the Office of the Student Body Vice President should become vacant, the President Pro-Tempore of Student Senate shall serve as Student Body Vice President for the remainder of the unexpired term.

**Section 3:** If the Office of the President Pro-Tempore of Student Senate should become vacant, the Parliamentarian of Student Senate shall serve as the President Pro-Tempore for the remainder of the unexpired term.

**Section 4:** Vacancies in the Student Senate can be filled by appointment at the discretion of the President of Student Senate. All appointments for the position of Student Senator must be approved by a two thirds (2/3) majority vote of Student Senate. The appointed Senator shall hold office for the remainder of the unexpired term.

**Section 5:** Vacancies in the Office of Student Public Defender shall be filled by appointment of the Student Body Vice President (President of Student Senate). All appointments for the position of Student Public Defender must be approved by a two thirds (2/3) majority vote of Student Senate and will remain for the remainder of the unexpired term.

## **ARTICLE 7: REMOVAL FROM OFFICE**

**Section 1:** All elected and/or appointed officials may be removed from office for any of the following reasons:

- A. Failure to maintain minimum academic standards as established by the ENMU SGA. Elected and/or appointed officials who fail to maintain academic standards as established by the ENMU SGA shall be considered to have vacated their position.
- B. Failure to maintain attendance requirements as established by the ENMU SGA. Elected and/or appointed officials who fail to maintain attendance requirements as established by the ENMU SGA shall be considered to have vacated and/or abandoned their position.
- C. Failure to maintain good standing with the ENMU System. Elected and/or appointed officials who fail to maintain good standing with the ENMU System or have a substantiated violation of the ENMU Student Code of Conduct shall be considered to have vacated their position.
- D. Student coordinators and executive officials who were appointed by the Student Body President may be removed from their position by the Student Body President for issues which include, but are not limited to insubordination, progressive discipline or failing to perform duties as assigned. Such removal from appointment shall not affect the status of an individual's position as a Student Senator, if applicable.
- E. Officials who were appointed by the Student Body Vice President may be removed from their position by the Student Body Vice President for issues which include, but are not limited to insubordination, progressive discipline or failing to perform duties as assigned. Such removal from appointment shall not affect the status of an individual's position as a Student Senator, if applicable.
- F. Two thirds (2/3) majority vote of Student Senate on a "Vote of No Confidence" called on any ENMU SGA elected and/or appointed official for just cause or gross misconduct in accordance with procedures established by the Legislative Branch.
- G. A majority vote by the Student Supreme Court on a "Call for Impeachment" served on any ENMU SGA elected and/or appointed official for just cause or gross misconduct in accordance with procedures established by the Judicial Branch.

**Section 2:** Decisions to remove an elected and/or appointed official from office shall take place immediately when such was associated with the provisions of Article 7, Section 1A.; Article 7, Section 1B.; Article 7, Section 1C.; and Article 7, Section 1G above.

**Section 3:** Elected and/or appointed officials shall be considered administratively suspended from office pending the outcome of appeal, if any, when such decision to remove an elected and/or appointed official was associated with Article 7, Section 1D; Article 7, Section 1E; or Article 7, Section 1F of this Constitution. During this time the elected and/or appointed official will have the same rights and privileges as any other member of the Student Body, but not those rights and privileges afforded to elected and/or appointed officials of the ENMU SGA.

## **ARTICLE 8: APPEAL**

**Section 1:** Any elected or appointed official may appeal a decision concerning their administrative suspension that is associated with the provisions outlined in Article 7, Section 1D; Article 7, Section 1E or Article 7,

Section 1F of this Constitution. This request for appeal must be submitted in writing to the Chief Justice of the Student Supreme Court within five (5) business days of an elected or appointed official's removal from office.

**Section 2:** Any elected or appointed official who fails to file an appeal or fails to file an appeal with the designated time frame will be considered to have been removed from office.

**Section 3:** The Chief Justice shall convene the Student Supreme Court no later than ten (10) business days after receiving a written request for appeal from any elected or appointed official who has been removed from office for a due process appeal hearing.

- A. The Student Supreme Court may substantiate the official's removal or reinstate the official by a majority vote.
- B. The Student Supreme Court serves as a court of last resort and final appeal, thus making the decision of the Student Supreme Court final when it acts within the scope of their responsibility, authority and jurisdiction.

**Section 4:** A default decision will be automatically awarded to the elected and/or appointed official that was administratively suspended in the event the Student Supreme Court fails to provide due process by convening within the prescribed time period after a written request for appeal was filed. Under these circumstances the elected and/or appointed official will be automatically reinstated with all rights and privileges associated with their office.

## **ARTICLE 9: GOVERNANCE**

**Section 1:** All actions of the ENMU SGA shall be subject to review by the ENMU Board of Regents and must comply with ENMU System policy, local laws, state laws and federal laws as well as the Constitution, SGA Code of Conduct, Code of Elections, bylaws, rules and other policies and procedures established by the ENMU SGA.

**Section 2:** Documents of governance inferior to the ENMU SGA Constitution such as the SGA Code of Conduct, Code of Elections, bylaws, rules or any other policy and/or procedure established by the ENMU SGA shall become effective immediately upon approval of Executive Branch, Legislative Branch and/or the Judicial Branch, whichever is applicable. The document will be attested to by the signature of the Student Body President, Student Body Vice President, and/or Chief Justice of the Student Supreme Court, whichever is applicable based upon the branch of government from which the document originates.

**Section 3:** Current ENMU SGA elected and/or appointed officials will honor and abide by the previous legislation, Constitution, SGA Code of Conduct, Code of Elections, bylaws, rules or any other policy and/or procedures previously established by the ENMU SGA unless and until such legislation or rule is replaced by a new rule or legislation enacted in accordance with this Constitution.

## **ARTICLE 10: AMENDMENTS**

**Section 1:** Any member of the ENMU Student Body or SGA may propose an amendment to the Constitution in accordance with established procedures of ENMU SGA.

**Section 2:** Approval of amendments to this Constitution require a two-thirds (2/3) majority vote of Student Senate.

**Section 3:** Approved amendments to this Constitution shall be processed and updated without unnecessary delay through appropriate channels by the Student Body President.

## **ARTICLE 11: RATIFICATION**

**Section 1:** This Constitution shall become effective immediately after preliminary approval of Student Senate and upon final approval by the Board of Regents of Eastern New Mexico University. This document will be attested to by the signatures of the Student Body President, the Student Body Vice President (President of Student Senate) and the President of the Board of Regents.

**Section 2:** The existing Constitution of the ENMU SGA shall remain in effect until a new Constitution is enacted.

## **ARTICLE 12: STUDENT RIGHTS**

**Section 1:** These following are rights recognized by the ENMU SGA which aid in operation of the ENMU SGA.

- A. Every student has full and equal rights in the ENMU System regardless of sex, race, color, national or ethnic origin, religion, physical or learning disability, political belief, sexual orientation, marital or parental status, age, or military involvement.
- B. Any action that violates ENMU System policies, codes of conduct, or local, state or federal laws shall be prohibited.
- C. Every student has the right to freedom of speech and expression as outlined by the first amendment of the United States Constitution.
- D. Every student has the right to vote in ENMU SGA elections in accordance with procedures established by the ENMU SGA.
- E. Every student has the right to inspect ENMU SGA unprotected records in accordance with procedures established by the ENMU SGA.
- F. Every student has the right to solicit input to ENMU SGA elected and/or appointed officials.
- G. The ENMU SGA asserts the right of student representation on ENMU System committees dealing with the formulation of policies and/or procedures affecting students.
- H. No student shall be denied the right to peacefully assemble on any ENMU System campus in a manner that does not disrupt the mission of the ENMU System.
- I. Every student has the right to solicit input at Student Senate meetings in accordance with procedures established by the ENMU SGA Legislative Branch.

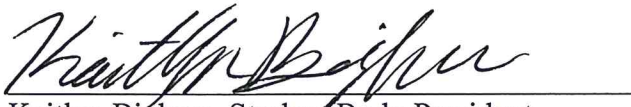
**Ratification of the Constitution of the  
Eastern New Mexico University Student Government Association:**

Let it be known that the Student Senate of the Eastern New Mexico University Student Government Association confirmed this Constitution by a unanimous vote on this **5th** day of **March, 2019**.

The Student Body President and the Student Body Vice President (President of Student Senate) of Eastern New Mexico University hereby attest to this confirmation with their signatures below.

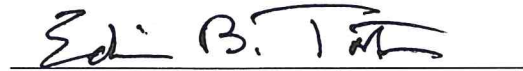


Adilene Adame, President of Student Senate  
Eastern New Mexico University



Kaitlyn Bigham, Student Body President  
Eastern New Mexico University

The ENMU Board of Regents has hereby approved and ratified this Constitution of the Eastern New Mexico University Student Government Association into ENMU System governance on this **29th** day of **March, 2019**.



Edwin B. Tatum, President  
Eastern New Mexico University  
Board of Regents

