

# **GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION CONSTITUTION**

**Date of Origin:** October 1, 1951

**Last Amended:** March 29, 2017

## **Preamble:**

In the belief that active participation in the governance of our university is a fundamental and unalienable right of its students, essential to the health and wellbeing of our academic community, and best realized through a democratic and independent student government, we, the graduate and professional students of The Pennsylvania State University, being duly elected and appointed by our peers, do hereby establish through this Constitution the Graduate and Professional Student Association to serve the graduate and professional student body of The Pennsylvania State University.

## **ARTICLE I – PRINCIPLES OF ESTABLISHMENT**

### SECTION A. Basis for Authority

It is recognized that the University, governed by a Board of Trustees, may delegate governing powers to the students. The Board of Trustees Bylaws Section 5.04 requires the university president to consult with the student body, as appropriately organized, in the area of student affairs. Additionally, the right of students to manage themselves in all areas not related to or claimed by the University is affirmed and legitimized through free and fair elections by the graduate and professional student body.

### SECTION B. Acceptance of Authority

The Graduate and Professional Student Association accepts all power granted to it by the University and graduate and professional student body. The Graduate and Professional Student Association claims all rights to authorities over matters related to graduate and professional students not claimed by the University or attributable to other entities by statute or common law.

## **ARTICLE II – OBJECTIVE**

### SECTION A. Mission Statement

The mission of the Graduate and Professional Student Association (GPSA), in striving to enrich the experience of graduate and professional students, shall be to provide:

1. A unified and informed voice representing graduate and professional students to the University's administration, Board of Trustees, academic units, and other external organizations that make decisions on behalf of students;

2. A forum to address the ideas and concerns of graduate and professional students;
3. Support of scholarly activities and professional development;
4. Leadership, social, and service opportunities to the graduate and professional student body; and,
5. Events and activities to promote a sense of community among graduate and professional students and their families.

### **ARTICLE III – MEMBERSHIP**

#### SECTION A.

All students enrolled in the Graduate School, Penn State Law, and/or Dickinson School of Law shall be members of the GPSA. All members shall be considered general election members and do not have speaking or voting privileges unless yielded by the Assembly. Only currently enrolled students of The Pennsylvania State University are eligible for active membership.

#### SECTION B.

Postdoctoral students shall be Associate Members. Associate members may not hold office, preside, officiate, vote, officially represent, or solicit funds on campus on behalf of the organization.

#### SECTION C.

The GPSA will not restrict membership based on characteristics of a student, which are intrinsic to the identity of that student. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status. Discrimination or harassment against faculty, staff or students will not be tolerated at The Pennsylvania State University. The GPSA is committed to following The Pennsylvania State University's nondiscrimination statement.

### **ARTICLE IV – STRUCTURE**

#### SECTION A.

There shall be three entities within the GPSA that will serve as distinct functions cooperatively to fulfill GPSA's mission and execute the GPSA's authority:

1. An Assembly of Delegates from the academic colleges and the graduate and professional student body at-large to decide business.
2. An Executive Board to execute business, provide counsel, and represent the positions of the Assembly to stakeholders and the administration.

3. A Judiciary to adjudicate disputes on matters of rule, equity, and Constitutional law within the GPSA.

#### SECTION B.

No member of an entity may be a member concurrently of another entity. No entity may establish, amend, or rescind the rules of another entity except through explicit mechanisms defined in this Constitution.

### **ARTICLE V – THE ASSEMBLY OF DELEGATES**

#### SECTION A. Powers and Responsibilities

All fundamental decision making authority of the GPSA is hereby vested in the Assembly of Delegates.

#### SECTION B.

The Assembly of Delegates shall have the power to:

1. Determine the opinion and pass resolutions of the GPSA, and as such, the graduate and professional student body;
2. Regulate the expenditures of the GPSA and its Executive Board;
3. Propose, plan, and approve expenditures to support the objectives of the GPSA;
4. Establish general policies and rules for the GPSA that do not contradict provisions in this Constitution;
5. Accept and execute any authority not attributable to any other entity;
6. Approve appointments by the President of the GPSA; and
7. Remove any person from office elected or appointed to any position in the GPSA.

The Assembly shall be the final authority in all matters of the GPSA except where the Judiciary has precedence by Constitutional right.

#### SECTION C.

The Assembly shall consist of Delegates elected by constituencies defined and established herein and in accordance with the Bylaws. There shall be at least one (1) Delegate for each academic college and the Penn State School of Law represented proportionally based on enrollment. Each college shall have a maximum of three (3) Delegates. The Assembly shall also include an additional five (5) At-Large Delegates selected in accordance with the GPSA Bylaws.

#### SECTION D.

Delegates shall be required to attend general meetings of the Assembly and actively participate in the discussion and deliberation of business of the GPSA.

#### SECTION E.

Delegates shall have the right to speak on behalf of their constituencies, vote on all questions before the Assembly, and debate and otherwise have floor privileges.

#### SECTION F.

The Assembly shall elect a Speaker of the Assembly at the first meeting of its term. The Speaker will set the agenda for the Assembly and act as its chief officer on issues of organization and communication. The Speaker must be an elected or appointed delegate. In the event the Speaker does complete their term, an election for the Speaker will be held at the immediate following meeting.

#### SECTION G.

Assembly meetings shall be held at least twice per month during the academic year (September to April). Meetings shall be held in accordance with the Bylaws and chaired by the Vice President. In the absence of the Vice President, the President shall preside over the meeting. In the absence of both the President and Vice President, the Assembly shall designate a presiding officer by a majority vote. The presiding officer shall only cast a vote in the event of a tie.

#### SECTION H.

All voting privileges of the Assembly are vested in the Assembly of Delegates. Delegates, Executive Officers, Graduate Council Members, the University Faculty Senator, the Judiciary, and the Advisor shall exclusively retain all speaking privileges during Assembly meetings, except for during designated public comment sections, which can only be waived in accordance with the Bylaws or at the discretion of the presiding officer.

#### SECTION I.

All general business and expenditures shall require a majority of those present and voting to be rendered unless otherwise dictated by parliamentary authority. All business items shall require perfection to take effect. Perfection shall be the consenting signature of the President, a 3/4 vote in act of overriding the veto of the President, or implicit consent through no action of the President within five (5) academic days of initial decision by the Assembly.

#### SECTION J.

There shall be a set number of Standing Committees as defined by the GPSA Bylaws. Each Delegate shall be an active member of at least one Standing Committee. Standing Committee Chairs shall be Delegates and elected by a majority of Delegates on the committee. Non-Delegates may serve as non-voting members of Standing Committees.

### **ARTICLE VI – EXECUTIVE OFFICERS**

There shall be four executive officers: President, Vice President, Treasurer, and Secretary. Specific duties of these officers shall be defined in the Bylaws.

#### SECTION A. Powers and Responsibilities

All fundamental executory authority is hereby vested in the Executive Board.

The Executive Board shall have the power to:

1. Carry out the will of the Assembly as prescribed by legislation approved by the Assembly and within the President's discretion;
2. Conduct the day-to-day affairs of the GPSA;
3. Represent the GPSA to the University and its entities; and
4. Provide services to students in the name of the GPSA in conjunction with legislation approved by the Assembly.

#### SECTION B. Eligibility

Executive Officers must be currently enrolled graduate or professional students at the time of their election and throughout the term of office. Executive Officers must fulfill their duties during summer sessions.

#### SECTION C. Powers and Responsibility of the President

The President shall be the chief executive officer of the GPSA. The President shall preside over the Executive Board. The President shall be the primary spokesperson of the graduate and professional student body at The Pennsylvania State University. The President shall have the authority to submit legislation to the Assembly of Delegates on behalf of the Executive Board.

#### SECTION D. Powers and Responsibility of the Vice President

The Vice President shall assume the Presidency in the event of a vacancy. The Vice President shall fulfill the role of the President if the President is unable or unwilling to fulfill the requirements of office by voluntary decision, distance or absence from the University, or state of incapacity. The Vice President is responsible for chairing Assembly meeting of the GPSA.

#### SECTION E. Powers and Responsibility of the Secretary

The Secretary shall be responsible for the management of the GPSA office and distribution of materials from the office. The Secretary or their designee shall maintain the GPSA's official communications, administer formal communications to the graduate and professional student body, facilitate essential communications with the three bodies of the GPSA, and take minutes for all Assembly and Executive Board meetings.

#### SECTION F. Powers and Responsibility of the Treasurer

The Treasurer shall be responsible for management of all GPSA finances and preparation of appropriate budget reports. The Treasurer does not have the authority to use GPSA finances unless directed by Assembly legislation or through procedures defined in this Constitution or Bylaws.

#### SECTION G. Vacancies of Elected Offices

In cases of a vacancy for any Executive Officer, Graduate Council member, or the Faculty Senator, the President shall nominate a new eligible graduate or professional student within two (2) Assembly meetings of the vacancy. The nominee shall be confirmed by a majority of the Assembly.

#### SECTION H. Line of Succession

In the case of a vacancy of the Presidency, the line of succession shall be as follows:

1. Vice President
2. Speaker of the Assembly

In the case of simultaneous vacancies in the office of the Vice President and the Speaker of the Assembly, the Assembly shall appoint a Delegate to serve as President *Pro Tempore* at the first scheduled meeting following the vacancy. The President *Pro Tempore* shall continue to serve until they are confirmed by a 2/3 vote of the Assembly, or until another suitable candidate is selected and confirmed by a 2/3 vote.

### **ARTICLE VII – EXECUTIVE BOARD**

The following shall be considered members of the Executive Board:

1. President
2. Vice President
3. Secretary
4. Treasurer
5. University Faculty Senator
6. Chair of the Graduate Council Student Caucus
7. Chief Justice\*
8. Speaker of the Assembly\*
9. Advisor\*

*\*Non-voting member*

#### SECTION A. Meetings

The President or their designee in the President's absence shall preside over the Executive Board. Meetings shall be held at the discretion of the President except during academic recesses. The President has the sole discretion to call Executive Board meetings. All Executive Board meetings

shall be publicized and open to the public unless a majority of present members vote to move the meeting into closed executive session.

#### SECTION B. Voting

The President, Vice President, Secretary, Treasurer, University Faculty Senator, and Chair of the Graduate Council Student Caucus shall be considered voting members of the Executive Board. Quorum shall be 2/3 of the voting members. A simple majority carries the vote. The presiding officer of the Executive Board shall only vote in the event of a tie.

#### SECTION C. Powers and Duties

The Executive Board is tasked with carrying out the will of the Assembly, as established by approved and perfected legislation. The Executive Board shall have the power to conduct business in the interest of the GPSA that does not conflict with the will of the Assembly and which does not require specific action by the Assembly otherwise defined in this Constitution or Bylaws. Any action must be approved by a majority of the voting members of the Executive Board. The Executive Board does not have the authority to authorize GPSA expenditures unless approved by the Assembly or otherwise prescribed by this Constitution or Bylaws.

#### SECTION D. Advisor

The GPSA must, at all times, retain an advisor who is a full-time faculty, staff, or administrator at The Pennsylvania State University. The Vice President of Student Affairs shall nominate an advisor, who must be approved by a majority of the Assembly.

#### SECTION E. Graduate Council Student Caucus

There shall be five Graduate Council Student Caucus members elected by the graduate student body in accordance with the governing documents of the Graduate Council. The Graduate Council Student Caucus members shall be charged with attending all meetings of the Graduate Council and assigned committees. Graduate Council Student Caucus members shall elect a Chair. Graduate Council Student Caucus members shall not be bound by the legislative authority of the GPSA.

#### SECTION F. University Faculty Senator

The University Faculty Senator shall attend all meetings of the University Faculty Senate and assigned committees. The University Faculty Senator shall not be bound by the legislative authority of the GPSA.

### **ARTICLE VIII – JUDICIARY**

#### SECTION A. Powers and Responsibilities

All authorities over matters of dispute between entity and matters of rule and equity within the GPSA are solely vested in a Judicial Board (“Judiciary”).

The Judiciary shall have the power to:

1. Conduct hearings and issue rulings related to disputed matters within the GPSA, specifically pertaining to election disputes, disciplinary actions, and disputes concerning the interpretation of this Constitution;
2. Review all GPSA Constitutional amendments, unless otherwise specified, for fairness and equity. The review and any resulting opinion shall be considered non-binding;
3. Adjudicate all parliamentary procedure questions and serve as the Assembly's Chief Parliamentarian;
4. Hear cases of impeachment and make final decisions in such cases;
5. Procedurally review all internal elections and appointments;
6. Review, *sua sponte*, all legislation and resolutions approved during the current Assembly for compliance with University policy;
7. Administer the annual graduate and professional student body elections; and
8. Assume all duties prescribed by the Assembly.

#### SECTION B. Membership

The Judiciary shall consist of three (3) graduate and professional students ("Justices"), appointed by the President and confirmed by the Assembly. All Justices must be enrolled graduate or professional students at The Pennsylvania State University. Vacancies shall be filled at the discretion of the President. The Judiciary shall elect a Chief Justice among its members, who shall serve as a non-voting member of the Executive Board. The Chief Justice shall communicate with the Executive Board and Assembly on all rulings and business of the Judiciary. Justices shall serve until graduation, resignation, or removal as prescribed by this Constitution and Bylaws.

#### SECTION C. Meetings

Meetings shall be called at the discretion of the Chief Justice. All meetings shall be open to the public unless a majority vote to move into executive session is taken. The Chief Justice shall inform the Executive Board and Assembly of all meetings and distribute an agenda for those meetings.

#### SECTION D. Voting

A ruling shall be determined by a simple majority of the Justices. The Chief Justice, or in the absence of the Chief Justice, the most senior justice, shall carry the vote.

#### SECTION E. Procedures



The Judiciary shall strictly follow all procedures and timelines prescribed by this Constitution and its Bylaws. The Judiciary is restricted to reviewing issues of constitutionality, procedure, and policy adherence, and may not offer official opinions on subject matter.

## **ARTICLE IX – MEMBER DISCIPLINE AND REMOVAL**

### SECTION A. Discipline Policy

Each body of the GPSA may establish discipline matters for sections not covered by other sections.

### SECTION B. Censure

The Assembly may censure a member of the GPSA by a 2/3 vote. A censure shall be considered the highest non-removal sanction imposable on any member.

### SECTION C. Removal

Delegates, Executive Officers, Graduate Council Student Caucus members, the University Faculty Senator, and Justices may be removed by a 3/4 vote of present and voting members of the Assembly for failure to fulfill the duties of office, violation of University policies, failure to follow the will of the Assembly, and other reasonable grounds.

### SECTION D. Procedure

For removal proceedings against Justices, the Vice President shall preside. For removal proceedings against any other member, the Chief Justice shall preside. The Delegate(s) bringing forward the bill for removal shall have ten (10) minutes to present facts against the accused. The accused will then have ten (10) minutes to rebut the claims. Additional time may be granted by an Assembly motion. Witnesses to corroborate or refute factual accusations may be called at the discretion of the presiding officer, keeping within reasonable time restraints. Delegates shall have the sole power to question witnesses. Removal proceedings will occur at the most immediate meeting following the submission of the bill for removal.

### SECTION E. Notice

Bills for removal must be presented to the appropriate presiding officer at least 72 hours in advance of a regularly scheduled Assembly meeting. Bills for removal will include the member whose removal is requested and the specific reasons for removal. The presiding officer must inform the member whose removal is requested, the Executive Board, and the Assembly of the bill for removal at least 48 hours in advance of the regularly scheduled meeting. The accused's failure to attend announced removal proceedings shall be considered a resignation unless an excuse for the absence is approved by the presiding officer.

## **ARTICLE X – REFERENDA**

A referendum shall be defined as a vote of the graduate and professional student body to decide an action of the GPSA.

### SECTION A.

Referenda may be proposed either by:

1. An act of the Assembly; and
2. A petition of three percent (3%) of the enrolled graduate and professional student body.

#### SECTION B.

A majority of those voting, with at least ten percent (10%) of all enrolled graduate and professional students voting, shall be sufficient for a decision to be considered rendered and binding on the GPSA.

#### SECTION C.

The Judiciary shall conduct all referenda. The Judiciary shall be responsible for distributing notice of referenda to the student body.

### **ARTICLE XI – PARLIAMENTARY AUTHORITY**

Robert’s Rules of Order – Newly Revised, shall be used in all cases not covered by this Constitution, and in which it is not inconsistent with the Constitution and Bylaws of the GPSA.

### **ARTICLE XII – AMENDMENTS**

#### SECTION A. Constitutional Amendments

1. Amendments to this Constitution may be brought, at any time, by the Assembly as an Act, subject to standard submission and perfection rules.
2. The Assembly may pass the amendment with a 3/4 vote of the Assembly.
3. All amendments are subject to approval by the Office of Student Activities, per the University’s policies for registered Student Government Associations.

#### SECTION D. Bylaw Amendments

1. Amendments to the Bylaws may be brought at any time by the Assembly as an act, subject to standard submission and perfection rules.
2. The Assembly may pass the amendment with a simple majority vote of the Assembly.

### **ARTICLE XIII – ELECTIONS**

#### SECTION A.

Elections shall be held once a year in the spring semester. All elections shall be carried out in accordance with this Constitution and the Bylaws. Elections for the Graduate Council Student Caucus and University Faculty Senator shall be conducted in accordance with their respective governing documents.

#### SECTION B.

The Judiciary shall be responsible for administering the elections. No individual who is an official candidate may be involved in conducting elections, including all potential write-in campaigns.

#### SECTION C.

The President, Vice President, Secretary, Treasurer shall be elected by the majority of the votes cast in the election by the graduate and professional student body. The University Faculty Senator and Graduate Council Student Caucus members shall be elected by the majority of the votes cast in the election by the graduate student body. In the event of a tie, the tiebreaker shall be determined by a vote of the Assembly.

#### SECTION D.

All delegates, except for At-Large Delegates, shall be elected by graduate and professional students from their specific colleges, as defined by this Constitution and the Bylaws.

### **ARTICLE XIV – FINANCES**

#### SECTION A.

No dues shall be required of the members of this organization as a condition of membership.

#### SECTION B.

All organizational funds of the GPSA will be handled exclusively through the Office of Associated Student Activities. The organization will not maintain any off-campus account with a bank, savings and loan association, lender, or other financial institution. The expenditure of \$750 or more by the officers of this organization or their designees toward any event, purchase, or expense shall require a vote of approval by the Assembly.

#### SECTION C.

The Treasurer and President shall have the ability to authorize small expenses for office supplies, approved events, and other miscellaneous items that do not contradict the authority or the spirit of Assembly policy. These unlegislated expenses must be reported to the Assembly at the immediate following meeting and may be rejected by a vote of the Executive Board or Assembly. All efforts will be made to cancel rejected expenses that have not been fully processed. If an expense was rejected but already fully processed from the ASA account, the expense will stand and the authorizing officer may be subject to removal or censure.

#### SECTION D.

The budget of the GPSA is governed by provisions in this Constitution and the Bylaws. A GPSA Audit Committee shall be formed which will include: one (1) member each from: the Executive Board (except the Treasurer or President), the Assembly of Delegates, and the Judiciary. The seats shall be filled by presidential appointment.

## **ARTICLE XV – RATIFICATION AND PROTECTIONS**

### **SECTION A.**

This Constitution shall take effect immediately upon affirmative vote as specified in the amendment procedures of the previous Constitution.

### **SECTION B.**

The Bylaws shall take effect immediately upon a separate affirmative vote as specified in the amendment procedures of the previous Constitution.

### **SECTION C.**

A copy of this Constitution shall be made available to anyone upon request.

### **SECTION D.**

All amendments that eliminate an officer of the GPSA shall not take effect until the next election.

### **SECTION E.**

This Constitution shall be protected by the standards established herein for all entities and actions of the GPSA. Neither the GPSA nor any entity of the University may dissolve the organization as it stands in this document without surpassing the highest challenges this document establishes which may be determined as a combination or mix of one or more provisions.