



12/10/2021



Review & Recommend

Student Government Association Constitution



Middle Tennessee State University

PROCESS

I was asked by Mr. Butch Oxendine, the Executive Director of the American Student Government Association, to review the governing documents of the Middle Tennessee State University Student Government Association and offer my professional opinion on its strength and functionality. I have divided my comments into two categories: Major Concerns and Minor Concerns. Major Concerns relate to the structure of the document (and therefore the organization itself), the fundamentals of a deliberative assembly as described in Robert's Rules of Order Newly Revised 11th edition (RONR), and the format and composition of the document itself. Minor Concerns focus on details including often misunderstood or misstated parliamentary procedures, contradictions in terminology, and ambiguity of language.

Much of my time in review is spent carefully reading the documents provided and inserting comments in the margins. These comments provide examples of concerns I may identify below. Other comments are questions for the institution to consider as it works to improve its documents and its SGA. I recommend reading the comments in that document before reviewing the recommendations given below.

MAJOR CONCERNS

Representation

One of my greatest concerns with any democratic governance model is the fair and equal representation of the body which grants the government its power. In this case, that is the MTSU Student Body.

According to Article V. Section 2., there are several different ways in which students are represented in the Senate. The first method is academic representation. Colleges receive one Senate seat for every 500 students in the college. The Constitution does not indicate when the census is conducted to determine enrollment or who is responsible for providing that information. The second method is class-based representation. This appears to apply only to the freshmen class and is connected to a Freshman Class Council. It is unclear why only the freshmen class is provided this opportunity. A third method of representation is "At-Large". There are seven seats allocated to this form of representation, but there is no logic provided as to how that number was determined. Ostensibly, these seven students are the only ones representing all students at MTSU. Finally, members of the military receive representation through a "permanent elected Senator". This representation does not seem to be based on the number of veterans in the student body, but rather just a cursory attempt to make sure that the interests of veterans are represented in some fashion.

The problem with having four different methods of representation is it results in students being represented disproportionately within the legislative body. For instance, a freshmen who is a veteran has the benefit of their concerns being represented four different ways (college, at-large, freshman delegate and military), while a non-veteran senior has only two (college and at-large). If veterans' issues were to become a significant

concern, that concern is not represented fairly based upon population, but rather as a “special interest”, with only one seat afforded to the group regardless of the size of the population. The same can be said for the freshmen representation.

The problem with special interest representation is it can become a “slippery slope” as new factions rise and demand “equal” representation as well. International students may feel they aren’t represented in the SGA. Then residential students. Then pet owners, etc. The SGA usually has no choice but to accommodate these requests, as the impetus for the first special interest representation is tenuous at best. And doing so, doesn’t bring the organization, it breaks it further apart into smaller and smaller separate factions seeking only to advocate for the group they were selected to represent.

The SGA is to represent all students. This should mean that all elected members, regardless of the body from which they are selected, seek to find the solutions to problems which serve the greatest number of students, not just those in their immediate reference group. To be effective in the institutional shared governance system of administration, faculty, and students, every member of the SGA must understand that their role transcends the factionalism that special interest representation can invite.

This doesn’t mean that freshmen’ concerns or veterans’ concerns aren’t important, but they should be important to all members of the SGA and not just those selected to represent that population. If an issue were to come to the attention of the SGA that disproportionately affected veterans, it should be the responsibility of all members to become knowledgeable about the issue. This may entail roundtable discussions with veterans, or online surveys, or an investigatory committee convened to examine the issue and to present the facts and a course of action to the legislative body for consideration. It shouldn’t be to add another method of representation to the SGA.

This is how governance works at other levels. If an issue comes up in the state which disproportionately affects the elderly, there isn’t a call that goes out to create new representation within the government for old people. The representatives and senators use methods to investigate the issue and make the best decision for the state.

Recommendation:

I recommend that the SGA restructure its membership by utilizing only one method of representation. The current method of academic representation by college might suffice. If the unspoken problem is that Colleges either fail to select representatives, or those representatives fail to actively participate in SGA, then another method should be chosen. Other options would include by academic class standing or by place of residence. It is not recommended that representation be determined by extracurricular involvement as this method does not solve the problem of disproportionate representation.

Perhaps the most effective method of representation for a college SGA is to have all seats available “at-large”. The number of seats offered is determined by the size of the student body and the desired size of the governing group. If MTSU has a student body of 20,000, it might determine that representation will be 1:500 resulting in 40 members or 1:1000 resulting in 20 members. The final determination might be based upon the work expected of the SGA and the ability to coordinate that work within the group. The benefits of at-

large representation are two-fold. First, it reinforces the idea that all senators have an obligation to represent all students, not just one constituency or another. Secondly, it provides greater assurance that those running for office are interested in actively serving the organization and are not doing so to just fulfill the obligation of filling a seat.

Governance Model

The MTSU SGA is arranged in the Federal Model of governance with three “separate but equal” branches addressing executive powers, legislative powers, and judicial powers. The cornerstone of effectiveness for this model is two-fold: a clear and inviolable separation of the powers and responsibilities of the branches, and an identifiable system of checks and balances to keep each branch from overstepping its authority. Unfortunately, neither of these seems to be in place within this document. The idea that this is a working Federal Model is therefore illusory.

There is significant crossover of responsibilities between the Executive Branch and the Legislative Branch. The Executive Vice President of the Executive Branch chairs the meetings of the Senate, not unlike the Vice President of the United States. However, other practices, such as the President of the Executive Branch filling vacancies within the Senate, the Executive Branch deciding what constitutes a “valid” resignation of a Senator, the Attorney General conducting investigations in the Legislative Branch, and the ability of the President of the Executive Branch to call special meetings of the Senate, all violate the notion of “separate but equal” roles for the branches.

As is often the case with institutions adopting a Federal Model, the Judicial Branch is the weakest of the three branches. It appears that half of its duties are either shared with or managed by the administration of the institution. This is not inherently “bad”, but if the Judicial Branch is addressing concerns outside the purview of the SGA, then it really isn’t an SGA branch as much as it is a mechanism of the institution.

The other half of the Judicial Branch’s responsibilities relate to the “constitutionality” of actions or legislation carried out by the other two branches of government. I question how often this concern plays out before the Judicial Branch, and if it is enough to warrant a separate branch of government in and of itself. Given that any legislation passed by the Senate must receive the approval of both the President of the Executive Branch and a member of the institution’s administration, it would seem unlikely that the Judicial Branch would be left to review much. Under RONR, concerns about the constitutionality of a decision can be raised by a member of the organization during debate or as a separate motion. This might also be the reason the Vice President of the Executive Branch or the administration vetoes legislation. In any case, it is not necessary to create a standing, third branch of government to address these issues.

The role of the Attorney General, a member of the Executive Branch, also raises concerns related to the Judicial Branch. Some responsibilities of the Attorney General, appear to be “shared” with the Judicial Branch – such as appeals of parking violations – and other duties seemed to be in direct conflict with those of the Judicial Branch – such as the Attorney General serving as the “advisor” to the Executive and Legislative Branches on matters related to the SGA Constitution and “Laws”. In practice I would suspect that one

or the other probably leads these proceedings, but it is difficult to discern from the document exactly who does what.

This leads me to question whether a Federal Model of governance makes the most sense for Middle Tennessee State University.

Recommendation:

I recommend that the SGA consider restructuring along the lines of an Advocacy Model. This model consists of one body of members with some members serving as the officers of the SGA and forming an executive board to lead and support the decisions of the organization. Doing so would eliminate the concerns regarding one branch usurping the responsibilities of another. Executives would be more concerned with effectively managing the entire organization rather than their own branch. Decision making and action would be more closely aligned, hopefully making the organization more nimble and able to respond to the needs of students.

The current Executive Branch membership should be reduced to only those positions necessary to conduct the business of the organization. Traditionally, this would be a President, a Vice President, a Secretary, and a Treasurer. The other current Executive Branch positions should either be eliminated, become appointments, or have responsibilities consolidated into the new executive board positions – such as marketing responsibilities being assigned to the Secretary. Appointees would report to the SGA on a regular basis. They could still serve the same function they have been serving (Homecoming, Philanthropy, Elections) without being considered a member of the executive board.

The Judicial Branch should be reconstituted as a standing committee of the SGA. It is not necessarily a requirement that SGA committees comprise only SGA members; if there are currently non-elected/appointed members in the Branch, this could still be accommodated with a standing committee. Much depends on how the new document is written.

The benefit of the Advocacy Model would be the creation of a leaner bureaucracy, a reduction in much of the internal processing which currently takes away from representing students, and better communication from decision-making to action within the organization.

Alternatively, the organization may choose to keep the Federal Model. It should be recognized, however, that the model offers few advantages to governance at this level. The governing document requires substantial improvements to have the organization truly function as a three-branch organization. I doubt that it is possible to improve the Judicial Branch to a level where it is the equivalent in importance and operation as the other two branches.

Structure of the Constitution

The SGA is to be commended for the level of organization present within the current constitutional document. Articles are clearly identified and, for the most part, are

consistent in their content. Every Section within an Article is numbered, and every paragraph is indexed with either a letter or a number. These are all great practices which make it easier to read the document.

There are some concerns which should be addressed, regardless of whether the organization chooses to adopt the recommendation of transitioning to an Advocacy Model.

1. Constitution versus Bylaws

The SGA provided only one document for review, although there are others referenced in the Constitution (Election Act). There is no mention of bylaws for the organization and the inclusion in the Constitution of many of the topics which should be addressed by that document would support the idea that no such document exists.

The primary document of an organization, usually referred to as a constitution, should address just the structure of the organization. It is the foundation of the organization – its bedrock – containing information about how the organization is constructed, how powers and responsibilities granted it by the student body are distributed, and how decisions will be made.

Because these items are foundational to the organization, they should not be easily modified or amended. Nor should there be a need to do so frequently as they should be well thought out and resolute. In most cases, changing this document should require greater than a majority of the student body to agree.

Subsidiary documents are often referred to as bylaws (one word, no hyphen). Whereas the constitution focuses on structure, the bylaws focus on process and procedures. Bylaws should address the processes required for the organization to carry out the object or purpose of the organization outlined in the constitution. For instance, the constitution should identify when elections for members and officers are to be held as well as the requirements to hold office - both being structural concerns which ‘frame’ the organization. How the elections are conducted – polling places, campaign rules, etc., should appear in the bylaws of the organization, as these are related to the procedures of carrying out the election.

Since bylaws reflect current process, they are more apt to change. Since these items are more likely to change, the threshold to make changes to the document should be less than that for the constitution. In a representative body, this may mean that the SGA itself can make the changes after providing adequate notice to the student body, or that the change can be made by majority vote.

When processes are committed to the constitution rather than the bylaws, changes to those processes – which are apt to occur as situations change – become difficult to make, requiring a constitutional amendment for adoption. Placing procedural steps in the bylaws with a lower threshold for passage permits the organization to make changes more easily and frequently to respond to changing circumstances.

Recommendation:

In the MTSU Constitution, I recommend the following Articles should be removed and placed in a new Bylaws document:

- Article II. Statement of Governing Principles
- Article III. Voting
- Article VIII. Financial Responsibility
- Article IX. Remover of an SGA Executive Board Member from Office
- Article X. Removal of an SGA Senator from Office

Additionally, there are passages within other Articles which outline process that should instead be codified within the Bylaws. These include:

- Article IV. Section 7. A. through O. related to the process of addressing traffic citations.
- Article IV. Section 8. B. related to the process of investigating violations of the SGA Constitution and “Laws”.
- Article V. Section 3. A. related to the Freshmen Council (and not particularly the representatives from the Council to the SGA).
- Article V. Section 9. C. related to the process of passing a bill or resolution.
- Article VI. Section 3. A. and B. related to the application process for Judicial Branch members.

2. Indexing and Codification

While the document makes a good attempt at indexing, it does not necessarily go far enough. It also violates a few standard conventions which should be adhered to.

Recommendations:

It is recommended that large passages be split into smaller paragraphs grouped around one topic or item. It is permissible for a paragraph to consist of one sentence if the topic is substantially different from those around it. For instance, Article V. Section 3. A. provides a lot of information about the Freshman Council which could be broken up by topic.

There are also smaller paragraphs which “lump together” information, oftentimes combining structure and process. In these cases, sentences should be rewritten to address only the structural component and the process component should be moved to the bylaws. This will also result in new paragraphs perhaps only one sentence long.

It is further recommended that the document be revised to remove lettering and numbering on passages when that passage is the only one in a section. In other words, if there is an “A” and not a “B”, the passage should not be indexed; it is actually indexed by the headline index above it. For instance, Article III. Section 1. has a letter A for the paragraph beneath it. Since there is no letter B, Section 1 consists of one paragraph. It does not need the additional indexing of a letter to identify it. There are numerous examples of this throughout the document. Well-intentioned, but unnecessary.

The organization may find it helpful to use the following as a guide to reorder the indexing in the Constitution and any companion documents, such as bylaws:

- Article should be Centered, Title Case, Bold, Roman Numerals. *Example:*

Article I. Officers

- Sections should be on Left margin, Sentence Case, Bold, Number written out. A period should follow the section number, then the section title followed by a period; always on a separate line from the next paragraph. *Example:*

Section One. General requirements.

- Sub Sections should be Indented .25”, Sentence Case, Bold, Alphabetized. A period should follow the letter and the title. The title should be on the same line as the rest of the paragraph. Only the title is in bold. If no title, letter is still bolded. *Example:*

A. Duties of the president. The president shall...

- Paragraph should be indented .5”, Arabic numerals with a period. *Example:*
 1. Chair regular and special...

3. Organization of Sections

At the level of Articles, the MTSU SGA Constitution is better organized than many other constitutions utilizing a Federal Model that I have reviewed. Unfortunately, as you work deeper into the document, that organization starts to dissolve, and some items are either lost, or are not explained enough to be useful. A good indicator that the document is not as complete as it should be is the number of Sections which have only one paragraph to them. All sections should have titles explaining what the section covers, and most of them do in this document, but the title should be broad enough to encompass more information. This can take some practice to do well. The result however can be an even easier to reference document as indexing further down the “tree” (i.e., lettered and numbered section) can be even more specific in the information shared.

Additionally, there are a couple practices present in the document which should be avoided. The first is internal references. There are several instances where the reader is referred to another section of the document for additional information. In the initial development of the document, this isn’t a problem. But as the document is amended over its lifetime, there is a tendency to forget to update references to passages that may themselves be amended. This results in incorrect referencing where the reader is referred to a section which no longer exists or now contains different and unrelated information. Quite often, the information being referenced could have easily been included in the section with the reference, eliminating altogether the need to reference.

The second practice to avoid is switching from explaining structure to explaining process. There are several instances – the section on the Attorney General in particular – where the description of the duties of the office becomes the process by which the duties are carried out. First, multi-step processes should appear in the bylaws of the organization, not the constitution. Second, the document should avoid telling officers and members “how” to do something and instead focus on the outcome, or “what” the officer is to accomplish. There are many ambiguous and undefined terms in the MTSU SGA Constitution (e.g., “work closely with”, “faithfully perform”), and most of them are related to describing “how” the member or officer is to work rather than what the outcome is to be.

Recommendation:

Reformat the constitution to be consistent with the guidelines provided by Robert’s Rules of Order Newly Revised 11th edition (RONR). RONR identifies nine standard Articles for an organization’s constitution:

1. Name
2. Purpose
3. Members
4. Officers
5. Meetings
6. Executive Board
7. Committees
8. Parliamentary Authority
9. Amendments

I will describe these Articles and related sections as they would appear for an organization utilizing an Advocacy Model for structure. If the MTSU SGA decides to keep a Federal Model of structure, Articles One through Five and Article Seven listed above become Section titles in each of the Articles related to a branch of government. Article Six may not be necessary, while Articles Eight and Nine should remain Articles applicable to the entire organization and document. Items which do not fit the RONR format most likely belong in the bylaws of the document as discussed previously.

- **Article I. Name** – This should be self-evident. Given the length of the name of the organization, an abbreviation should be identified in this Article (ex. “...hereinafter referred to as ‘the SGA’ or, ‘SGA.’”). There will be instances within the document where identifying the organization by name rather than by pronoun will be important, and this abbreviation will make doing so easier.
- **Article II. Purpose** – The current document has two passages which give some indication as to the purpose of the organization: the Preamble and Article I. Section 2. One cohesive statement, broadly written to be inclusive of all the work the SGA could be doing, should be provided in this Article. Alternatively, the purpose can remain in the Preamble but, in either case, there should be only one statement of purpose.

- **Article III. Membership** –The members of the SGA are the elected (and appointed) students of the decision-making body, including its officers. The student body should never be considered members, as it is the student body which assigns its power to the SGA to be represented in the institutional shared governance system.

Section One. Composition. This should be a statement outlining the number of Senators which make up the SGA, plus listing the officers and advisors if they are to be considered members as well

Section Two. Senators. This section would, through appropriate subsections, address aspects of serving as a senator including how they are elected or appointed, qualifications to hold office, the term of office, reasons for removal from office, and how vacancies are filled.

Section Three. Advisors. The same questions answered in the previous section about Senators should be addressed in this section. In most if not all cases, advisors should be listed as non-voting members with permission to speak at meetings.

- **Article IV. SGA Officers** – RONR makes a distinction between “Officers” and “Executive Board”. This Article deals only with the individual roles of officers and not the functions and powers of the Executive Board as an entity. Much of what is in the current Article IV. Sections Three through Eleven could appear here if all members of the Executive Branch will be considered “officers” as well. Non-officer positions on the Executive Board would appear only in a separate Article later in the document.

Section One. Officers – A simple statement such as: “Officers of the SGA shall be a President, a Vice President, etc.” should suffice.

Section Two. Duties – Unless the duties of officers are truly malleable, all of them should be outlined in the Constitution. Additional duties should not be able to be assigned later by anyone. Care should be taken not to tell an officer how to do the job, but rather to outline what the job entails. Duties for all eight (8) of the SGA officers (if they are to be considered officers) should be outlined here under separate subsections.

Section Three. Election of Officers –Outline the structure (not the details, which belong in the bylaws) for election of officers. In separate subsections, you should include the time frame for holding the election, the vote required for election (majority, plurality), the type of vote (ballot, voice), and any additional requirements to hold office other than being a member of the organization. If you have appointed as well as elected officers, then there would be two subheadings in this section, one for elected and one for appointed officers. The details (nominations, election rules, etc.) are more appropriately placed in the bylaws as they are likely to change as your campus culture and technology change.

Section Four. Term of Office – Define when the officer takes office (immediately following election unless otherwise specified), how long the term is, and any limitation on the number of terms or offices that can be held.

Section Five. Removal and Resignation – Reasons for either should be identified in this section. It should not include the process by which an officer is removed; that information belongs in the bylaws. Resignation should include to whom a resignation is tendered and the process by which the SGA accepts a resignation.

Section Six. Vacancies in Office – Identify how vacancies in office for Officers will be filled. The office of President is automatically filled by the Executive Vice President unless otherwise stated. Other vacated offices should be filled by special election rather than appointment or internal election. The succession process currently identified in the Constitution is unnecessarily detailed.

- **Article V. Meetings**

This Article should include information on Regular and Special Meetings of the SGA, required notice for meetings, special rules related to certain business, and determination of quorum.

If the MTSU SGA is keeping a Federal Model for structure, note that all three branches should be identifying this information for their meetings. The student body has a right to know what transpires at Executive Branch meetings as much as it does Senate meetings.

Quorum – The quorum for regular and special meetings, which is the minimum number of members required to attend so that business may be conducted, should be stated in this section. An unspecified quorum is considered to be a majority of the members, but it can be set at any number or percentage. Quorum should be set at the minimum number of members that can be expected to attend on a regular basis barring circumstances beyond their control, such as weather.

- **Article VI. Executive Board** – Note that the Article focuses on the power and structure of the board as a group and not the individual offices which comprise the board.

Section One. Composition – Officers and advisors should be identified as members. If there are non-officers who are members, they should be identified as well.

Section Two. Responsibilities - What, specifically, is the Executive Board charged with accomplishing? A board only has as much power as is afforded to it by the Student Body in writing within this document.

Section Three. Meetings – rules for both regular and special meetings of the Board, as well as quorum requirements should be indicated here.

- **Article VII: Committees** – This article provides for both standing and special (i.e., ad hoc) committees. The current Constitution lacks this important Article/Section. If the MTSU SGA keeps the Federal Model of structure, there might be a committee section for each of the branches.

Section One. Standing Committees – Outline any committees that are permanent to the organization including the name, number of members, purpose, and chairperson (if known).

Section Two. Special Committees – Outline who may create special committees as well as any requirements regarding the composition of the committees. Without this section, the SGA cannot create additional committees.

- **Article VIII. Parliamentary Authority** – The current Constitution does not identify by what parliamentary authority disputes or questions would be resolved. It is recommended the organization adopt Robert’s Rules of Order Newly Revised. Suggested language would be, “The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the SGA in all cases to which they are applicable and in which they are not inconsistent with this Constitution, Bylaws and any special rules of order the SGA may adopt.”
- **Article IX. Amendment** – The process for amending the Constitution should appear in this section. It is imperative that any amendment to the Constitution involve the input of the student body in some way. The power of the SGA is derived from the student body and, as such, cannot and should not be altered without its express permission.

MINOR CONCERNS

Oath of Office & Transitional Term of Office

Recommendation:

Clarify the status of these two customs as they relate to holding office.

Rationale:

It is unclear whether these customs are requirements to hold office or simply formalities. In other words, can a member be removed from office for failing to participate in either one? RONR does not provide for either custom. Discussion among parliamentarians is that an oath of office is simply a formality because the constitutions of most organization specify a timeframe in which an elected member takes office – this cannot be altered by that member refusing an oath. It might be argued that refusing the oath is a refusal to assume the responsibilities of office, and the member can be subject to the disciplinary process of the organization. It might also be argued that the member cannot engage in any of the other activities of their office until the oath is taken.

The issues around a “transition term” are similarly complex. If the member has not yet assumed office, what responsibilities do they have to the transitional term. Do the expectations of “regular” members apply to “transition” members? Can transition members be held accountable through the organization’s disciplinary process before they take office? Perhaps for some egregious behavior inconsistent with the values of the organization, but for failing to participate in transition?

I could find no definitive answer to these issues. Therefore, the organization itself must decide how members will be treated if they fail to participate in these customs.

Appointment versus Nomination

Recommendation:

Review all instances of appointment and the rationale for only some requiring the approval of the Senate.

Rationale:

Adding an extra step to anything on government tends to prolong the process. With that in mind, requiring that nominations made by the President of the Executive Branch be confirmed by the Senate probably slows things down and wastes time which may be better spent addressing the needs of students.

If the Senate receives background information on nominees, interviews colleagues, employers, and friends, and reviews résumés and vitae, then this process perhaps has merit. In most cases, I would suspect that the review of candidates is cursory if done at all.

Therefore, the process of confirming nominees should be reviewed and a determination made on the purpose of the process and whether that purpose is being met. Secondly, all appointments should be reviewed. It should be determined whether some, none, or all nominations should require confirmation by the Senate. As it currently stands, there seems to be no rhyme or reason as to which nominations require confirmation.

“Immediate” Removal from Office

Recommendation:

More formally outline the process by which a member may be “immediately” removed from office. Consider notifying a member privately of their disqualification and then announcing the disqualification (without specifics) at the next regular meeting of the SGA.

Rationale:

Article IV. Section 1. D. and Article V. Section 4. B. indicate that a member will be removed from office “immediately” if they no longer meet the qualifications to hold that office. It is unclear from the document as to when “immediately” actually occurs. Does the failure to meet requirements need to be announced at a meeting? Doing so might violate a

student's privacy rights if the disqualification is related to grades. Does the member need to be notified as soon as it is found out they no longer meet the requirements? If so, who determines that, who notifies the member, and in what manner? How does the rest of the SGA receive notification? When does the process of seeking a replacement then begin? If there is a delay in removing a member, does the delay violate the Constitution? It should be clear that the concept of "immediately" is fraught with operational questions.

Well-intentioned Ambiguous Statements

Recommendation:

Review the Constitution and remove or clearly define words and phrases which, while well-intentioned, are subjective and open to different interpretations.

Rationale:

It is difficult to hold someone accountable to a word or phrase which may mean different things to different people. Quite often, these words and phrases were inserted as a positive reinforcement of the way someone would like things to be. Unfortunately, the open-endedness of the words means that, without a definition, those interpretations can be challenged by someone being held accountable to them. Some examples in the current Constitution:

- "work closely with" – how close? Is this distance, time, mindset?
- "faithfully execute" – what does unfaithful execution look like? faithful to whom or what?
- "proper administration" – who determines what is proper? Shouldn't that be in the constitution?
- "ensure a smooth transition" – hints at degrees of success. What might be "smooth" for some will be incredibly bumpy for others.
- "shall see that all responsibilities" – Is this a request for action or simply supervision? How involved is the member supposed to be in the effort?
- "Help keep" – what one considers help another might consider interference.

Unenforceable Statements

Recommendation:

Remove statements where the SGA implies that it holds the power over administrative offices or personnel compelling them to do something.

Rationale:

It should be remembered that the SGA only has inherent powers granted to it by the Student Body. Unless the administration specifically grants additional responsibilities to the SGA, the SGA cannot "make" offices or administrators do things by listing them in the Constitution. An example of this is the following statement:

“The Attorney General and the Student Judicial Board retain the right to receive additional information about a case from the Parking Services Office.”

Unless such right was granted to the SGA by the administration to begin with, there is no right which can be retained. This may be a case of the SGA requesting this opportunity but listing it as a right in the Constitution does not make it so. The Parking Services Office is under no obligation to provide additional information unless the administrator or office to which they report authorizes it to do so. There are a couple examples of this type of “back-door rule” in the Constitution. They should be reviewed and perhaps discussed with the organization advisors to be clear about rights and responsibilities which will be delegated by the administration to the SGA.

Attendance Policy

Recommendation:

If the SGA wishes to demonstrate accountability to the electorate, it should consider making all votes on important main motions by roll call. In a roll call, every member’s vote is recorded next to their name. If a member is not there, no vote will be recorded. This information should then be shared on a regular basis with the electorate, perhaps in the student newspaper or through the SGA website. So long as the SGA continues to have enough members at meetings to form a quorum, attendance should not be a concern.

If the feeling is there must be an attendance policy, the policy should be simple and specific. A defined number of absences should be specified after which the member is automatically removed from office. There should be no provisions for ‘excused’ and ‘unexcused’ absences; such provisions only lead to arguments about the subjective nature of such determinations. A hearing to determine whether to keep an inactive member is a waste of time. Members then need to decide their priorities and whether they have the time to responsibly represent their groups.

Rationale:

Attendance policies only succeed in putting bodies in chairs, they don’t create engaged members. For the amount of time an organization spends in determining valid excuses, tracking attendance, listening to appeals, and punishing members, it is difficult for me to see the value of such policies.

Additionally, it should be the electorate that holds its representatives accountable for results, not the organization. If members aren’t attending meetings and voting (the action part of attending meetings), then the electorate should be notified and should promptly consider replacing these representatives in the next election. SGA should not waste its time tracking absences; it has more important work to do.

Veto Power of the President

Recommendation:

Remove the veto power of the president. There is no sound argument to providing one individual with this power in college student government.

Rationale:

This tends to appear quite often in SGA documents, although you will find no precedent for it in RONR or among most civic or fraternal organization. In most SGAs, there is little practical reason to give one member of the organization the power to reject a decision made by a majority of members who were duly elected to represent the interests of the students. Without qualification, it implies that one person's knowledge and experience is in some way more significant than the knowledge and experience of a multitude of others who (hopefully) have reviewed the decision in full and made an informed decision.

Preamble or Purpose?

Recommendation:

Develop one purpose statement and include it in the Constitution as either a preamble or an Article on Purpose, but not both. If it is a preamble, it should appear ahead of the formal document – it is technically not a part of the document itself.

Rationale:

Preambles usually serve as an introduction to the document itself, outlining the need for the organization, the powers entrusted to it, and how the organization will address the identified needs. Article I. Section 2. of the MTSU SGA Constitution is identified as "Purpose." It addresses many of the same concerns as the Preamble.

According to RONR, a preamble serves largely the same function as a purpose statement, outlining the need for the organization and how the organization plans to meet that need. It therefore makes sense to have one or the other, but not both. One of the concerns in maintaining both would be that the organization might be held to conflicting interpretations of its purpose and identity. It would therefore be better to consolidate these items into one concise section.

These comments, in conjunction with the notes added to the document within the Review represent the entirety of my work for the Middle Tennessee State University Student Government Association. I look forward to speaking with the client to clarify any of my comments or recommendations.

Respectfully submitted,



Chris Jachimowicz
Consultant
The SG Consulting Group