

THE  
CONSTITUTION  
OF THE  
ASSOCIATED STUDENTS  
OF THE  
UNIVERSITY OF NEBRASKA – KEARNEY



Signed this day of September 30, 2014

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Connor Schulte  
Student Body President & Regent, 2014-2015

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Dallas Doering  
Speaker of the Senate, 2014-2015

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## ARTICLE I

**Section I** - The supreme government of the Student Body shall be called the Student Government of the Associated Students of the University of Nebraska – Kearney and shall be composed of three branches: the Executive, the Legislative, and the Judicial.

**Section II** - Every student enrolled at the University of Nebraska – Kearney, and thus a member of the Associated Students of the University of Nebraska – Kearney, shall retain the right to vote, as the Associated Students of the University of Nebraska – Kearney does not discriminate on the basis of race, age, color, disability, religion, sex (including sexual harassment), sexual orientation, national or ethnic origin, marital status, or veteran status.

## ARTICLE II

**Section I** - The executive power of Student Government shall be vested in the President of the Student Body. There shall also be a Vice President of the Student Body. The terms of office for both the President and Vice President shall be one year from their date of inauguration or until that time when either is impeached and removed from office or either permanently vacates their respective office for any reason.

**Section II** - To be eligible to serve in the office of President or Vice President, an undergraduate or graduate student must be enrolled at the University of Nebraska – Kearney, must have completed a minimum of twenty-four (24) University of Nebraska – Kearney on-campus credit hours, must not be on academic or disciplinary probation, shall be in good standing with the University, shall have a minimum cumulative grade point average of 2.5 on a 4.0 scale, and shall not be a member of the Legislative or Judicial Branches of the Student Government. Furthermore, at that time when the sitting President fails to meet each and all of these requirements, the President shall temporarily step down until the requirements are once again met, and the Vice President shall be empowered as Acting President during the interim.

**Section III** - The President of the Student Body shall also serve as the University of Nebraska – Kearney Student Regent on the University of Nebraska Board of Regents as provided by the Board of Regents.

**Section IV** - A candidate for the office of President and a candidate for the office of Vice President shall run in an election together on a ticket. In order to be elected, a Presidential ticket must receive a simple majority of the voting Student Body, defined as fifty percent plus one vote (50% +1). In cases when no ticket receives the aforementioned simple majority, the two tickets which received the largest number of votes cast shall meet in a run-off election to be held no later than one week after the initial election. The ticket elected as a result of the run-off election shall take office one week after the run-off election.

**Section V** - The duly elected President and Vice President of the Student Body shall, before entering the execution of their respective offices, take the following Oath or Affirmation, administered by the Chief Justice of the Student Court or the Chancellor of the University of Nebraska – Kearney: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President (or Vice President) of the Associated Students of the University of Nebraska – Kearney, and will to the best of my ability, preserve, protect, and defend the Constitution of the Associated Students of the University of Nebraska – Kearney.”

**Section VI** - These shall be the official duties and responsibilities of the President of the Student Body:

1. To be the Chief Executive of the Student Government, responsible for the execution of all legislation passed by the Senate and signed by the President;
2. To be the official Representative of the Student Body in all student affairs;
3. To be the same official Representative of the Student Body to any faculty committees or governing bodies to which student representation is required or necessary and shall have the power to appoint personal representatives thereto, with the advice and consent of the Senate;
4. To fill all vacancies on the Student Court with the advice and consent of the Senate, with the Senate reserving all the right to establish through legislation the process for appointing judges to any inferior courts created under this Constitution;
5. To appoint the Chief Justice of the Student Court for a term of the year with the advice and consent of the Senate, to take effect immediately after the termination of the President's current term;
6. To appoint an Executive Cabinet with the advice and consent of the Senate;
7. To be the official Representative of the Student Government on campus during the time between the last day of the spring semester and the first day of the following fall semester;
8. To make available to all members of the Student Government a monthly report detailing all happenings, events, and decisions that will affect or may possibly affect the Associated Students of the University of Nebraska – Kearney.

**ARTICLE III**

**Section I** - The President shall have an Executive Cabinet to which he or she will appoint individuals whom shall be approved by the Selections & Constitutional Review Committee and confirmed by a two-thirds (2/3) vote of the Senate. The terms of office for officials of the Executive Cabinet shall be from the time of confirmation by the Senate until the termination of the President's term of whom they serve, or until removal from office by the President. To be eligible to serve on the Executive Cabinet, an undergraduate or graduate student must be in good standing with the University, and shall have a minimum cumulative grade point average of 2.5 on a 4.0 scale. The cabinet positions shall be Chief of Staff, Secretary of the Treasury, Secretary of Student Organizations & Affairs, and Secretary of Community Relations. The members of the Executive Cabinet of the President shall serve at the discretion of the President and may be removed by a Presidential decision. All decisions made by the Cabinet are subject to Presidential approval and at no time may the Cabinet, collectively or individually, usurp the President's authority. The Executive Cabinet shall fulfill a collective function as primary advisors to the President in addition to executing their individual official responsibilities. The Executive Cabinet shall be chaired by the Vice President, with the Vice President and Executive Cabinet members having voting rights within the Executive Cabinet and shall not meet less than once a month at a time to be determined by the President. The Cabinet shall submit a written report of their actions to the

Speaker of the Senate on a monthly basis. Confirmed members of the Executive Cabinet shall, before entering the execution of their respective offices, take the following Oath or Affirmation, administered by the President or Vice President of the Student Body: "I do solemnly swear (or affirm) that I will faithfully execute the Office of (cabinet post) of the Associate Students of the University of Nebraska – Kearney, and will to the best of my ability, preserve, protect, and defend the Constitution of the Associated Students of the University of Nebraska – Kearney."

**Section II** -The Chief of Staff shall officially assist the President with any duties he or she may need in the office. He or she shall also assist the Secretary of the Treasury in his or her duties and shall be responsible especially for aiding in the preparation of the Student Government Budget. The Chief of Staff may also assist the Secretary of Community Relations and the Vice President with any duties they may need assistance with during their term of office. His or her department shall be charged primarily with communications, public affairs, and planning for the President.

**Section III** - The Secretary of the Treasury shall be the Chief Financial Officer of the Student Government. This Secretary shall be charged with the administration of University Programming and Facility Fees Fund A Monies at the direction of the Student Activities Budget Commission, to which he or she shall be a voting member, and/or the direction of the Senate Ways & Means Committee, and shall expend monies appropriated by the Student Government at the direction of a majority of the Senate. The Secretary of the Treasury shall also see to it that the budget of the Senate is maintained, and shall, at the end of each appointed term, submit for audit all appropriate Student Government financial records to the University Office of Finance.

**Section IV** - The Secretary of Student Organizations & Affairs and his or her department shall be responsible for all relations between Student Organizations and the Student Government, which shall include regular attendance of various Student Organization meetings. The Secretary of Student Organizations & Affairs shall appoint assistants once he or she has been approved through Senate. The President shall approve the appointees. The assistants are, but not limited to, Residence Hall Representative, Greek Representative, International Student Representative, Multicultural Representative, and Athletic Representative. To be eligible to serve on the Executive Cabinet, an undergraduate or graduate student must be enrolled at the University of Nebraska – Kearney, must not be on academic or disciplinary probation, shall be in good standing with the University, and shall have a minimum cumulative grade point average of 2.5 on a 4.0 scale. These individuals shall be responsible for attending their respective meetings and reporting to the Secretary of Student Organizations & Affairs and the Executive Cabinet. The Secretary of Student Organizations & Affairs shall be responsible for attending all other student organizations on campus.

**Section V** - The Secretary of Community Relations shall serve as the president's official ambassador to the City of Kearney and the surrounding community, representing the students of the University of Nebraska – Kearney. His or her department shall be charged primarily with the regular attendance of City Council meetings and maintaining a professional relationship between the City of Kearney and the Student Government of the University of Nebraska – Kearney.

## ARTICLE IV

**Section I** - The Vice President of the Student Body shall assume all powers of the Presidency in the event the President permanently vacates his or her office and for the remainder of such an unfulfilled

term, shall act as Speaker of the Senate until a Speaker is elected from the Senate and at any time the Speaker is absent or during any time when the Speaker's Chair is temporarily vacated and until a new Speaker is elected, in such a permanent case, by the Senate, shall Chair and be the Administrator of the Executive Cabinet, and shall be an ex-officio, non-voting member of the Senate Executive Committee so as to act as a representative of the Presidency to the Senate of the Student Government.

**Section II** - The Vice President shall be the first to succeed the President in the event of the permanent vacation of the President's office, followed by the Speaker of the Senate, then the Chief of Staff, then the Secretary of the Treasury, then the Secretary of Student Organizations & Affairs, and then the Secretary of Community Relations, and finally a Senator elected at-large by the Senate with each College and Category on the Senate casting one collective vote for such a candidate.

**Section III** - If, at any time, the Office of Vice President is vacated due to death, resignation, or impeachment, the President shall nominate a Vice President who shall assume the office upon confirmation by a two-thirds (2/3) vote of the Senate. A confirmation vote shall be taken by the full Senate and not referred to any Committee.

**Section IV** - It shall be that whenever the Vice President and a majority of the Executive Cabinet of the President believes it true that the President is incapable of executing his or her Office and this belief is declared to the Speaker of the Senate, the Vice President shall assume the Office of Acting President upon notifying the Speaker of the Senate. If the President believes it true that he or she is unable to execute his or her Office, he or she shall declare their belief to the Speaker of the Senate and the Vice President shall assume the Office of Acting President.

**Section V** - When the President declares to the Speaker of the Senate his or her belief that he or she may resume execution of his or her Office after having been temporarily superseded by his or her own decision or that of the Vice President and Cabinet, he or she shall resume the execution of his or her Office unless a majority of the Cabinet does not believe the President is able to execute his or her Office and the Speaker of the Senate is notified of such. Then, the Senate shall decide the issue within seventy-two (72) hours, and two-thirds (2/3) of the Senate must concur to retain the Vice President in the Office of Acting President, the President shall resume the execution of his or her Office immediately. If the vote of the Senate is not two-thirds in favor of retaining the Vice President as Acting President, the President shall resume the execution of his or her Office immediately

**Section VI** - The President and/or Vice President shall be immediately removed from office upon Impeachment and Conviction by the Senate, according to its rules, or violations of law under the United States of America, the State of Nebraska, or the City of Kearney; of violations of University of Nebraska Policies; of violations of the Constitution of the Associated Students of the University of Nebraska – Kearney; of violations of the Rules of the Senate; of violations of Campus Legislation and Actions passed by the Student Government; and of Abuses of Power.

## ARTICLE V

**Section I** - All legislative power of the Student Government shall be vested in a one-house legislature called the Senate.

**Section II** - The Senate shall be composed of Senators elected every year by the Student Body of the University of Nebraska – Kearney. The freshman class, who has completed less than twelve (12) class credit hours, shall be represented by two (2) Senators. The remaining Senators shall represent the Colleges of Business and Technology, Education, Fine Arts and Humanities, Natural and Social Sciences, Graduate Studies, and the Category of Undeclared/Pre-professional majors. The total number of Senators for the colleges and the category shall not exceed twenty-two (22) and each college and category shall have no fewer than two (2) Senators. The number of Senators for each college and category shall be determined by dividing the total number of students enrolled in each college and category by the total enrollment of both graduate and undergraduate students at the University of Nebraska – Kearney, multiplied by twenty-two (22). However, graduate students who are majoring within the Colleges of Natural & Social Sciences, Fine Arts & Humanities, Business & Technology, and Education will first be categorized by those respective colleges in which they are majoring in, rather than first in the “Graduate College” category. Furthermore, graduate students that are “Non-Degree seeking” will be specifically identified as graduate students under that college, and likewise may run as a graduate College Senator.

**(total number of students enrolled in each college or category) X 22**  
**(total number of students enrolled at UNK)**

The Freshmen class who has received more than 12 dual credit hours while in high school will be eligible for Freshman Senator. Freshmen Senators shall serve from one week following the September election to the end of the legislative session for which they were elected or until removed for any infraction of hereafter enumerated requirements to hold office or for any reason deemed necessary and proper by the Senate. The term of office for the rest of the Senators shall be from the beginning of the annual legislative session for which they were elected to its end or until removed for infraction of any hereafter enumerated requirements to hold office or for any reason deemed necessary and proper by the Senate.

**Section III** - Students shall be allowed to vote and likewise hold office in the Senate only under the college or category for which the Office of the Registrar has record for that student. In order to be eligible to vote and likewise hold office as Freshman Senator, students must have completed less than twelve (12) class credit hours or, if the student has attained more than twelve (12) class credit hours, must not be a transfer student from any previous post-secondary institution of higher education. Freshman Senator elections shall be held annually in the fall at a time to be determined by the Election Commissioner and the Student Government Advisor.

**Section IV** - A mandatory Review and Reapportionment shall be conducted within and before the end of each month of January by a non-partisan Election Commission appointed by the Chief Justice and confirmed by two-thirds (2/3) of the Senate. This Review shall be to determine the number of seats for each college and apportioned category. The Election Commission and the whole of the Student Government are bound to follow the apportionment procedures prescribed herein and the Senate, nor the Executive, nor the Judiciary, nor the Commission, may alter or deviate from the apportionment established by these Constitutional guidelines.

**Section V** - To be eligible for election to the Senate; withstanding the Senators who represent the Freshman Class whose requirements to serve in the Senate shall be one who is a freshman who has completed less than twelve (12) class credit hours or, if the student has attained more than twelve (12) class credit hours, must not be a transfer student from any previous post-secondary institution of higher education, is enrolled at the University of Nebraska – Kearney, is not on academic or disciplinary

probation, is in good standing with the University, and is not a member of the Executive or Judicial Branches of the Student Government; an undergraduate or graduate student must be enrolled at the University of Nebraska – Kearney, must not be on academic or disciplinary probation, shall be in good standing with the University, shall have a minimum cumulative grade point average of 2.5 on a 4.0 scale, and shall not be a member of the Executive or Judicial Branches of the Student Government. Furthermore, at that time when a sitting Senator fails to meet all of these requirements, the Senate may vacate his or her seat by a two-thirds (2/3) vote. Senators shall, before entering the execution of their respective offices, take the following Oath or Affirmation, administered by the duly elected or acting Speaker of the Senate: “I do solemnly swear (or affirm) that I will faithfully execute the Office of Senator of the College/Category of ( \_\_\_\_\_ ) of the Associated Students of the

University of Nebraska – Kearney, and will to the best of my ability, preserve, protect, and defend the Constitution of the Associated Students of the University of Nebraska – Kearney.”

**Section VI** - When vacancies occur in the representation from any college or category, the remaining Senate delegation thereof shall have the right of nomination to fill the vacancy or may refer that right of nomination to the Senate.

**Section VII** - The Senate shall choose a Speaker and two (2) Executive Officers. Two (2) Student Senators shall be voted upon and appointed by the Senate to serve on the Student Senate Fee Advisory Committee at the second regular meeting of the new term as outlined in the Student Fee Accountability Act of 2003.

**Section VIII** - The Senate, with a two-thirds (2/3) vote, shall have the sole power of impeachment. The sole power to try impeachment shall lie with the Student Court. If Student Court, by a two-thirds (2/3) vote, recommends for the removal of a Senator, the President, or the Vice President from their respective offices, then that office shall immediately be vacated. The decision of the Student Court shall be final except in cases where a prompt written request for appeal is submitted to the Dean governing Student Affairs no later than one week after the Court’s decision.

The following procedure will be used in all impeachment proceedings:

1. An investigation of an individual concerning impeachable actions is requested by either the Speaker of the Senate or by a simple majority vote of the Senate. Impeachable actions include violations of national, state, or local laws and ordinances, and impeachable offices are the offices of Senator, President, and Vice President.
2. The Rules and Ethics Committee holds hearings to investigate relevant actions of said individual.
3. When the Rules and Ethics Committee completes the investigation(s), it returns to the Senate with a recommendation. This recommendation shall either include an endorsement of articles of impeachment (charges against the individual in question) and said articles or a recommendation to discontinue any further inquiries in this area.
  - A. If the Rules and Ethics Committee recommends articles of impeachment, the Senate must vote whether or not to accept these articles by a two-thirds (2/3) vote. (Go to 4.)



- B. If the Rules and Ethics Committee recommends no further inquires in this area, the Senate must vote to either accept this recommendation by a simple majority, or to overrule this recommendation by a two-thirds (2/3) vote. (Go to 5.)
  
- 4. If the Senate fails to obtain a two-thirds (2/3) vote in favor of the articles of impeachment, the matter is finished. If the Senate, by a two-thirds (2/3) vote, accepts the articles, the individual in question is impeached. The case then goes to Student Court to see if the impeached official shall be removed from his or her office. (Go to 7.)
  
- 5. If the Senate, by a majority vote, accepts the recommendation by the Rules and Ethics Committee that no further inquiries are necessary, the matter is finished. If the Senate overrides the recommendation of no further inquiry, debate is opened. During this period, articles of impeachment must be presented to the Senate and voted upon, or the Senate must decide, by a simple majority, to close debate on the subject. (Go to 6.)
  
- 6. If the Senate votes, by a simple majority, to close debate on the subject, the matter is finished. If articles of Impeachment are presented to the Senate, the Senate must vote whether or not to accept the articles.
  - A. If the Senate votes to not accept the articles of impeachment, the matter is finished.
  - B. If the Senate, by a two-thirds (2/3) vote, accepts the articles, the individual in question is impeached. The case then goes to Student Court to see if the impeached official shall be removed from his or her office. (Go to 7.)
  
- 7. After hearing the case, the Student Court shall decide whether the charges are founded and proper or not.
  - A. If the Court cannot, by a two-thirds (2/3) vote, find that the charges are founded and proper, then the matter is finished and the impeached official is not removed from office.
  - B. If the Court, by a two-thirds (2/3) vote, finds the charges to be founded and proper, the impeached official shall be removed from office. If the impeached official wishes to appeal the Court's decision, a prompt, written request for appeal must be submitted to the Dean governing Student Life no later than one week after the Court's decision is made.

**Section IX** - Senators shall be subject to recall, which may be initiated by popular petition, requiring a number of signatures to be determine by the Senate, and confirmed by a two-thirds (2/3) vote of the Senate.

**Section X** - The Senate may determine the Rules of its Proceedings, punish Senators for violations of said Rules and, with the Concurrence of two-thirds (2/3) of the Senate, expel a Senator.

**Section XI** - All Bills, for the purpose of increasing revenue, shall originate in the Senate. No funds shall be drawn from the treasury without the consent of the Senate.

**Section XII** - No Bill, Resolution, Budget, or Action passed by the Senate, other than actions concerning the Senate alone, shall be in effect unless and until it has been presented to the President of the Student Body for his or her signature, after which all Senate action, other than internal action, becomes in effect. If the President disapproves of the action, the President shall veto the legislation and return it to the Senate with the President's objections. The Senate shall then reconsider the action and may override the veto by a two-thirds (2/3) vote of the Senate without altering the action and it shall be in effect without the President's signature, except in the appointment of Election Commissioner. If the Senate shall alter a vetoed action in any way, it must be returned to the President for his or her signature or veto again. Any Senate action not signed or vetoed by the President within seven (7) days shall take effect after that time as if the President had signed it, unless the annual Legislative Session shall end before that seven (7) days, in which case the action shall not take effect. Legislation passed by the Student Government shall be considered the supreme legislation covering University of Nebraska – Kearney students, however, national laws, state laws, local laws, and Boards of Regents rulings shall take precedence over any Student Government legislative actions.

**Section XIII** - The President, Vice President, and/or any member of the Executive Branch shall never have the power to directly introduce legislation into the Senate and shall never have the right to engage in debate of legislation or any actions on the Senate Floor or in its several committees; the Speaker retaining discretion as to whether or not any member of the Executive Branch may give a report in the Senate. Any legislation proposed by the Executive Branch must be sponsored and introduced into the Senate by a Senator or Senators or the Speaker of the Senate on behalf of the Executive Branch.

## ARTICLE VI

**Section I** - All Judicial Power of the Student Government is hereby vested in one Student Court. The Judicial Power of Student Court under this Constitution shall extend to all cases arising under this Constitution, to legislation passed by the Student Government, controversies to which the Student Government shall be a Party, to controversies between officials of the Student Government and to hereafter enumerated controversies between a student and officially recognized student organization or non-moving violations. Never shall the Judicial Power extend to issues where there is no actual case or controversy, neither shall the court or courts allow individuals to litigate who are not directly affected by a case or controversy arising under this Constitution, nor shall the court judicate a case or controversy where such judication will not result in relief for a litigant. The Student Court shall be the highest court of appeal, its decisions being final, and shall have Original Jurisdiction over questions of constitutionality of actions by the Executive or Legislative Branches, the constitutionality (according to its individual constitution) of any action taken by any Senate recognized organization, conflicts between recognized organizations and Student Government, the authority to grant or deny appeal of non-moving violations, the authority to raise or lower fines as deemed necessary for non-moving violations, and any and all other areas as prescribed by the Senate, in accordance with their jurisdiction.

**Section II** - The Justices of the Student Court and the Judges of any and all inferior courts shall hold their Offices on the conditions of having completed at least one full semester as a full-time student of on-campus University of Nebraska – Kearney classes, shall not be on disciplinary probation, shall not be

on academic probation, shall be in good standing with the University, shall have a minimum cumulative grade point average of 2.5 on a 4.0 scale, and shall not be a member of the Executive or Legislative Branches or Student Government, the breach of any of these conditions, to be determined by the Senate, grounds for removal of a Justice by a two-thirds (2/3) vote of the Senate according to its rules. The President shall nominate eligible candidates to sit on the Court, which must be confirmed by two-thirds (2/3) of the Senate according to its rules. Confirmed Justices shall, before entering the execution of their respective offices, take the following Oath or Affirmation, administered by the Chief Justice of the Student Court: "I do solemnly swear (or affirm) that I will faithfully execute the Office of (cabinet post) of the Associate Students of the University of Nebraska – Kearney, and will to the best of my ability, preserve, protect, and defend the Constitution of the Associated Students of the University of Nebraska – Kearney."

**Section III** - It shall be the responsibility of the Court and Appellate Courts to set a time table for appeal of their decisions and inform litigants of such a time table.

**Section IV** - The Student Court shall be composed of one (1) Chief Justice, seven (7) Associate Justices, and one (1) Secretary of the Court whose terms shall be for the duration of the Justices; undergraduate or graduate career at the University of Nebraska – Kearney or until such time that the requirements to hold office as a Justice are no longer met. If said position needs to be filled, the President shall nominate, one month prior to the end of his or her term, a sitting Justice who has been a member of the Court for at least one semester, or, if that is not possible, shall nominate one Justice from the three most senior Justices, as a Chief Justice of the Court, who shall, upon confirmation by two-thirds (2/3) of the Senate according to its rules, assume the role of Chief Justice the first week in March. The Secretary of the Court shall take responsibility for recording court proceedings, opinions, and records and shall have no vote on the Court.

**Section V** - The Chief Justice shall preside at all sessions of the Student Court and shall not vote except to break a tie or complete quorum. The Court shall convene on a regularly scheduled basis, as the Justices see fit, and the Chief Justices may convene additional sessions of the Court as deemed necessary. It shall be the duty of the Chief Justice to nominate a candidate for the office of Election Commissioner according to the procedure determined by the Rules and Ethics Committee and submit that nomination to the Rules and Ethics Committee for review by the last Senate meeting of the academic year in which the Chief Justice is appointed. In the temporary absence of the Chief Justice, the temporaryness to be determined by the Justices, Chief Justice Pro Tempore shall be elected from the Justices to serve for the duration of the absence. In the event of a permanent absence of a Chief Justice, the President shall appoint another as soon as possible, to be confirmed by two-thirds (2/3) of the Senate according to its rules.

**Section VI** - All courts created in accordance with this Constitution are not legal bodies; however, they shall adhere to the standards of Due Process of law and Equal Protection under the law, the essential elements of which shall include, but shall not be limited to the requirements that pending action on any charges against the status of a student shall not be altered, nor his or her right to be present on campus and/or to attend classes be suspended, except for the reasons related to his or her physical and/or emotional safety and well-being of students, faculty, or University property.

**Section VII** - These shall be among the requirements for procedural Due Process in all cases before the Student Court or any other courts established under this Constitution:

1. That no member of the Court or Appellate Courts who is otherwise interested in a particular case shall sit in judgment of that case during the decision, if evidence is submitted exposing a conflict of interest in the case;
2. That the defendant shall be informed, in writing, of the reasoning for any proposed disciplinary action, sanction, or decision of the court with sufficient time to prepare for the adjudication of the case, with the specific charge and the name or names of the plaintiff bringing the charge(s) included in the written notification;
3. That the defendant appearing before the Court or Appellate Courts shall have the right to be assisted in his or her defense by an advisor of the student's choice;
4. That the burden of proof shall rest upon the plaintiff bringing the charge, and the Court or Appellate Courts shall play no part in proving a defendant, guilty or not guilty;
5. That the defendant shall be given the opportunity to testify and present evidence and witnesses, and shall have the opportunity to hear and question adverse witnesses. In no case shall the Court or Appellate Courts consider statements against the defendant unless the defendant has been advised of the content and the names of those making the statements, and unless the defendant has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn;
6. That all matters upon which the decision of the Court or Appellate Courts may be based must be introduced into evidence at the proceeding before the Court or Appellate Courts, the decision being based solely upon these matters, and with improperly acquired evidence being inadmissible;
7. That, in the absence of a transcript, there shall be both a digest and verbatim record, such as a tape recording, of the hearing or trial.

## **ARTICLE VII**

**Section I** - Amendments to this Constitution may be proposed and ratified at any time, and must be approved first by two-thirds (2/3) of the Senate and thereafter ratified by a majority of the voting members of the Student Body. Failure of any amendment to pass Senate approval and/or ratification shall constitute rejection of that amendment. Amendments shall take effect immediately upon ratification, with the Speaker of the Senate and the President being bound to sign the amendments to the Constitution the very day of their passage.

## ARTICLE VIII

**Section I** - There shall be held annually in March, on the first Wednesday and the immediately following Thursday, elections for the President and Vice President, with no election or appointed officials of the Student Government retaining their seat without re-election to it.

There shall also be held annually in March, on the first Wednesday and the immediately following Thursday, elections for the entire Senate, with no elected or appointed officials of the Student Government retaining their seat without re-election to it. Students may vote within their respective College or Category except the Freshman Category, which is voted upon only in the Fall. If any election required by this constitution occurs during a time when school is not in session they may be moved at the discretion of the Election Commissioner.

**Section II** - Inauguration for the new term of Student Government shall be the fourth Tuesday prior to finals week of the Spring semester. The time in between the elections and the inauguration is a transitional/training period in which newly elected member of Student Government are required to attend all relevant Student Government activities in order to learn their new responsibilities as members of Student Government. The current members of Student Government shall hold their position in Student Government until the Inauguration of the newly elected Student Government members.

**Section III** - A non-partisan Election Commissioner shall be nominated by the Chief Justice according to procedure determined by the Rules and Ethics Committee. The nomination shall be submitted to the Rules and Ethics Committee of the Senate for review by the second to the last meeting of the current term of the Senate that is in session. At the meeting immediately following, the Rules and Ethics Committee shall make a recommendation in the form of a resolution regarding the appointment of the said nominee. A two-thirds (2/3) vote of the Senate shall be necessary for ratification of the appointment.

After taking office, the Election Commissioner may request the establishment of a non-partisan Election Commission, the size of which shall be determine each year by a three-fourths (3/4) vote of the Senate. The Election Commissioner shall nominate candidates, which shall be confirmed by three-fourths (3/4) of the Senate by the second meeting of the academic year in which the Senate is in session. The Commission shall serve a one-year term, with one being designated Election Commissioner. No member of the Commission may be at the same time a member of any Branch of the Student Government. It shall be the responsibility of the Commission to conduct all scheduled and special elections according to directives passed by the Senate and to count ballots, insure compliance by all candidates of election regulations as passed by the Senate, and report election results.

Those elected shall assume office at the last meeting of the Senate term in which they were elected, constituting the start of a new legislative session.

No member of the Student Government except those of the Election Commission may sit at the voting booths, and others decided upon by the Senate and Commission may sit at the booths as well.

**Section IV** - The Senate shall have the power to pass all legislation necessary and proper for the fair, timely conduction of Student Government elections.

**Section V** - Tie votes between candidates for the Senate shall be decided by a run-off election conducted by the Election Commission.

**Section VI** - All sections of Article Eight (8), shall take effect immediately upon the ratification by the majority of the voting Student Body.

## ARTICLE IX

**Section I** - The Associated Students of the University of Nebraska – Kearney, and only said students, shall have the right of Initiative and Referendum under this Constitution, with Initiatives consisting of proposed Legislation, Acts, Resolutions, or Constitutional Amendments of any measure other than those concerning the Budget, and Referendums consisting of the repeal of the same measures passed by the Student Government or the Student Body. Petitions for the organization of such must obtain the signatures of no less than five percent (5%) of the enrolled students in each of the Colleges at the University of Nebraska – Kearney, which shall be construed at all times to include as well the Category of Undeclared/Pre-professional Majors, in order for the issue to be placed on the ballot, with no student signing a petition more than once. The Election Commission, at the direction of the Senate, shall regulate such petitions and insure their validity. A majority vote in the affirmative of the voting members of the Student Body shall constitute approval of Initiatives and Referendums, and shall take effect immediately upon approval of the University of Nebraska – Kearney Dean governing Student Affairs, the Chancellor, and the University of Nebraska Board of Regents.

## ARTICLE X

**Section I** - The Advisor(s) of the Student Government shall be nominated by a Senator and approved by a simple majority of the Senate at the fourth meeting of the legislative session. In the event of the vacancy of the Advisor's position, a new Advisor shall be nominated by a Senator and passed by a simple majority of the Senate. An Advisor of the Student Government may be removed by a two-thirds (2/3) vote of the Senate.

## ARTICLE XI

**Section I** - This Constitution shall take effect and supersede all previous constitutions immediately upon passage by two-thirds (2/3) of the Senate and ratification by a majority of the voting Student Body. The Speaker of the Senate and the President of the Student Body are bound to sign the Constitution the very day of its passage.