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2
3 **The Constitution**
4 **of**
5 **The University Park Undergraduate Association (UPUA)**

6
7 **Date of Origin: October 2006**
8 **Amended: April 2007 ; December 2008**

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10
11 **Preamble:**

12 In the belief that active participation in the governance of our university is a fundamental right of
13 students, essential to the health and well being of our community, and best realized through a
14 democratic student government, We, the undergraduate students of The Pennsylvania State
15 University - University Park, being duly elected and appointed by our peers, do hereby establish
16 through this Constitution the University Park Undergraduate Association to serve the
17 undergraduate student body of The Pennsylvania State University - University Park.

18
19
20 **Article I Principles of Establishment**

21
22 **§1.1 Basis for Authority-**

23 It is recognized that the University is governed by a Board of Trustees that may delegate
24 governing powers to the students. Additionally, the right of students to manage themselves in all
25 areas not related to or claimed by the University is affirmed. These tenants are the legitimate
26 basis for the UPUA's authority.

27
28 **§1.2 Acceptance of Authority-**

29 The UPUA hereby accepts all power granted to it by the University. The UPUA claims all rights
30 to authorities over matters related to students not claimed by the University or attributable to
31 other entities by statute or common law.

32
33 **§1.3 Distribution of Authority-**

34 All authority attributable to the UPUA is ultimately controlled by the collective power of the
35 UPUA as integrated by this Constitution. This authority shall be delegated to the entities
36 prescribed herein which shall collectively constitute the UPUA. Power granted to an entity is the
37 sole entitlement of that entity and cannot be abdicated or transferred except through this
38 Constitution.

39
40 **§1.4 Statement on Shared Governance and Independence-**

41 The UPUA recognizes the interdependence of all members of the Penn State community,
42 including the students, faculty, and administration of Penn State. In that spirit, all authority
43 delegated to the UPUA is accepted under the principles of equal and equitable shared
44 governance. A true partnership, built on communication, cooperation and compromise, requires
45 all parties to be effective advocates. T herefore, the UPUA asserts and maintains its
46 independence over all matters within its jurisdiction in the belief that only an independent
student government can best represent the diverse interests of students at University Park.

47
48 **Article II Mission Statement**

49 The mission of the University Park Undergraduate Association shall be to provide:

1
2 §2.1 A unified and informed voice representing undergraduate students to the University faculty
3 and administration and, with that voice, advocate on behalf of undergraduate students.
4

5 §2.2 A forum for ideas and concerns of students.
6

7 §2.3 The necessary communications link between undergraduate students and other members of
8 the University Park community so that student concerns may be addressed effectively.
9

10 §2.4 Event programming that benefits the education and the quality of student life of
11 undergraduate students at the University Park campus.
12

13 §2.5 The listing of objectives by no means indicates priority.
14
15

16 **Article III Membership** 17

18 §3.1 Membership Types- 19

20 §§ 3.1.1 Membership shall include all currently registered undergraduate students at the
21 University Park campus. Membership shall be divided into general business and
22 general election status.
23

24 cl. i General business membership shall include all students duly elected and
25 appointed to the entities of the UPUA.
26

27 cl. ii All members shall be considered general election members.
28

29 §§ 3.1.2 Only currently registered undergraduate students of the University Park campus
30 shall be eligible for membership.
31

32 §§ 3.1.3 All members have the right to refrain from participating in any UPUA activities
33 based upon personal or religious beliefs, personal values, or moral reserves, as
34 determined by the member.
35

36 §§ 3.1.4 All interaction and activity between members and/or new members will be
37 limited by guidelines stated by university policy, as well as local, state, and
38 federal laws.
39

40 §§ 3.1.5 The UPUA will not restrict membership based on characteristics of a student,
41 which are intrinsic to the identity of that student, and are not essential to the
42 potential value of that student as a member of the UPUA and the Penn State
43 University Community at large. The Pennsylvania State University prohibits
44 discrimination and harassment against any person because of age, ancestry, color,
45 disability or handicap, national origin, race, religious creed, sex, sexual
46 orientation, gender identity or veteran status. discrimination or harassment against

1 faculty, staff or students will not be tolerated at The Pennsylvania State
2 University.

3
4 **Article IV Basic Structure and Rules**

5
6 §4.1 Establishment of Entities-

7
8 §§ 4.1.1 There shall be three entities within the UPUA that will serve separable functions
9 cooperatively to fulfill UPUA's mission and execute the UPUA's authority:

10
11 cl. i An Assembly of Student Representatives to decide business.

12
13 cl. ii An Executive Board to execute decisions and provide counsel.

14
15 cl. iii A Board of Arbitration to adjudicate disputes on matters of rule and equity
16 within
17 the UPUA and student organization conduct.

18
19 §4.2 Rules Pertaining to Entities and their Members-

20
21 §§ 4.2.1 All persons taking claims to general business membership must be registered as
22 a member of one entity.

23
24 §§ 4.2.2 No member of an entity may be a member concurrently of another entity. This
25 provision however does not invalidate an individual having rights and
26 responsibilities in multiple entities pursuant to this Constitution.

27
28 cl. i The President, under extenuating circumstances, may appeal to the Board of
29 Arbitration in order to allow general business members to serve fully in
30 multiple entities.

31
32 §§ 4.2.3 Each entity shall serve to ensure accountability to the collective organization and
33 the students by means of this Constitution and the responsibilities delegated to the
34 entities.

35
36 §§ 4.2.4 No entity may transact business that is expressly or reasonably implied to be
37 under the jurisdiction of another entity.

38
39 §§ 4.2.5 No entity may establish, amend, or rescind the rules of another entity except
40 through explicit mechanisms defined in this Constitution.

41
42 §§ 4.2.6 All entities and subsidiaries shall establish written rules for the conduct of their
43 affairs.

44
45
46 **Article V Assembly of Student Representatives**

1
2 §5.1 Powers and Responsibilities-

3
4 §§ 5.1.1 All fundamental decision making authority is hereby vested in the Assembly of
5 Student Representatives referred to hence forth as the Assembly.
6

7 §§ 5.1.2 The Assembly shall have the power to:
8

9 cl. i Determine the opinion of the UPUA and as such the undergraduate students
10 of Penn State.

11
12 cl. ii Regulate the expenditures of the UPUA.

13
14 cl. iii Establish general policies and rules for the UPUA, including appointing
15 those who have decision making authority on other governmental entities
16 at this University that do not contradict provisions in this Constitution.
17

18 cl. iv Establish rules governing the elections, appointment, performance, and
19 qualifications of members of all entities where not defined in this
20 Constitution or assigned to another entity.
21

22 cl. v Establish Officers and additional Committees of any nature of the Assembly
23 to facilitate proper function of a deliberative body.
24

25 cl. vi Consent to appointments of non-elected offices in all entities and express
26 consent in all other areas as this Constitution requires.
27

28 cl. vii Have the authority to censure and impeach all members and officers of the
29 UPUA.
30

31 cl. viii Fill all student positions on the Faculty Senate and its subsidiaries granted
32 to the UPUA via the Faculty Senate Constitution and Standing Rules. The
33 student voting seats for the Degree-Conferring Academic Colleges and the
34 Division of Undergraduate Studies (DUS) shall be apportioned to the
35 Assembly representatives from the appropriate constituency and only with
36 the consent of the academic units' governing body. All other seats in any
37 entity of the Faculty Senate may be held by any individual of the UPUA.
38

39 cl. ix Accept and execute any authority not attributable to any other entity.
40

41 §5.2 Members-

42
43 §§ 5.2.1 Representatives-

44
45 cl. i The Assembly shall consist of Representatives elected by constituencies
46 defined and established herein in accordance with election provisions set

1 forth in this Constitution and in Acts as defined by the Assembly which
2 may not superseded the following. The number of Representatives shall be
3 determined in Acts subject to the stipulations contained herein:
4

5 pt. a There shall be at least one (1) Representative for each Degree-
6 Conferring Academic College and for the Division of
7 Undergraduate Studies (DUS) and at all times shall the Colleges
8 and the DUS be represented equally.
9

10 pt. b There shall be one (1) Representative from the Schreyer Honors
11 College.
12

13 pt. c There shall be one (1) Representative from each of the Greek
14 Councils.
15

16 pt. d There shall be at least six (6) Representatives for On-Campus
17 Students. The number shall be in proportion to On/Off Campus
18 and area population distribution.
19

20 pt. e There shall be at least ten (10) Representatives for Off-Campus
21 Students. The number shall be in proportion to On/Off Campus
22 population distribution.
23

24 pt. f There shall be at least six (6) Representatives elected at large by all
25 full-time undergraduate students at University Park.
26

27 pt. g There shall be two (2) first-year student Representatives appointed to
28 the Assembly to ensure appropriate representation of freshman
29 interests. Such appointments shall occur at a time to accommodate
30 the constituency. These students shall be defined as having first or
31 second semester standing at the time of appointment.
32

33 pt. h There shall be one non-voting Representative from the Council of
34 Commonwealth Student Governments (CCSG), a position that
35 shall be filled by the President, Vice President, or other delegate
36 appointed by the Council.
37

38 §§ 5.2.2 Responsibilities ~ Representatives shall be required to:
39

40 cl. i Attend General Meetings of the Assembly and actively participate as an
41 informed actor in the discussion and deliberation of business of the UPUA
42 and other entities that make decisions on students' behalf.
43

44 cl. ii Attend regular meetings of the appropriate constituency organizations
45 including but not limited to On Campus Representatives attending the
46 meetings of the Association of Residence Hall Students (ARHS),

1 Academic Representatives attending their respective student councils’
2 general meetings, Off Campus Representatives attending the State College
3 Borough Council and/or Off-Campus Student Union (OCSU) general
4 meetings, and At large Representatives attending all of at least one of the
5 following organizations’ general meetings: University Park Allocation
6 Committee (UPAC), and Student Programming Association (SPA).
7

8 cl. iii Serve as a member of at least one Standing Committee.
9

10 cl. iv File a formal, end-of-term report to be included in the official record of the
11 Association.
12

13 §§ 5.2.3 Rights of Representatives ~ Representatives shall be afforded the right to:
14

15 cl. i Speak on behalf of their constituencies.
16

17 cl. ii Vote on all questions before the Assembly subject to cases of conflicts of
18 interest or personal matters.
19

20 cl. iii Debate and otherwise have floor privileges.
21

22 §5.3 Transaction of Business-
23

24 §§ 5.3.1 All business decisions shall require a majority of those present and voting to be
25 rendered unless otherwise specified or dictated by parliamentary authority.
26

27 §§ 5.3.2 Acts – Acts shall be generally defined as written forms of business. They shall
28 be the primary product of the Assembly.
29

30 §§ 5.3.3 All Acts shall require perfection to take effect. Perfection shall be the consenting
31 signature of the President, a 2/3 vote in act of overriding the veto of the
32 President, or implicit consent through no action of the President within
33 four (4) academic days of initial decision by the Assembly.
34

35 §§ 5.3.4 All perfected acts shall take effect immediately and be effective in perpetuity.
36

37 §5.4 Section 5.4 Committees-
38

39 §§ 5.4.1 All committees of any nature shall be subsidiaries of the Assembly and shall
40 have all necessary power and authority within their jurisdiction to execute
41 their duties and responsibilities.
42

43 §§ 5.4.2 Standing Committees-
44

45 cl. i There shall be the following Standing Committees:
46

- 1 pt. a Internal Development
- 2
- 3 pt. b Student Life and Diversity
- 4
- 5 pt. c University Facilities and Services
- 6
- 7 pt. d University and Governmental Relations
- 8
- 9 pt. e Academic Affairs
- 10
- 11 pt. f Special Events and Programming
- 12

13 cl. ii All Standing Committees shall be a minimum of five (5) members. No
14 Representative may be a member of more than one Standing Committee
15 unless all Standing Committees are full.

16
17 cl. iii One member of each Standing Committee shall be the chair of the
18 committee and one member shall be the vice chair. Committee Chairs
19 shall be elected by a majority of non-vacant Representative seats of the
20 Assembly. The Vice Chairs will be elected internally within each
21 committee as prescribed by the rules of that committee.

22
23 §§ 5.4.3 Ad-Hoc Committees-

24
25 cl. i The Assembly may create and dissolve Ad-Hoc Committees as it sees fit.

26
27 cl. ii As appropriate, Ad-Hoc committees shall be subject to all general Standing
28 Committee policies.

29
30 **Article VI Executive Board**

31
32 §6.1 Powers and Responsibilities-

33
34 §§ 6.1.1 All fundamental executory authority is hereby vested in the Executive Board.

35
36 §§ 6.1.2 The Executive Board shall have the power to:

37
38 cl. i Carry out the will of the Assembly and the UPUA as prescribed by duly
39 passed Acts and within the President's discretion.

40
41 cl. ii Enter into Contracts provided that they can be reasoned to an Act of the
42 Assembly.

43
44 cl. iii Provide services to students in the name of the UPUA and the student body
45 in conjunction with Student Affairs and Acts of the Assembly.

- 1 cl. iv Conduct the day-to-day affairs of the UPUA.
- 2
- 3 cl. v Represent the UPUA to the University and solicit University support.
- 4
- 5 cl. vi Facilitate the selection of non-elected officials whose appointments are not
- 6 governed and/or determined by Acts and/or entities.
- 7
- 8 cl. vii Establish rules of procedure for the efficient operation of the Cabinet
- 9 including department procedures and yearly program instructions.

10 §6.2 Officers-

11 §§ 6.2.1 There shall be two chief officers of the Executive Board, a President and a Vice
12 President. Both officers shall be considered to be officers of the UPUA as a
13 whole.

14 cl. i The Chief Officers must be full-time, undergraduate students at the
15 Pennsylvania State University, University Park campus, at the time of
16 their election and throughout their term in office.

17 cl. ii The Chief Officers must fulfill their duties during the summer session.

18 §§ 6.2.2 Powers and Responsibilities of the Presidency-

19 cl. i The President shall be considered the head of the Executive Board and as
20 such organize and shape the execution of responsibilities of the Executive
21 Board.

22 cl. ii The President shall appoint all Directors within of the Executive Board, all
23 non-staff members to the Board of Arbitration and its subsidiaries, and
24 Advisors.

25 cl. iii The President shall be the primary speaker of the student body at The
26 Pennsylvania State University, University Park Campus.

27 cl. iv The President may create or dissolve any subsidiary of the Executive Board
28 necessary to further the mission of the Association unless such an action
29 would be in contradiction to an Act of the Assembly or attempt to dissolve
30 a subsidiary prescribed within this Constitution.

31 cl. v The President shall act as the official student Representative and nonvoting
32 Delegate, unless otherwise delegated by the Assembly, of the UPUA to
33 any and all organizations external and internal to the University.

34 cl. vi In case of a vacancy, appoint a current Director to fill the position of Vice
35 President, with consent of the Assembly.

1
2 cl. vii The President shall commit to executing all Acts through the authority to
3 sign or veto all Acts prior to perfection.
4

5 cl. viii The President shall have the authority to submit Acts to the Assembly for
6 consideration, including a mandatory budget.
7

8 cl. ix The President shall attend all meetings of the Assembly and submit
9 Executive Board reports at each regularly scheduled Assembly meeting.
10

11 §§ 6.2.3 Powers and Responsibilities of the Vice Presidency-

12
13 cl. i The Vice President shall accept and carry out the duties of the President, if
14 and when the President is unable or unwilling to fulfill the requirements of
15 the office by voluntary decision, distance or absence from the University,
16 or state of incapacity.
17

18 cl. ii The Vice President shall preside over the meetings of the Assembly, retain
19 floor privileges, and vote solely in the cases that will influence the
20 outcome of the vote, except on votes to override a veto of the President.
21

22 cl. iii The Vice President shall act as an official student Representative and
23 Delegate of the UPUA to any and all organizations internal to the
24 University in conjunction and with approval by the President. In addition,
25 he or she may issue non-binding directives to the Committees of the
26 Assembly.
27

28 cl. iv Accept any duties assigned by the President or Assembly.
29

30 §§ 6.2.4 Vacancies and Absences-

31
32 cl. i In cases of a vacancy of the Presidency that are permanent such as removal or
33 resignation from office, the Vice President shall immediately become the
34 President upon tender of resignation or act of removal. Properly revoked
35 resignations may reverse this transfer.
36

37 cl. ii In cases of a vacancy of the Presidency or an absence of the President that
38 are temporary, such as distance or states of incapacity, the Vice President
39 shall assume the powers and responsibilities of the Presidency as Acting
40 President. The Vice President shall retain his or her office as Vice
41 President and all actions including those as Acting President shall go on
42 record under the name of Vice President. Disciplinary actions taken shall
43 be under the name of Vice President but may be for matters related to
44 service as Acting President. The Assembly shall retain the right to
45 discipline the President under the name of the office. The Vice President,

1 while Acting President, may select the Treasurer or Secretary to serve as
2 Acting Vice President and delegate duties as necessary.

3
4 §6.3 Departments and Directors-

5
6 §§ 6.3.1 All subsidiaries of any nature shall be considered Departments of the Executive
7 Board.

8
9 §§ 6.3.2 All Departments shall be headed by a Director appointed by the President
10 through public-application. All Directors must be full-time undergraduates
11 attending classes at University Park unless prescribed otherwise by an Act of the
12 Assembly. All Directors shall be required to attend the general meetings of the
13 Assembly in conjunction with the President and Vice President.

14
15 §§ 6.3.3 Any Department not established within this Constitution may be created and
16 dissolved at the reasonable will of the President, unless established by an Act of
17 the Assembly

18
19 §§ 6.3.4 All Departments and Directors of the Executive Board shall be bound to aid the
20 Assembly in the execution of its business to the extent allowed by the duties and
21 responsibilities of Departments and Directors enumerated herein.

22
23 §§ 6.3.5 The Department of Finance shall be a permanent subsidiary of the Executive
24 Board. Its director shall be considered the Treasurer of the UPUA and shall be the
25 chief financial officer to all University and Non-University financial entities. The
26 department shall fulfill the following duties:

27
28 cl. i To develop, with consultation of the President, an annual comprehensive
29 budget for the Association submitted by the President to the Assembly for
30 approval.

31
32 cl. ii To review any financial budgets and requests of any subsidiary of any entity
33 and report on those items to the Executive Board and the Assembly.

34
35 cl. iii To assist, upon request, any subsidiary of any entity in preparing an
36 application for funds

37
38 cl. iv Manage all income and expenditures with Associated Student Activities in
39 line with decisions of the UPUA.

40
41 §§ 6.3.6 The Department of Records shall be a permanent subsidiary of the Executive
42 Board. Its director shall be considered the Secretary of the UPUA. The
43 department with its assistants shall fulfill the following duties:

1 cl. i To record comprehensive minutes at all general meetings of the Assembly,
2 Executive Board, and Board of Arbitration and to maintain records of all
3 other business at all entities and their subsidiaries.
4

5 cl. ii To make available all documents approved for public viewing or distribution
6 to the student body.
7

8 cl. iii To submit to University Libraries for archiving the records of the UPUA
9 older than 3 years. Sufficient information should be retained within the
10 UPUA for sufficient conduct of business.
11

12 §§ 6.3.7 There shall be the following departments for campus relations which shall be
13 permanent subsidiaries of the Executive Board:
14

15 cl. i Department of Multicultural Affairs
16

17 cl. ii Department of Lesbian, Gay, Bisexual, Transgender, Queer, and Allies
18 (LGBTQA) Affairs
19

20 cl. iii Department of Women Affairs
21

22 cl. iv Department of Religious Affairs
23

24 §§ 6.3.8 There shall be the following service departments which shall be permanent
25 subsidiaries of the Executive Board:
26

27 cl. i Legal Affairs - The Department of Legal Affairs shall function to facilitate
28 dialogue and communication between UPUA Legal Affairs and the
29 Executive Board and Assembly. The Department claims no authority over
30 internal operations of the UPUA Legal Affairs.

31 pt. a The Director of the Department of Legal Affairs shall be chosen from
32 the UPUA Legal Affairs members, nominated by the President,
33 and consented to by the Assembly.

34 pt. b. The Director of the Department of Legal Affairs shall be exempt
35 from the requirement to attend all general Assembly meetings.
36 This provision does not imply the Director of the Department shall
37 not fulfill the obligations of §§ 6.3.4.
38

39 cl. ii Service Initiatives
40

41 pt. a Coaches vs. Cancer
42

§6.4 Commissions

1 §§6.4.1 A commission is an affiliated non-subsidiary of the UPUA Executive Board that
2 is established for a specific need or function that cannot be met within the structure or
3 restrictions of a Department or Committee of the UPUA.

4 §§6.4.2 Establishment

5 cl. i A commission can only be established by the Assembly via the legislative
6 process.

7 cl. ii A commission will be indirectly related to UPUA as a semi-autonomous
8 body, overseen by the Executive Board, and regulated by the Assembly.

9 §§6.4.3 Membership

10 cl. i Members of the UPUA may serve on a commission free from the restrictions
11 of the ‘exclusion clause’ of 4.2.2.

12 cl. ii Membership of a commission is not restricted to undergraduate students and
13 may include administrators, graduate students, and community members.

14 cl. iii Membership of a commission shall be chosen as specified in the authorizing
15 legislation.

16 §§6.4.4 Criteria for Establishment

17 cl. i Commissions can be established for the purposes of investigating,
18 researching, and reporting on specified issues on behalf of the UPUA.

19 cl. ii Commissions can be established to carry out a task or event that necessitates
20 it being indirectly related to the UPUA.

21 cl. iii Commissions can be established in order for collaboration between
22 necessary parties to achieve their assigned goals.

23 cl. iv Commissions can be charged according to, but not limited to, the above
24 criteria.

25 **Article VII Board of Arbitration**

26
27 §7.1 Powers and Responsibilities-

28
29 §§ 7.1.1 All authority over matters of dispute between entities and matters of rule and
30 equity within the UPUA and student organizational conduct within the UPUA are
31 solely vested in a Board of Arbitration.

32
33 §§ 7.1.2 The Board of Arbitration shall have the power to:

1
2 §§ 7.1.3 Conduct select hearings related to disputed matters within the UPUA,
3 specifically pertaining to election disputes, disciplinary actions, disputes
4 concerning the interpretation of this Constitution, and hearings related to student
5 organizational conduct.

6
7 §§ 7.1.4 Review all UPUA Constitutional amendments, unless otherwise specified, for
8 fairness and equity.

9 §§ 7.1.5 Regulate and define the conduct process as well as properly adjudicate disputes
10 and violations of student organizations.

11 §§ 7.1.6 Assume all duties prescribed by the Assembly.
12

13 §7.2 Membership-

14 §§ 7.2.1 Arbitrators-

15
16
17 cl. i There shall be nine (9) members of the Board of Arbitration, of which there
18 shall be
19 a head(s) Collectively they shall carry out the business of the Board of
20 Arbitration.
21

22 cl. ii The Board of Arbitration members shall be appointed to their offices by
23 the President and confirmed by the Assembly.
24

25 cl. iii All Board of Arbitration members must be full-time undergraduates
26 attending classes at University Park.
27

28 cl. iv Board of Arbitration members shall serve terms of the lesser of time from
29 appointment to graduation or seven (7) semesters, provided a Board of
30 Arbitration member is not removed from office on reasonable grounds.
31

32 cl. v Only Arbitrators may exercise the powers and responsibilities vested in the
33 Board of
34 Arbitration.
35

36 §§ 7.2.2 Staff-

37
38 cl. i The Board of Arbitration may maintain a Staff to assist in the carrying out of
39 its
40 responsibilities and powers.
41

42 cl. ii Staff shall be appointed internally by the Board of Arbitration and not
43 subject to
44 consent of the Assembly.
45

46 **Article VIII Meetings**

1 §8.1 General Meetings-

2
3 §§ 8.1.1 General meetings shall be defined as the convening of the voting members of an
4 entity for the purpose of transacting business.

5
6 §§ 8.1.2 The Assembly and Executive Board may not have more than six (6) academic
7 days pass between any two general meetings, work session meetings, or any
8 combination thereof. In a semester, the number of general meetings must exceed
9 the number of work session meetings.

10
11 §§ 8.1.3 Quorum shall be a majority of the non-vacant seats of an entity.

12
13 §§ 8.1.4 All general meetings of all entities are to be public. The business of entities shall
14 be made available to the public along with information establishing basis for
15 transactions. The meetings shall be advertised and designed to accommodate the
16 public interest as appropriate.

17
18 §8.2 Work Session-

19
20 §§ 8.2.1 The Assembly may have work session meetings. At these work sessions
21 meetings all standing committees will meet to discuss pertinent matters.

22
23 §8.3 Summer Term-

24
25 §§ 8.3.1 Each entity shall not convene in any form during the summer without first
26 establishing rules for the transaction of business.

27
28 **Article IX Finances**

29 §9.1 Money Management-

30
31 §§ 9.1.1 All UPUA funds will be deposited in and handled through the Associated
32 Student Activities (ASA) office. All funds shall be generally maintained in the
33 unrestricted account which may be referred to as the “general account.”

34
35 §§ 9.1.2 All expenditures shall be approved by the Assembly. The Assembly may
36 demand where appropriate extreme cases warrant, the reversal of transactions.
37 The UPUA shall not be responsible for losses suffered by members for transaction
38 reversals.

39
40 §§ 9.1.3 The Assembly may provide the President during the Fall and/or Spring with an
41 account for disbursement at the President’s discretion, without approval of the
42 Assembly. This account may not be used for funding items rejected by the
43 Assembly. The books of the account shall be closed and monies returned to the
44 general account at least once at the end of each academic year.

1
2 §10.3 Election Rules and Elections Commission-

3
4 §§ 10.3.1 All elected officials must be elected by an appropriate constituency defined by
5 the Assembly.

6
7 §§ 10.3.2 Elections rules shall be established by the Assembly. The Assembly shall also
8 establish policies for the filling of seats subject to other processes.

9
10 §§ 10.3.3 There shall be an Elections Commission to administer all election related
11 matters throughout the year. It shall be governed by rules of the Assembly and
12 managed by the Executive Board.

13
14 §§ 10.3.4 Candidates who qualify as winners shall be eligible to take office. Eligibility
15 shall be extended to remaining election participants until an elected individual is
16 seated.

17
18 §§ 10.3.5 All offices filled by election shall be elected popularly by student public vote
19 except as contained herein:

20
21 cl. i Each seat for the Greek Councils recognized by the Penn State Office of
22 Fraternity and Sorority Life shall be elected in a manner established by
23 each council itself.

24 cl. ii The terms of office for these seats shall be no longer than one calendar year
25 and determined by each Council.

26
27 §10.4 Appointment Process-

28
29 §§ 10.4.1 In cases where Representatives seats become vacant after the departure of a
30 seat-holder for the academic year in question or was never filled, and only in such
31 cases, Representatives shall be appointed with the following constraints:

32
33 cl. i Academic unit representatives being appointed by their respective Academic
34 Unit Student Councils.

35
36 cl. ii On-Campus representatives being appointed by the Association of Residence
37 Hall Students.

38
39 cl. iii All other representatives being appointed by the Assembly or as prescribed
40 by the Assembly.

41
42 §10.5 Oath of Office-

43
44 §§ 10.5.1 Before any member of all entities within UPUA shall take office or their duly
45 appointed position, they shall recite the following oath:

1 cl. i “I promise to faithfully uphold the Constitution of the University Park
2 Undergraduate Association and to defend the rights of each individual
3 student while working toward the betterment of student life. I shall
4 perform, to the best of my ability, the responsibilities and duties that have
5 been entrusted to me by the University Park undergraduate student body
6 through virtue of the office which I hold”
7
8

9 **Article XI Member Discipline and Removal**

10 §11.1 Discipline Policy-

11 §§ 11.1.1 Each entity may establish discipline policies for matters not covered by other
12 sections.
13

14 §11.2 Censure-

15 §§ 11.2.1 The Assembly, by 2/3rds vote, may censure a member as the highest non-
16 removal sanction imposable on any member.
17

18 §11.3 Removal-

19 cl. i Representatives, Chief Officers, Directors, and Board of Arbitration members
20 of the UPUA may be removed by a 3/4 vote of present and voting
21 members of the Assembly for failure to fulfill the duties of their office,
22 violation of university policies, or other reasonable grounds.
23

24 cl. ii For proceedings on Members of the Board of Arbitration, the Vice President
25 shall preside. If the Vice President is unable to preside, the Assembly
26 shall elect a representative to preside.
27

28 cl. iii For proceedings on members of the Executive Board, the highest ranking
29 member of the Board of Arbitration shall preside.
30

31 §§ 11.3.2 The provisions of removal shall not be construed to deny the President
32 reasonable ability to remove any director or executive staff member of the
33 Executive Board at his or her discretion.
34

35 §11.4 Resignation-

36 §§ 11.4.1 All members shall retain the right to resign from any position within the UPUA
37 regardless of whether that member is the subject of disciplinary proceedings.
38

39 §§ 11.4.2 All resignations must be submitted in writing to the highest ranking officer of
40 the entity or subsidiary from which the member wishes to resign. No entity or
41 subsidiary may refuse a resignation; however, all resignations must be submitted
42
43
44
45
46

1 to the Assembly for acceptance. Tendered resignations are irrevocable except by
2 2/3rds vote of the Assembly.

3
4 §§ 11.4.3 Accepted resignations shall be considered honorable discharge from service.
5 Resignations not accepted shall be considered dishonorable discharge from
6 service and shall permit the Assembly to take further disciplinary action upon the
7 individual, with or without his or her presence or proclaimed affiliation, at the
8 Assembly's discretion.
9

10 **Article XII Parliamentary Authority**

11
12 §12.1 Robert's Rules of Order, Newly Revised, shall be used in all cases not covered by this
13 constitution.
14

15 **Article XIII Advisor**

16
17 §13.1 The UPUA shall retain a primary advisor and may obtain additional advisors for a specific
18 purpose.
19

20 §13.2 The advisor(s) will be a Faculty, Staff, or administrator of the University and will be
21 nominated by the President and consented to by the Assembly.
22

23 §13.3 The advisor(s) shall retain their title in perpetuity unless a majority vote by the Assembly
24 suspends or removes the title(s).
25

26 **Article XIV Amendments**

27
28
29 §14.1 Amendments to this Constitution may be brought, at any time, by the Assembly as an Act,
30 subject to standard submission and perfection rules.
31

32 §14.2 The Assembly may pass the amendment with a three-quarters majority (3/4) of the entire
33 membership.
34

35 §14.3 The Board of Arbitration must approve or reject all amendments passed within forty (40)
36 calendar days but no sooner than twenty (20) calendar days to ensure fairness and equity
37 is the proposed changes.
38

39 §§ 14.3.1 A majority of sitting Board of Arbitration members will be required to approve the
40 amendment and decide the effective date before it is considered duly ratified.
41

42 cl. i If the Board of Arbitration fails to approve or reject the amendment it forfeits its
43 obligation to review.
44

45 cl. ii These provisions do not apply to referendum-initiated Constitutional amendments.
46

1 **Article XV Referenda**

2
3 §15.1 A referendum shall be defined as a vote of the undergraduate student body to decide an
4 action of the UPUA.

5
6 §15.2 Referenda may be proposed either by:

7
8 §§ 15.2.1 An Act of the Assembly

9
10 §§ 15.2.2 A Petition of three percent (3%) of the full-time undergraduate population.

11
12 §15.3 Referenda shall be subject to approval of the Board for structure only and not for merit.
13 However, dilatory referenda may be dismissed with five (5) Board members concurring.

14
15 §15.4 Approved referenda shall be at the discretion of the Assembly, considered urgent, and held
16 within the academic semester or otherwise set for inclusion in the upcoming election.

17
18 §15.5 A majority of those voting, with at least fifteen percent (15%) of all eligible undergraduate
19 students voting, shall be sufficient for a decision to be considered rendered and binding
20 on the UPUA.

21
22 **Article XVI Old Constitutions**

23
24 §16.1 All agreements made under prior constitutions with reason to be valid under this
25 constitution shall be considered valid, upheld, and binding.

26
27 §16.2 In transition to organization under this constitution, entities extant under the old
28 constitution shall have the power to establish initial rules and policies as appropriate.

29
30
31 **Article XVII Enactment and Protections**

32 §17.1 Enactment-

33
34 §§ 17.1.1 This constitution shall be enacted following approval by the existing student
35 government entity.

36
37 §17.2 Protections Against Dissolution-

38
39 §§ 17.2.1 This constitution shall be protected by the standards established herein for all entities
40 and actions of the UPUA. Neither the UPUA nor any entity of the University may dissolve the
41 organization as it stands in this document without surpassing the highest challenges this
42 document establishes which may be determined as a combination or mix of one or more
43 provisions. All attempts at subversion will not be tolerated and will be considered a direct
44 assault on the ability of the student body to organize.