

CONSTITUTION OF THE DUKE STUDENT GOVERNMENT

PREAMBLE

This organization shall be known as Duke Student Government, and shall be referred to in this Constitution as the DSG.

The purpose of this organization shall be to act as the governing body of the undergraduate students at Duke University and to present their views on the affairs of the University community in accordance with the highest ideals of democratic representation and the aims and purposes of the University.

The DSG shall execute the will of the student body, shall serve as a stable support and foundation for student organizations and activities, shall communicate students' views and relevant information, as well as represent the student body in University decision-making. The goals of the DSG's participation in University affairs are to define and represent student concerns and causes to the administration, to provide student services and support, to serve as a reliable source of information for the student body, to provide resources and support to student organizations through the student activities fee and other programs, to foster community among students, and to promote quality leadership on campus, both in DSG and in other organizations.

The DSG shall not act contrary to the Bill of Rights listed in Article IX in any way. Said rights may not be amended except by referendum as described in Article VIII of this Constitution.

ARTICLE I. MEMBERSHIP

SECTION 1. GENERALLY

All undergraduate students enrolled in Duke University shall be eligible to be members of the DSG.

SECTION 2. STRUCTURE

Duke Student Government (DSG) shall be composed of the President; the Executive Board; the Senate and its standing and ad-hoc committees; the Presidential Cabinet; the Judiciary; the Student Organization Funding Committee (SOFC); The Board of Elections (BOE.); and DSG's Affiliate Organizations.

ARTICLE II. POWERS AND JURISDICTION

The DSG shall have the power to make and implement policy in areas of concern to undergraduates and to otherwise promote the welfare of the undergraduate student body and the Duke Community.

ARTICLE III. EXECUTIVE

SECTION 1. OVERVIEW

The Executive shall be composed of the Executive Board and the Presidential Cabinet.

SECTION 2. THE EXECUTIVE BOARD

Duke Student Government's Executive Board is the chief leadership body of DSG, with members

individually elected by the student body to serve yearlong terms.

DSG's Executive Board is composed of the DSG President, Executive Vice President, and the seven Vice-Presidents of DSG's standing committee.

Members of the Presidential Cabinet may attend Executive Board meetings on a yearlong or temporary basis as determined at the President's discretion.

SECTION 3. DUTIES AND POWERS OF THE EXECUTIVE BOARD:

The Executive Board shall collectively:

1. serve as the chief administrative and strategic body of the DSG;
2. develop and implement an advocacy agenda to execute the student body's will;
3. assist in the orderly administration of the business of the DSG as delegated by the President and the Executive Vice President;
4. serve as a shared resource for its members in all matters pertinent to policy formation and implementation;
5. fulfill additional duties as prescribed by by-law.
6. issue, by a two-thirds vote and with the approval of the President, executive orders as legislation when the Senate is not in session or during University vacations, subject to the following stipulations:
 - i. No funds may be allocated or expended by executive order unless such funds shall have been previously allocated to the Cabinet by the Senate;
 - ii. A report of any executive order must be made at the next meeting of the Senate;

SECTION 4. DUTIES AND POWERS OF THE PRESIDENT

The President of the DSG shall:

1. be the highest ranking officer of the DSG;
2. serve as the official representative of the DSG;
3. execute the policy of the DSG as expressed by the Senate or by the entire student body by referendum;
4. be responsible for the proper and orderly administration of the business of the DSG;
5. supervise and coordinate all committees and auxiliary organizations of the DSG;
 6. select a cabinet in consultation with the Executive Vice President;
 7. convene and preside over meetings of the Cabinet;
 1. The President may delegate this authority to a Cabinet member.
8. have the power to veto acts of the Senate within five days of passage;
9. be able to address the Senate at any time while it is in session on any matter within reason;

10. issue a report to the Senate at least once each semester on the activities of the DSG;
11. appoint such executive assistants as shall be deemed necessary for the proper execution of the President's duties, and have the power to remove such persons from their positions;
12. perform additional duties as prescribed by By-Law.

SECTION 5. DUTIES AND POWERS OF THE VICE PRESIDENT AND PRESIDENT PRO-TEMPORE OF THE SENATE

1. be the second-highest ranking officer of the DSG;
 2. have and execute own policy agenda in coordination with the President;
 3. work with the President in the proper and orderly administration of the business of the DSG;
 4. work with President in coordinating all committees and auxiliary organizations of the DSG;
 5. coordinate and maximize student representation on university and presidential committees in conjunction with Duke's President's Office;
 6. coordinate all annual appointment application and interview processes managed by the DSG;
 7. be able to address the Senate at any time while it is in session on any matter within reason;
 8. perform additional duties as prescribed by By-Law;
2. The President Pro-Tempore of the Senate Shall:
1. be the third-highest ranking officer of the DSG;
 2. convene meetings of the Senate;
 3. chair meetings of the Senate;
 4. consult with the President and Executive Vice President on all matters, including the proceedings of the Senate;
 5. have Senate voting privileges which may only be exercised in the case of a tie
 6. perform additional duties as prescribed by By-Law.

SECTION 6. DUTIES AND POWERS OF DSG STANDING COMMITTEE VICE-PRESIDENTS

1. Unless otherwise noted, standing committee vice-presidents shall:
 1. manage the DSG policy agenda for their respective committee area in consultation with the President and the Executive Vice President;
 2. serve as the chief student advocate and administrative contact in their committee area;
 3. chair their respective senate committee and assist senator projects;

4. serve as a full voting member of the Senate;
5. perform additional duties as prescribed by By-Law.

SECTION 7. THE PRESIDENTIAL CABINET

1. The Duke Student Government Presidential Cabinet is composed of the DSG President's and Executive Vice President's chief policy and administrative advisors.
2. The Presidential Cabinet shall be composed of both appointed and ex-officio members.
 1. All appointments must be made in consultation with the Executive Vice President and be confirmed by a majority vote of the DSG Senate.
3. Appointed Cabinet members must include the following permanent positions:
 1. Chief of Staff
 2. Executive Secretary
 3. Treasurer
 4. Attorney General
 5. Head Line Monitor
 6. Any additional positions as prescribed by by-law
4. The President may make additional "temporary" appointments (in consultation with the Executive Vice President and with the majority approval of the Senate) that expire at the end of the President's term.
5. Chairs of DSG Affiliate Groups (those groups outlined in the DSG Affiliate By-Law) shall serve as non-voting ex-officio members of the cabinet.
 1. At the President's discretion, this affiliate group may be convened separately from the rest of the Cabinet. These separate affiliate meetings may be instead of, or in addition to, regular affiliate attendance at Cabinet meetings.

SECTION 8. DUTIES AND POWERS OF THE PRESIDENTIAL CABINET

Cabinet officers shall:

1. advise the President and Executive Vice President and carry out duties as prescribed by the President or Executive Vice President, By-Law, or Senate statute;
2. assist the President and Executive Vice President in the execution of the DSG policy agenda as informed by the direction of the DSG Executive Board, DSG Senate legislation, or student body wide referendum;

SECTION 9. VACANCIES

1. If the office of the President falls vacant after the President has been duly inaugurated, the Executive Vice-President shall become President.
2. If, for any reason, the President-elect is permanently unable to assume the Office of the President, the Executive Vice-President-Elect shall be inaugurated as President for the full term.
3. If any other Executive Office falls vacant either before or after that officer has been duly

inaugurated, the President may nominate a replacement subject to the majority confirmation of the Senate.

4. In the event of a vacancy between sessions of the Senate, the President may make temporary appointments to fill the vacancy until the first subsequent meeting of the Senate, upon which the President's nominee shall go before the Senate for confirmation.

ARTICLE IV. THE SENATE

SECTION 1. OVERVIEW

The DSG Senate is tasked with executing the will of the student body through legislation.

The Senate's legislative purview includes, but is not limited to: statements of Senate opinion (via resolution,) internal directives to DSG bodies mandating a specific action (via statute,) the creation of committees to explore subjects vital to the student interest or DSG's internal governance (via statute), and fiscal appropriations (via student group annual budgeting, budgetary statutes).

SECTION 2. INTERNAL STRUCTURE

1. The number of senators in DSG shall be determined by the guidelines outlined in the Senate By-Law.
2. Senators shall serve on one of the five standing committees of the Senate.
 1. The Senate By-Law shall define the advocacy purviews of each of the seven standing committees of the DSG Senate. These purviews shall be adapted to evolving student interests and administrative structure.
 2. The Senate By-Law shall dictate the number of Senators on each committee and any other limitations on committee composition.
3. The five standing committees of the Senate shall meet independently of the Senate and shall advocate on behalf of undergraduate interests in their content area.
4. A popularly-elected Vice President shall chair each Senate standing committee and manage its advocacy efforts as outlined in Article III.
5. Additional ad-hoc committees may be defined and established through Senate statute.

SECTION 3. OFFICERS OF THE SENATE

1. The chief officer of the Senate shall be the President Pro Tempore
2. The Senate President Pro Tempore:
 1. The President Pro Tempore must be a returning member of the Senate.
 2. The internal election of the President Pro Tempore for any given Senate session shall occur during the session prior, after the election of the President and Executive Vice President and before the election of other members of the Senate.
 3. The President Pro Tempore shall represent the Senate in Executive Board meetings.

SECTION 4. DUTIES AND POWERS OF THE SENATE

The Senate shall have the power:

1. to enact any legislation concerning matters of policy affecting students and their welfare under this Constitution;
2. to allocate and authorize the expenditure of any and all funds received by the DSG from whatever source;
3. to charter or recognize all organizations established by and for undergraduates;
4. to determine the Student Activity Fee to be paid by all undergraduates during the following school year, provided that the fee may not be increased beyond an annual adjustment for inflation without the approval of a majority of those voting in a referendum of the student body;
5. to review and repeal executive orders by a majority of those voting;
6. to override a presidential veto by a two-thirds majority of those voting;
7. to issue resolutions expressing the opinions of the Senate;
8. to direct bodies/a body of the DSG, with the exception of the Judiciary, to take a specific action
9. to establish committees via statute to explore subjects vital to the student interest or the internal operation of the DSG;
10. to confirm all nominations by the President to student positions on any University policy-making or advisory bodies, and to appointed positions within the DSG;
11. to establish rules of procedure, and to establish and enforce rules of conduct and attendance for members of the Senate, and, with the concurrence of two-thirds of Senators present and voting, to expel a member for misfeasance or nonfeasance in office;
12. to censure any member of the Cabinet by majority vote;
13. to approve any dining concept seeking establishment on the Duke campus;
14. to make and enact all necessary By-Laws.

SECTION 5. ENACTMENT AND APPROVAL

1. All acts of the Senate shall be promptly presented to the President.
2. If the President approves, they shall sign the act, and it shall have immediate effect.
3. If not, the President shall veto the act by notifying the President Pro-Tempore of the veto and of the President's specific objections, and the act shall not take effect unless subsequently passed by a two-thirds vote of the Senate to override the veto.
4. If five days expire after presentment, and the President neither signs nor vetoes the act during such time, the act shall take effect as though signed by the President.
5. Any act of the DSG or any act of an officer representing the DSG in an official capacity shall be subject to referendum approval upon petition signed by fifteen percent of the members of the entire student body. Such petitions must mention the specific policy or act questioned.
6. Nothing in this Constitution shall be construed to deny the right of the student body to initiate legislation by petition of fifteen percent of the undergraduate student body, and the

Senate may by By-Law prescribe the procedure for such initiation.

SECTION 6. MEETINGS OF THE SENATE

1. A session of the Senate shall begin on the first week of classes in each fall semester, and shall end on the last week of classes in the next succeeding Spring semester.
2. The Senate shall determine the time and place of its meetings, but shall be required to meet at least twice per month during each semester if school is in session for the majority of that month.
3. All acts of the Senate may only be approved in the presence of a quorum, which shall be defined as a majority of members of the Senate.
4. Any student or representative of a student group shall have the right to appear at any regular meeting of the Senate to present for consideration matters of University-wide interest. All regular meetings of the Senate shall be open to the public.
5. Additional meetings of the Senate may be called by the President, Executive Vice-President, President Pro-Tempore, or by the written request of twenty-percent of the members of the Senate.

SECTION 7. IMPEACHMENT

The Senate shall have the power to impeach any Executive Officer, member of the Cabinet, justice of the Judiciary, or other officer of the DSG on the grounds of misfeasance or nonfeasance in office by a majority of those present and voting. An impeached officer shall be entitled to a hearing before the Senate at which the Chief Justice shall preside, to be held no sooner than five class days and no later than ten class days from the date of impeachment. If it is the Chief Justice who has been impeached, the Executive Vice-President shall preside over the hearing. If, following the hearing, the charges are sustained by at least two-thirds of the Senators present and voting, the impeached officer shall be removed from office.

ARTICLE V. THE JUDICIARY

SECTION 1. OVERVIEW

The DSG shall have an independent Judiciary vested with the power of judicial review.

SECTION 2. THE CHIEF JUSTICE

The chief judicial officer of the DSG shall be the Chief Justice. The Senate shall select the Chief Justice. The Chief Justice shall have the power to issue non-binding, advisory opinions on all matters within the jurisdiction of the Judiciary, and shall perform any other duties that may be prescribed by By-Law.

The Chief Justice shall preside over the Judiciary.

The Chief Justice-elect shall be inaugurated prior to all other DSG officers and shall supervise their inaugurations and deliver the DSG oath of office.

SECTION 3. THE JUDICIARY

- a) The Judiciary, including the Chief Justice, shall be composed of seven members. The

selection process of Justices shall be prescribed by By-Law.

- b) Senators and other officers of the DSG are not eligible to serve on the Judiciary.
- c) Members of the Judiciary shall serve for a term of one academic year.

SECTION 4. PROCEEDINGS OF THE JUDICIARY

- a) Unless otherwise provided in the By-Laws, the Judiciary shall sit as a full body. A majority of its members must be present for proceedings and votes to be valid.
- b) When present, the Chief Justice shall preside over the Judiciary.
- c) The concurrence of a majority of members present shall be sufficient to render a decision, except as otherwise herein provided.
- d) All decisions and rulings of the Judiciary shall be transmitted in writing by the Chief Justice, or by a Justice selected by the Chief Justice, to the appropriate officer or body.
- e) A Justice who does not voluntarily abstain from cases in which that Justice has a conflict of interest may be disqualified by majority vote of the other members of the Judiciary.

SECTION 5. POWERS OF THE JUDICIARY

- a) The Judiciary shall decide all cases arising under this Constitution or By-Laws and all cases in which jurisdiction has been granted to it by the By-Laws or by the Senate.
- b) The Judiciary shall decide cases in which the DSG or an officer of the DSG in an official capacity is a party and cases arising between different DSG entities, including DSG affiliates.
 - 1. The Judiciary shall have the power to settle student group disputes and, when necessary and proper, to discipline student groups.
- d) The Judiciary shall have power to conduct investigations, subpoena evidence and witnesses, authorize the issuance of such writs as it shall require, and make all rules necessary and proper for the conduct of its business.

SECTION 6. SUBSTANTIVE RIGHTS AND IMMUNITIES

- a) General Rights and Immunities
 - 1) No student or group of students may be deprived of rights or property without due process of law, nor may be denied equal protection under the law.
 - 2) No bill of attainder or ex post facto law shall be passed.
 - 3) No student or group of students may be tried for an act committed more than one calendar year before the initiation of trial.
 - 4) No student or group of students may be tried more than once for the same act under the same law, statute, rule, By-Law, or regulation.
- b) Procedural Rights

Any student accused and brought to trial may not be denied the right to:

 - 1) receive written notice of the charges presented and be given the opportunity to prepare a defense reasonably in advance of a hearing;

- 2) question witnesses and submit material evidence;
 - 3) refuse to testify in a self-incriminating manner or offer any testimony that would tend to self-incriminate;
 - 4) be free from illegal searches and seizures;
 - 5) present a defense including material witnesses and a reasonable number of character witnesses;
 - 6) receive an impartial hearing, and if convicted, to be subjected to no cruel or unusual punishment.
- c) The enumeration of these rights and immunities shall not preclude other rights and immunities.

ARTICLE VI. THE STUDENT ORGANIZATION FUNDING COMMITTEE (SOFC)

SECTION 1. MEMBERSHIP

- a) The SOFC shall consist of a number of members determined by By-Law who shall be elected annually by the Senate.
- b) In addition to the members, the Chair of SOFC shall be selected internally by SOFC by its members and confirmed by the DSG Senate, and shall serve as a member of the Cabinet and as an Executive Officer of DSG.

SECTION 2. RESPONSIBILITIES

- a) The SOFC shall:
 - 1) oversee the Programming Fund;
 - 2) run the annual budgeting process;
 - 3) review and recommend student groups for recognized or chartered status;
 - 4) and perform such other duties as prescribed by By-Law.
- b) For allocations from the Programming Fund above \$1,500, Senate consent is required.
- c) Other provisions notwithstanding, nothing shall deprive the Senate of the ability to allocate and authorize the expenditure of any and all funds received by the DSG from whatever source.

ARTICLE VII. DUKE STUDENT GOVERNMENT AFFILIATE ORGANIZATIONS

SECTION 1. OVERVIEW AND OPERATION

DSG Affiliates are semi-autonomous organizations allied with DSG to further common student advocacy objectives. Each DSG Affiliate organization shall operate according to specific principles as outlined in the DSG Affiliate By-Law.

Additionally, each DSG Affiliate shall operate under the oversight of a DSG Senate standing committee, which shall seek opportunities for coordination between the affiliate organization and DSG's student advocacy agenda.

SECTION 2. PRIVILEGES OF AFFILIATE ORGANIZATIONS

DSG Affiliates shall be entitled to certain privileges as prescribed by by-law.

ARTICLE VIII. ELECTIONS AND TERMS OF OFFICE

SECTION 1.

- a) The terms of office for the elected Executive Officers shall be one year, or until the successors to these officers are elected and installed.
- b) Elections and inaugurations shall be conducted according to the provisions of the By-Laws and Statutes of the DSG.

SECTION 2.

Senators shall serve a term comprising one session of the Senate. The inaugurations of these Senators shall be conducted according to the provisions of By-Law.

ARTICLE IX. BILL OF RIGHTS

1

Every undergraduate student, enrolled in Duke University and subject to the Student Activities Fee, is a student within the meaning of this Bill, a member of the student body, and a constituent of Duke Student Government. In their interactions with DSG, all students are entitled to the rights enumerated in this Bill.

2

All students have the right to freedom of ideology and religion. Duke Student Government shall not create any establishment of religion, or prohibit the free exercise thereof, or require any religious test or qualification for office.

3

All students have the right to free expression. Duke Student Government shall not abridge the freedom of speech, the press, petition, or peaceable assembly or protest. But this Article shall not define speech by the money spent to exercise the right. This article affirms the right of the Duke Student Government Senate to place limits on the amount of money that can be spent in student elections.

4

All students have the right to protection and privacy against arbitrary search, seizure, investigation, prosecution, and punishment. No student or group shall be deprived of rights or property without due process of law, nor shall any student be compelled to testify against **themselves** in any proceeding, nor shall any evidence unlawfully obtained be admitted in support of judicial punishment.

5

All students have the right to equal protection under the law. No student shall be subjected to discrimination on the basis of race, ethnicity, gender identity, sex, religion, national origin, sexual orientation, disability, or socioeconomic status; but this enumeration shall not be construed to

condone other violations of equal protection.

6

All students have the right to vote in all referenda and public elections held by Duke Student Government and by their respective classes and houses. No student shall be deprived of the right to vote, nor shall any poll tax or other payment be a condition to voting, nor shall any proof of eligibility or identity be required unless it is readily available to all students.

7

All students have the right freely to associate and, upon meeting the criteria established in By-Law, to form groups recognized or chartered by DSG. Every such group is a legal entity and entitled to freedom from invidious discrimination, to due process, and to fair dealing under the law. But this Article shall not be construed to grant to groups all the rights secured to individuals, to privilege any student from accountability for misconduct, or to permit the otherwise prohibited expenditure of funds.

8

The rights and protections enumerated in this Bill shall not be abridged by any recognized or chartered groups, residential houses, class governments, or affiliates of Duke Student Government. Duke Student Government shall secure the rights of students against violations by these entities, and shall also uphold the rights of students against infringement by any other person or body. But DSG shall not be liable for any acts or omissions of any federal, state, local, university, or other entity not subject to its jurisdiction.

9

Any student or group whose rights under this Bill, or under other provisions of the Constitution and By-Laws, have been violated has the right to seek a statutory or equitable remedy from the Judiciary. And every student or group suffering punitive action from DSG, beyond removal from office and enforcement of civil obligations, has the right to an impartial trial by the Judiciary before such punishment may be imposed. No conviction shall be sustained except on clear and convincing evidence that the defendant committed an offense which, before its commission, had been defined in By-Law.

10

The enumeration of certain rights in this Bill, or elsewhere in the Constitution and By-Laws, shall not be construed to deny or disparage other rights retained by the student body.

ARTICLE X. AMENDMENTS AND BY-LAWS

SECTION 1. AMENDMENTS

Amendments to this Constitution may be proposed either by a petition signed by fifteen percent of the members of the student body, or by a two-thirds vote of the Senate, provided that the amendment shall have been read at two successive meetings of the Senate. Amendments shall be enacted when ratified by a majority of those voting in a referendum of the student body that shall take place only after seven days public notice, provided twenty-five percent of the student body

participates.

SECTION 2. BY-LAWS

By-Laws may be enacted by approval of two-thirds of the Senate present and voting after two readings of the By-Law before the Senate.

ARTICLE XI. RATIFICATION AND ENACTMENT

This Constitution shall be enacted when ratified in a referendum by at least two-thirds of the votes cast of the members of the student body voting, provided twenty-five percent of the student body participates.

Upon enactment of this Constitution, the present Constitution of the Duke Student Government shall be amended throughout by substitution of this Constitution therefore.

All statutes, rules, policies, and By-Laws that are in effect at the time of ratification of this Constitution and that are not inconsistent with this Constitution shall remain valid and binding upon DSG.