

# CONSTITUTION

## STUDENT GOVERNMENT

### IOWA STATE UNIVERSITY

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#### *Preamble*

Every community of people carries with it certain inherent rights. The university community, particularly as manifested by that community's student body, is no exception to this principle. Each such community must have the opportunity to promote the common good and protect the rights of individuals. These rights are fundamental and prerequisite to any society, which bases

its legitimacy on the general consent of the people. A university community must seek to preserve these basic freedoms. In the university context, these freedoms are manifest in the right:

- a) to form among the students a government, which shall serve in perpetuity or until the students wish to change; to operate that government in order to best serve the interests of that student body by governance with the consent of the governed to choose its officers and representatives under its own standards and to legislate and administer student policy; to operate efficiently and effectively and administer that government in such a manner as to provide such student services as are deemed necessary and proper to meet the needs of students; and to recognize subsidiary governments and organizations and approve their respective Constitutions;
- b) to, through the established procedure of the university and of government, levy, collect, allocate and disburse any student activity fee which it may deem necessary and proper, in such a manner as it may deem appropriate;
- c) to participate in a tripartite role in conjunction with faculty and administration in the form of due representation on all relevant policy-making bodies dealing with decisions which affect the interests of the student body;
- d) to maintain freedom for all student publications to exist, select their own editors and staff, and operate as they see fit within the restrictions of the general law;
- e) to participate in the formulation of standards of conduct and in the prescription of penalties for the same, according to the procedure of student-related policy-making;
- f) to have protection against institutional authority which might be applied merely in duplication of the function of general laws, except when the institution's interests as an academic community are distinct and clearly involved;
- g) to due process in all conduct matters, including adequate written notices of charges, opportunity for fair hearing, disciplinary action to be taken only when there is substantial evidence;
- h) to support any cause by orderly means which does not disrupt the essential operation of the institution;
- i) to individual pursuit of educational goals and to orderly procedures against prejudiced or capricious academic evaluation;
- j) to the protections of the United States Constitution and its amendments in the particular context of the university community;
- k) to not be denied any rights on the basis of genetic information, pregnancy, physical or mental disability, race, ethnicity, sex, color, religion, national origin, age, marital status, sexual orientation, gender identity, or status as a U.S. Veteran.

Pursuant to the establishment and maintenance of these rights and freedoms, we, the students of Iowa State University, do hereby establish the Student Government as the student government of Iowa State University.

### ***Article I. Membership and Organization***

#### Section A. Membership

1. All currently enrolled students of Iowa State University shall be members of the Student Government, hereafter referred to as the Government, and have full voting rights in all Government elections. Any student enrolled for the upcoming fall semester shall be considered a member for the summer session.
2. All students of Iowa State University shall be eligible to be elected for a position or appointed to an office or committee unless otherwise restricted through Government law.

#### Section B. Organization

1. The student body gives governmental authority to the Legislative, Executive, and Judicial branches ~~and the Election Commission~~ as prescribed by this Constitution.
2. The Government shall, through law and action, willingly abide with Iowa State University policies, State and Federal Laws, and follow local ordinances and regulations.
3. Each of the aforementioned bodies shall appoint one or two advisors from the faculty or staff of Iowa State University and prepare a separate budget for operations.

### ***Article II. Legislative Branch***

#### Section A. Powers and Responsibilities

1. All legislative powers and authority of the Government shall be vested in the Senate.
2. The Senate shall have the power to represent student opinion in the form of a Senate Resolution.

3. The Senate shall have the power to allocate designated student fees money as determined by Iowa State University's Special Student Fee and Tuition Committee in the form of a Senate Bill. The Senate may enact other legislation required for the effective operation of the Government.
4. The Senate shall have the power to ratify all contracts and agreements negotiated by the Government by an affirmative two-thirds vote.
5. Through a Senate Bill, the Senate may enact other legislation required for the effective operation of the Government and the distribution of designated student fees money.
6. Standing Government policy and operating procedures shall be outlined in a separate document called the Bylaws. The Senate may amend the Bylaws through a Senate Bill by an affirmative two-thirds vote of Senators voting.
7. The Senate, at its discretion, shall have the power to establish and fill permanent or temporary offices, committees, and other organized bodies not established by this Constitution.
8. The Senate shall determine its own rules of order and operating procedure.
9. The Senate shall have the authority to review, modify, and/or reverse actions of the Executive Branch, except where specified in this Constitution by an affirmative two-thirds vote of seated senators.
10. It is the responsibility of the Senate, in cooperation with the President through Senate Bills, to ensure funds are available for the effective operation of the Government as prescribed by this Constitution.
11. The Senate shall determine the rules and procedures governing elections through the Bylaws.
12. It is the responsibility of the Senate, in cooperation with the President, to ensure this Constitution, the Government Bylaws, all Senate Bills, and all executive orders conform to the laws of the United States of America and the State of Iowa to the best understanding and ability of the Government members.

#### Section B. Membership

1. The Senate shall be composed of thirty four members, to be apportioned by Webster's Method of Apportionment, among each college and each residence area. In the case that a college and/or residency's population results in a quotient lower than fifty percent, a minimum of one member per result shall be added to thirty four. The constituency populations shall be based on the previous academic year's population provided by the Office of the Registrar. The allotted number of members shall not change after Senate has approved each year's apportionment. Pre-business majors shall be considered members of the Business College.
2. The recognized residence areas shall be Inter-Residence Hall Association, the University Student Apartment Community, the Frederiksen Court Community, the Interfraternity housing area, and the Panhellenic housing area. Other residence halls designated as primarily graduate or adult student housing by Iowa State University and not organized into any other residence area shall be grouped into a separate residence area called Alternative Housing. Any student not living in any of the aforementioned living areas shall be considered part of the Off-Campus residence area.
3. Only those living in Interfraternity housing, Panhellenic housing, and off-campus housing located in the City of Ames' University Impacted Area shall be considered members of the respective residence area.
4. When circumstances warrant, an affirmative two-thirds vote of seated senators may impose temporary changes through a Senate Bill to the structure and number of the recognized residence areas until the next general election, when the question shall be put before the student body. Individuals interested in Student Government Senate, be eligible to be appointed to hold Off-Campus seats.
5. Apportionment shall be determined each fall semester by the Election Commission and approved by a majority vote of the Senate.
6. All senators may serve on Government committees, hold a Senate office, participate in debate, introduce legislation, make motions, and vote in all questions before the Senate.
7. Senators may be removed by an affirmative two-thirds vote of seated senators for violating this Constitution or for not fulfilling the duties of a senator as described in the Bylaws.

#### Section C. Senate Officers

1. A Speaker of the Senate and a Vice Speaker of the Senate shall be chosen from and by the Senate at the beginning of each term. Together with the Vice Speaker of the Senate, the Speaker of the Senate shall be responsible for the administration of the affairs of the legislature. The Speaker of the Senate shall chair meetings of the Senate in the absence of the Vice President.
2. All officers of the Senate shall be approved by an affirmative two-thirds vote of seated senators.
3. The Senate may remove any Senate officer by an affirmative two-thirds vote of seated senators. Resignation or removal from the Senate shall result in loss of Senate office.

4. After the general election, the outgoing Senate officers shall organize and conduct an orientation session for the members of the new Senate.

Section D. Finance Director

1. A Finance Director shall be nominated by the President and approved by a majority vote of seated senators.
2. The Finance Director shall be responsible for the efficient administration of the financial affairs of the government.
3. The Finance Director shall be an ex officio member of the cabinet.
4. The Finance Director may be removed by an affirmative two-thirds vote of seated senators.
5. The Finance Director shall complete the annual Treasurer's Training.

Section E. Senate Sessions

1. The Senate shall have three sessions, the first commencing on inauguration and ending the day before the start of the Fall semester, the second commencing at the beginning of the Fall semester and ending the day before the start of the Spring semester, and the third commencing with the beginning of the Spring semester and ending before inauguration.
2. Special meetings of the Senate may be called by the President, the Speaker of the Senate, or by petition of one-third of seated senators.
3. Quorum of the Senate shall consist of two-thirds of seated senators.

Section F. Rules Committee

1. The Rules Committee shall act as the sanctioned representative for all affairs of the Legislative branch of the Government and shall ensure that Senate business is in accordance with this Constitution, the Bylaws, and all other applicable Government Laws.
2. The Rules Committee shall be formed by the second regularly scheduled meeting of the Senate's first session.
3. The Speaker of the Senate shall be chair of the Rules Committee.
4. The Rules Committee shall meet regularly before each meeting of the Senate.
5. The structure, operating procedures, responsibilities, and powers of the Rules Committee shall be delineated in the Bylaws.
6. Members of the Rules Committee, except the Speaker of the Senate and Vice Speaker of the Senate, may be removed by a majority vote of seated senators.

Section G. Finance Committee

1. The Finance Committee shall act as the sanctioned representative for financial affairs for the Legislative branch of the Government and shall ensure the proper and efficient distribution of designated student fees money.
2. The Finance Committee shall be formed by the third regularly scheduled meeting of the Senate's second session.
3. The structure, operating procedures, responsibilities, and powers of the Finance Committee shall be delineated in the Bylaws.
4. The Finance Director shall be chair of the Finance Committee.
5. Members of the Finance Committee, except the Finance Director, may be removed by a majority vote of seated senators.

Section H. Impeachment

1. The power to impeach ~~and remove the President, Vice President, justices of the Supreme Court, and members of the Election Commission~~ any member outside of its own membership shall be vested in the Senate.
- ~~2. The Senate shall have the sole power of impeachment, but a majority of seated Senators must vote in favor of the articles of impeachment.~~
- ~~3.2. Grounds for impeachment shall be limited to malfeasance, misfeasance, or nonfeasance of duties as prescribed by this Constitution and other Government Laws or failure to meet the qualifications for office.~~
- ~~4.3. Articles of Impeachment shall contain a separate article for every alleged violation of government law. A majority vote of the Senate shall be required to begin impeachment hearings.~~
- ~~5.4. Upon the passage of articles of impeachment, an officer of the Senate shall communicate to the Chief Justice of the Supreme Court, or the Election Commissioner in the case of the former's impeachment, and the impeached government officer the articles of impeachment within twenty-four hours of their passage. An affirmative two-thirds vote of seated senators shall be required to convict and remove any of the aforementioned officials.~~
- ~~6.5. The Chief Justice of the Supreme Court, or the Election Commissioner in the case of the former's impeachment, will then convene an Impeachment Court pursuant to the powers of the Judicial Branch in order to try such an impeachment. Judgments in all cases of impeachment shall not exceed removal from office and prevention of holding any further Government office.~~
6. Impeachment procedures shall be outlined in the Bylaws.

Section I. Vacancies

1. In the event that a Senate seat becomes vacant prior to the next general election, a replacement, nominated by the recognized constituency council, may be seated by a majority vote of the Senate until the next election.
2. Through the Bylaws, the Senate shall determine the appointing councils for all Senate seats.
3. Any Senate seat not filled by election shall be open to all qualified students at the next general or special election.
4. In the event that any office of the Senate becomes vacant, the Senate shall choose a replacement at the next Senate meeting.

### ***Article III. Executive Branch***

#### Section A. Powers and Responsibilities

1. The primary executives of the Government shall be the President of the Student Body (hereafter referred to as the President) and the Vice President of the Student Body (hereafter referred to as the Vice President).
2. All executive powers and authority of the Government shall be vested in the President.
3. Together with the Vice President, the President shall be responsible for the fulfillment of all laws and actions of the Government as prescribed by this Constitution, the Bylaws, and Senate Bills.
4. The President shall be the official representative of the students of Iowa State University.
5. The President shall be responsible for the effective administration of the Government offices and office staff.
6. The President shall have **sole** authority over removal of any and all executive officers and staff with the exception of the Vice President.
7. The President shall have the power to either approve or veto any Senate Bill. If after six days the legislation is neither approved nor vetoed by the President, the said legislation shall become law.
8. The President may also choose to veto funding for one or more organizations from a regular or special allocation Senate Bill without preventing the remainder of the Senate Bill from becoming law. The President may not veto any specific item within a given organization's budget within the Senate Bill.
9. If a Senate Bill or a specific organization's funding on a Senate Bill is vetoed, it shall return to the Senate with the President's written objections. During one of the two regular meetings of the Senate immediately following a presidential veto, the Senate may move to override. By an affirmative two-thirds vote of seated senators, the veto shall be overridden and the legislation or organization's funding shall become law.
10. The President shall have the power to call any Government body into a special meeting with forty-eight hour written notice.
11. The President shall have the power to establish administrative procedures, job descriptions for members of the Executive branch, and councils or commissions of the Executive branch by executive order. Unless otherwise stated in this Constitution, all executive orders shall remain in effect until terminated by another executive order or reversed by the Senate. A copy of all executive orders shall be sent to the Speaker of the Senate within five days of enactment.
12. The President, with the advice of the Senate, shall have the power to negotiate all contracts and agreements between the Government and other entities.
13. The President shall be responsible for maintaining all new and old Government records and laws in a complete and accessible manner.
14. The President shall have the power to appoint student members to Iowa State University committees by executive order.
15. The President shall address the Senate once each session on the state of the student body.
16. The Vice President of the Government shall chair the meetings of the Senate. The Vice President shall be an ex officio member of the Senate and shall vote only when the Senate is equally divided.

#### Section B. Cabinet

1. The Cabinet shall act to assist the President in the efficient operation of the Executive branch.
2. The President shall appoint a Treasurer, with the approval of a majority of seated senators, to administer the financial affairs of the Executive branch. The Treasurer shall assist all Government branches and the Election Commission with the preparation of budgets.
3. The President shall appoint a Secretary, with the approval of a majority of seated senators, to administer the informational affairs of the Executive branch. The Secretary shall work cooperatively with all Government bodies to ensure the student body is adequately informed about the affairs of the Government.
4. At the request of the President, the Senate may establish additional cabinet seats and assistant cabinet seats through the Bylaws. Each new seat must include a description of duties and responsibilities. The President may also create ad hoc cabinet seats by executive order. Such seats shall expire at the end of the President's term.

#### Section C. Succession

1. In the event that the office of President becomes vacant, the Vice President shall assume the title, duties, and powers of the President.
2. In the event that the office of Vice President becomes vacant, the President shall appoint a replacement with the approval of a majority of seated senators.
3. In the event that the offices of both President and Vice President become vacant, the Speaker of the Senate shall assume the duties and powers of the President under the title of Acting President until a special election is held to elect new executive officers. Such a special election shall be held within four school weeks. If both offices become vacant within seven school weeks of a general election, no special election shall take place.
4. When the Speaker of the Senate is serving as Acting President, the Vice Speaker of the Senate shall chair the Senate.

### **Article IV. Judicial Branch**

#### Section A. Powers and Responsibilities

1. All judicial powers and authority of the Government shall be vested in the Supreme Court.
2. The judicial power of the Supreme Court shall extend to all cases arising out of this Constitution and all laws of the Government
3. The supreme court shall have the power of judicial review of all passed Government legislation to ensure Government legislation follows this Constitution, all laws of the Government, as well as all Local, State, and Federal laws.
3. The Supreme Court shall have jurisdiction in any case involving a grievance filed by a registered campus organization or student organization against another recognized campus organization, student organization student, or group of students, except where Iowa State University has granted original jurisdiction to another court.
4. The Supreme Court shall have the power to create binding interpretations of this Constitution and all laws of the Government.
4. The Supreme Court shall have jurisdiction in any case involving a grievance filed by a student or group of students against a recognized campus organization or student organization, except where Iowa State University has granted original jurisdiction to another court.
5. The Supreme Court shall consider all cases according to operating procedures delineated in the Bylaws.

#### Section B. Justices

1. The Supreme Court shall consist of a Chief Justice and eight associate justices.
2. In the case of a vacancy, the President shall nominate a replacement. By a majority vote of seated senators, the Senate may approve the nominee of the President. All justices shall serve from the time of Senate approval until resignation, removal, or no longer enrolled as a student at Iowa State University.
3. The Chief Justice shall be the presiding officer of the Supreme Court. If absent, a Chief Justice Pro Tempore shall be chosen by the Supreme Court to serve until the Chief Justice returns or a new Chief Justice is seated.
4. A Chief Justice shall be chosen from and by the Court at the beginning of each term. The Chief Justice or the Chief Justice Pro Tempore shall be responsible for the administration of the affairs of the Judicial Branch.
5. In the event of the removal or resignation of the Chief Justice, the Court will select a new Chief Justice within one (1) week from the date of the former Chief Justice's removal or resignation.
4. The Supreme Court justices shall serve as student representatives on the Student Conduct Hearing Board-All University-Judiciary Committee.
5. All justices shall complete a training program before hearing any court case.
6. Six justices shall constitute quorum of the Supreme Court.

#### Section C. Election Commission

1. The Election Commission shall be established to conduct the general and special elections of the Government in a fair manner.
2. The Election Commission shall be organized underneath the Judicial Branch.
3. The Chief Justice or their designee shall interview applicants for the position of Election Commissioner and recommend one applicant to the Senate for approval by an affirmative two-thirds vote of seated senators. If the Senate does not approve the applicant, the Chief Justice shall nominate another.
4. The Election Commissioner, in cooperation with the Chief Justice or their designee, shall select additional members for the Election Commission to be approved by the Senate through a Senate Bill. The size of the Election Commission shall be defined in the Government Bylaws.

#### Section D. Impeachment Court



1. An impeachment court shall have the sole power to convict an officer of the government following an impeachment by the Senate.
2. Upon receiving articles of impeachment from the Senate, the Chief Justice or Associate Justice receiving the articles shall convene an impeachment court in an expeditious fashion.
3. The Impeachment Court shall be composed of all members of the Supreme Court unless one of the justices of the court is the impeached party. When a justice of the court is the impeached party, the impeached justice shall not sit on the impeachment court. When the Chief Justice is the impeached party, the Court shall be composed of the Election Commissioner, Vice Election Commissioner, and four members of the election commission.
4. The case for impeachment will be brought before the court in the name of the Senate, who shall be represented by two senators appointed by the body.
5. No person shall be convicted without concurrence of two-thirds of the members of the court that clear and convincing evidence exists that the impeached party is guilty of one or more of the alleged offenses.
6. Upon conviction, judgement shall be to remove the impeached party from office and disqualify them from holding future office within the Government. Judgement shall not extend beyond this but will in no way prevent the Government from seeking a redress of damages or criminal prosecution through other legal means.

## *Article V. Elections*

### Section A. Administration

1. ~~The Election Commission shall be established to conduct the general and special elections of the Government in a fair manner.~~
2. ~~The Senate shall determine the rules and procedures governing elections through the Bylaws.~~
3. ~~The President or his/her designee shall interview applicants for the position of Election Commissioner and recommend one applicant to the Senate for approval by an affirmative two-thirds vote of seated senators. If the Senate does not approve the applicant, the President or his/her designee shall nominate another.~~
4. ~~The Election Commissioner, in cooperation with the President or his/her designee, shall select additional members for the Election Commission to be approved by the Senate through a Senate Bill. The size of the Election Commission shall be defined in the Government Bylaws.~~

### Section AB. Qualifications for Office

1. To seek or hold any seat, office, or appointment on any Government body, students must have a minimum cumulative grade point average (GPA) of 2.00 and meet the minimum GPA in the semester immediately prior to the election/appointment the semester of election/appointment and semesters during the term of office. Students shall also be in good standing with Iowa State University and enrolled at least half time.
2. Students must be in good standing with Iowa State University and enrolled: at least half time (six or more credit hours) if an undergraduate student (unless fewer credits are required to graduate in the spring and fall semesters) during the term of office, and at least half time (four or more credits) if a graduate level student (unless fewer credits are required in the final stages of their degree as defined by the Continuous Registration Requirement) during their term of office.
3. A student shall not seek or hold an office for a population of which the student is not a registered member.
4. A student shall hold no more than one Legislative, Executive, Judicial, or Election Commission position, with the exception of committee memberships and offices of the Senate.
5. All members of the Government shall sign the following oath before assuming positions: "I solemnly swear or affirm to execute the duties of my position as prescribed in the Constitution and laws of the Government for the benefit of all students."

### Section BC. General Election

1. The general election shall be held during the sixth, seventh, eighth, and/or ninth week of the spring semester to elect new executive officers and senators and to put forth other questions to the student body as prescribed by this Constitution.
2. The Election Commission shall determine the date or dates of a general election in accordance with this Constitution.
3. All positions shall be elected by plurality. Candidates for President and Vice President shall be selected together. Students shall vote only for senatorial candidates in their constituency areas.

### Section CD. Special Elections

1. A special election shall be held when requested by the student body or the Senate or when necessary to fill the office of President and Vice President as prescribed by this Constitution.

2. The Election Commission shall conduct a special election within four weeks of its request in accordance with this Constitution. At the discretion of the Election Commission, a special election may be combined with a general election if the dates of a special election would fall within two weeks of the general election.
3. A special election for the purpose of initiatives shall be called when a petition signed by two thousand students of Iowa State University is submitted in accordance with the Bylaws.
4. A special election for the purpose of recalling elected officials shall be called when a petition signed by ten percent of the students of that constituency is submitted in accordance with the Bylaws. The Senate, through the Bylaws, shall determine a minimum number of signatures in the event that ten percent is less than ten students.
5. The minimum petition shall include the proposed question and the printed names and signatures of those students supporting the question. The Senate may establish through the Bylaws other acceptable means of petitioning.

Section ~~DE~~. Inauguration

1. Inauguration shall be held during the fifth to last or fourth to last week of the spring semester.
2. The exact date of inauguration shall be determined by executive order.
3. Inauguration shall signify the end of the term for all outgoing Senate members, all Government committee members, and all Executive branch officers and cabinet officials. Inauguration shall signify the beginning of the term for incoming Senate members and Executive branch officers.
4. The Chief Justice will administer the oath of office to incoming Executive officers and Senate members.

***Article VI. Student Fees Committee Representatives***

1. The President, Finance Director, and a Senator selected by the Senate, and a student nominated by the President and approved by a majority vote of seated senators shall serve as student representatives to Iowa State University's Student Fees Committee as established by the Iowa Legislature.
2. In the event that the structure of the Student Fees Committee changes, the Senate, through a Senate Bill, may impose temporary changes to the structure of the Committee until the next general election, when the question shall be put before the student body.

***Article VII. Access to Information***

1. All organized bodies of the Government shall follow the regulations and rules of the Iowa Open Meetings Open Records Act.
2. It is the responsibility of both the Senate and the President to ensure all Government records are accessible to all students through the most appropriate technological means available.

***Article VIII. Powers of the Student Body***

1. The students retain all rights and protections provided by the United States Constitution and the Constitution of the State of Iowa.
2. The students retain the right to amend this Constitution, remove any elected executive officer or senator, and put forth initiatives for the consideration of the student body.
3. Elected executive officers and senators may be removed through a special election, as prescribed in this Constitution.
4. Initiatives may be introduced for the purposes of proposing laws and removing appointed members of the Government. These initiatives, if adopted by the student body, shall take precedence over all Government Laws, with the exception of this Constitution.

***Article IX. Provision for Amending this Constitution***

1. The Senate, by an affirmative two-thirds vote of seated senators, may put forth an amendment to this Constitution to the students of Iowa State University.
2. The students may put forth an amendment to this Constitution by submitting a petition signed by two thousand students of Iowa State University in accordance with this Constitution and the Bylaws.
3. In the event that an amendment has been put forth, it shall be placed on the ballot at the next election.
4. Amendments to this Constitution shall require a majority vote of students casting ballots in the election for ratification.



***Article X. Ratification and Implementation***

1. This Constitution shall become law effective Inauguration 1998 if approved by two-thirds of the Government Senate and approved by a majority of the students voting in a school wide special election.
2. Upon Inauguration 1998, all previous constitutions of Iowa State student body governments will be voided.
3. Upon Inauguration 1998, all Student Government Bylaws, except Articles Eight and Thirteen, will be voided. The remaining Bylaws will expire on the fifteenth day of September 1998.
4. The Articles of Cooperation between the Student Government and the Graduate Student Senate shall remain in effect under this Constitution. It is encouraged that both sides will review the Articles of Cooperation during the Fall 1998 semester to insure that they meet the needs of both GSB and GSS.
5. All current Supreme Court justices shall remain justices and be subject to this Constitution.
6. Upon Inauguration 1998, all executive orders and Senate legislation adopted prior to Inauguration 1996 shall be voided on the fifteenth of September 1998.
7. A bylaws committee shall be formed after Inauguration 1998 to draft new Bylaws for introduction at the first Senate session of fall semester 1998. Two senators chosen by the Senate, the President and Vice President, and two at large student members chosen by the Senate will comprise the bylaws committee.