



# The Legislative By-Laws of the Liberty University Student Government Association

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## **Article I.** Purpose, Documental Interpretation, and General Matters

**Section 01** | These Legislative Bylaws are hereby established for the benefit of the Representative Branch of the Liberty University Student Government Association. The goals and purposes of these bylaws shall be to provide for the effective operations of the Representative Branch to the ultimate end of the continued advancement and preservation of the common interests of the students of Liberty University within the context of the Student Government Association.

**Section 02** | In accordance with Article III, Section 1, Article IV, Section 1, Clause 1, and Article IV, Section 4, Subsection 1, Clauses 1 and 3 of the Constitution, the authority to propose policies and courses of action to Liberty University Administration is, and is hereby declared to be, reserved by the Representative Branch alone, as is so delegated within the Liberty University Student Government Association Constitution.

**Section 03** | It is the duty and responsibility of the Speaker of the House and President of the Senate, also herein referred to as “chamber leaders”, to promote the legitimate interests, responsibilities, and authority of the Representative Branch and their respective chambers to the best of their abilities and in accordance with the Liberty University Student Government Association Constitution.

**Section 04** | Chamber leaders are to promote the effective cooperation of their respective chambers and may take such actions as are necessary and proper to promote such cooperation between their chambers.

**Section 05** | The provisions within these Legislative Bylaws shall have supremacy over all provisions in all other SGA governing documents with the sole exception of the Student Government Association Constitution.

**Section 06** | The interpretation of these Legislative Bylaws shall be the jurisdiction of the appropriate authority as hereby outlined:

- A.** Matters that affect only one chamber shall be under the interpretational jurisdiction of that chamber’s presiding officer;
- B.** In the event of a Joint Session, the presiding officer of the respective joint session shall have interpretational jurisdiction during the time in which it is convened;
- C.** If a matter affects both chambers and arises while the Representative Branch is not in Joint Session, the President of the Senate, subject to appeal, shall hold general interpretational jurisdiction.

**Section 07** | In order to be sustained, any appeal of a decision regarding interpretation of these bylaws must be certified via two-thirds majority vote of those members present and voting within the respective legislative body under which the question of interpretation arises, unless otherwise specified within these bylaws. If the question of interpretation affects both chambers or arises during a Joint Session, the House and the Senate must conduct their votes on the appeal separately and both legislatures must certify a two-thirds (2/3rds) majority vote of those members present and voting.

**Section 08** | These bylaws shall be interpreted according to the normal rules of textual construction, within the context of the entire document, and not according to the presumed or otherwise stated intent of any of its individual authors. Section headings herein these bylaws are provided for informational purposes only and shall not affect the interpretation of any provision herein.

**Section 09** | To preserve the separation of powers and right of the Representative Branch to determine and apply its own rules, the Student Court may only exercise jurisdiction in any case or controversy involving these bylaws if a provision is alleged to be explicitly inconsistent with the Student Government Association Constitution. The Representative Branch hereby declares that a “violation” of these bylaws in the context of Article V, Section 3, Clause 1 of the Constitution of the Student Government Association, or in the context of any disciplinary action, shall only occur if an individual refuses to comply with the determination of the internal processes specified herein.

**Section 10** | If any part(s), term(s), or provision(s) of these bylaws are held to be unconstitutional or otherwise unenforceable by the Student Court, the remaining portion or portions of the affected part(s), term(s), or provision(s) shall be considered severable and shall not be affected by such determination. In the event of such a determination, these bylaws shall be construed and enforced as if these bylaws did not contain the part(s), term(s), or provision(s) that was held to be unconstitutional.

**Section 11** | Provisions in these Bylaws may not be suspended or modified, including by a motion to suspend the rules, as may be permitted by the rules of the House of Delegates and Senate, unless explicitly authorized herein.

## Article II. Joint Sessions

**Section 01** | Joint Sessions may be convened if provided for in the Student Government Association Constitution, if called for by a chamber leader, or if provided for by a Joint Resolution passed by a bicameral simple majority of the House of Delegates and the Senate.

**Section 02** | The presiding officer for all Joint Sessions, unless otherwise stated within these bylaws, shall be the President of the Senate.

- A. If the President of the Senate is unavailable or declines to preside, the Speaker of the House shall preside.
- B. If neither the President nor the Speaker is available to preside over the Joint Session, the Clerk of the House of Delegates or any other individual selected by the Speaker shall preside.

**Section 03** | In the event that a Joint Session is specifically convened to adjudicate an impeachment, the following rules shall apply:

- A. The presiding officer of an impeachment adjudication shall be the Speaker of the House.
  - (i) If the Speaker of the House is unavailable or declines to preside, the President of the Senate shall preside.
  - (ii) If neither the Speaker nor the President is available to preside over the impeachment, the Clerk of the Senate or any other individual selected by the Senate President shall preside.
- B. The plaintiff presenting the impeachment allegations shall receive thirty minutes to present oral arguments, including witness testimony and evidence, with up to five of these minutes to be saved for rebuttal at the individual's discretion.
- C. The defendant against the impeachment allegations shall also receive thirty minutes to present oral arguments, including witness testimony and evidence with up to five of these minutes to be saved for rebuttal at the individual's discretion.

- D.** The time limits for each side may be extended by up to fifteen minutes each at the discretion of the presiding officer and must be applied equally to both sides.
- E.** The presiding officer shall make determinations as to the admissibility of evidence, based on basic and common rules of due process and consistent with all provisions in the Legislative Bylaws, any rules passed pursuant thereto, and the Constitution.
- F.** The presiding officer shall make all other determinations regarding the interpretation and application of these rules.
- G.** While the parties in the trial are permitted to object, the presiding officer shall uphold the rules regardless of whether an objection is made.
- H.** Any statements allegedly made by a person who is not present for cross-examination shall not be presented to the Joint Session, unless one of the exceptions under the common law of hearsay applies.
- I.** Any physical or electronic evidence to be presented in an impeachment trial must have been shared with the opposing party at least three days prior to the trial. The presiding officer shall not permit the introduction or consideration of evidence not meeting this criterion.
- J.** Any discretionary judgment made by the presiding officer under these provisions may be overruled by a three-fifths majority of those present and voting if an appeal is immediately noted, which will be subject to no more than five minutes of debate, secondary motions not being permitted, and then immediately voted on by the entire assembly.
- K.** A more comprehensive set of rules may be passed by Joint Resolution, provided that no provision of such rules conflict with any of the specifications in the Legislative Bylaws.

**Section 04** | Attendance at an impeachment trial shall be considered a duty of members of the Representative Branch. The presiding officer of the Joint Session at which the impeachment trial takes place, as well as the presiding officer of each chamber, shall have the right to ensure that any absent member has a sufficient reason to be absent.

**Section 05** | In the event a Joint Session is convened for the purpose of a State of the University address, no legislation or motions shall be in order, except for points of order and personal privilege. The State of the University address shall be governed by the respective set of State of the University Bylaws to be provided by the respective presiding officer.

**Section 06** | In the event a Joint Session is to be convened for any other purpose, a set of rules shall be passed in advance by a simple majority of each chamber. If rules are not passed for a Joint Session, the rules of the chamber that the presiding officer is a member of shall apply.

## Article III. Joint Resolutions

**Section 01** | Joint Resolutions are hereby recognized as an implied Constitutional power of the House and Senate.

**Section 02** | Through a Joint Resolution, the House and Senate may:

- A.** Express a unified view of the Representative Branch on such matters that concern it, including but not limited to the rights, privileges, or authorities of the Representative Branch (but not including any proposed action on the part of the Administration);
- B.** Provide for a Joint Session to be convened if not convened by the Speaker of the House, President of the Senate, or Student Body President or mandated by the Constitution or Bylaws;
- C.** Provide for an official position of the Representative Branch to be expressed with respect to any case or controversy before the Judicial Branch, including but not limited to the preparation and presentation of an *amicus curiae* brief or the filing or withdrawal of a case or motion before the Judicial Branch on behalf of the Representative Branch;
- D.** Provide for anything else in the Legislative Bylaws for which a Joint Resolution is mentioned.

**Section 03** | Joint Resolutions may be introduced in either the House or Senate, subject to the applicable rules.

**Section 04** | In the event that a Joint Resolution is passed, it shall be entered onto the legislative tracker and a copy shall be delivered to the Executive Branch and any other individual or entity specified within the resolution, and may be published, at the discretion of each chamber, in a manner at the discretion of their respective presiding officers.

## Article IV. Legislative Standards

**Section 01** | All legislation shall comply with the following standards herein established. Chamber leaders may temporarily pull from the docket any legislation that explicitly violates the standards set forth in these bylaws.

- A.** For the purpose of bicameral cooperation, discussion, and analysis between the House of Delegates and the Senate, all legislation, including both the title and contents, shall be written in the English language in a manner designed for all legislative members to plainly understand the nature of, and contents of the legislation.
- B.** In accordance with the Liberty Way, all legislation shall be strictly prohibited from including any foul language, vulgarity, swearing, innuendo, or positive references (direct or indirect) to illegal drug use within any elements of the document.
- C.** Legislation shall comply with any formatting standards that may be created by Joint Resolution, or pursuant to the bylaws or parliamentary procedures of either chamber, including any standards that may be set pursuant to a chamber leader's discretionary authority.

**Section 02** | If a chamber leader determines that legislation violates the above standards and pulls the legislation in question from the docket, the primary sponsor of the legislation (as determined, in the event of a dispute, by the chamber leader), will be given an opportunity to repair the legislation to the satisfaction of the chamber leader. This repair will not be considered an amendment, and the legislation at issue need not be returned to committee or its original chamber, unless the chamber leader determines that significant substantive changes have been made to the legislation. A repair may only alter the part of the legislation that was found to be in violation of the Legislative Bylaws.

**Section 03** | Legislation shall be properly numbered and in the correct legislative format before being sent to another chamber.

**Section 04** | Any constitutional amendment reducing, diluting, or delegating the Representative Branch's authority to propose courses of action to the Administration and represent the interests of the student body, to any other entity, individual, or new office, other than the student body itself by direct vote (i.e. a referendum or initiative), shall be subject to additional procedural rules as follows:

- A.** The amendment must be passed unanimously by the relevant committee in order to be considered on the floor.
- B.** The amendment shall be subject to free and open debate by all members of the committee and the full chamber, who may, once recognized, speak until yielding, notwithstanding any provision of the bylaws or parliamentary procedures of the House or the Senate, subject only to a motion to invoke cloture which, if approved, shall limit additional debate to 20 minutes.
  - (i) A motion to invoke cloture shall be presented in writing to the Chair and must be signed by at least one-fifth of the entire House or two-fifths of the entire Senate, up to 50 people, in order to be considered.
  - (ii) A motion to invoke cloture shall only be in order when no individual is currently speaking.
  - (iii) A motion to invoke cloture must be voted on immediately by recorded vote and must be approved by two-thirds of the members present and voting.

## **Article V. Chamber Leadership and Additional Procedures**

**Section 01** | Chamber leaders shall observe impartiality while actively presiding over legislative sessions, including Joint Sessions. Impartiality shall be defined as presiding in such a way that does not abuse the authority or privileges of the office to improperly manipulate or alter the outcome of votes in a manner that violates applicable governing documents.

- A.** Chamber leaders may not publicly express an opinion on the merits of any legislation currently under consideration while actively presiding over the main session of their chamber, or a Joint Session. This limitation may be temporarily suspended by a two-thirds majority vote of the chamber.

- B.** Chamber leaders may observe a more expansive concept of impartiality at their own discretion, but the explicit standard of impartiality herein defined contains the full extent of the binding and enforced expectations of the Representative Branch regarding the impartiality of chamber leaders and any limitations to their rights and privileges. This standard shall supersede and preempt any stricter requirements that may be prescribed by the governing documents of either chamber, or that may be asserted to be implied by any governing document.

**Section 02** | Chamber leaders shall have authority to establish special committees to address specific subjects, and may set specifications, rules, procedures, and jurisdictions for such special committees, suspending or modifying any relevant provision within the bylaws or parliamentary procedures of the House or Senate governing committee jurisdictions, subject to the approval of a simple majority of the respective chamber.

**Section 03** | Notwithstanding any provision within the governing documents of the House of Delegates, if the Speaker of the House is removed from office, or is not available for a limited time, the Clerk of the House of Delegates shall be the acting Speaker for the period that the Speaker is unavailable or shall become Speaker for the remainder of the academic year if the Speaker is removed from office. Special elections shall only be used for the office of Speaker of the House if the office is vacant at the beginning of an academic year, the Speaker resigns, or if all the individuals in the line of succession are unwilling to serve as Speaker. If the Clerk of the House of Delegates is also unavailable, the line of succession shall be as follows:

- A.** The Secretary of the House of Delegates (if this position exists at the time of the vacancy).
- B.** The Chairman of the House Committee on Student Life.
- C.** The Chairman of the House Committee on Transportation and Dining.

**Section 04** | Notwithstanding any other provision of the bylaws or parliamentary procedures of the House of Delegates or the Senate, all individuals serving in any role, including staff positions, within the Representative Branch who meet the Constitutional requirements for membership shall be considered full members of their respective chamber, and shall have all rights, privileges, and responsibilities of members.

- A.** The exception to this provision shall be in the event of a recusal from particular duties in the event of a direct conflict of interest, as well as any additional restrictions at the discretion of the chamber leader.
- B.** Members of the legislative branch shall be required to temporarily recuse themselves from relevant leadership duties in the event of a direct conflict of interest for the duration of time that the conflict of interest exists.
- C.** This provision shall not be construed to limit the discretion of chamber leaders in appointing individuals to staff positions, placing conditions on appointments, or removing individuals from staff positions.

**Section 05** | A simple majority of either chamber, notwithstanding any provision or implication within the governing documents of the House or the Senate, shall have the authority to convene the respective chamber into the “Committee of the Whole” to consider any matters within the Constitutional authority of the Representative Branch, including but not limited to bills, resolutions, or constitutional amendments notwithstanding those matters as addressed in Article IV, Section 04 of these bylaws.

**Section 06** | Notwithstanding any provision or implication within the bylaws or parliamentary that procedures of the House or Senate, the Speaker of the House and President of the Senate shall have the authority to propose and present constitutional amendments, amendments to the bylaws or parliamentary procedures of their respective chambers, and bills providing for changes to any internal Student Government Association policy, procedure, or practice, provided that the role of presiding officer is yielded during the period during which the amendment or bill is being considered.

## **Article VI.**      Passage and Amendment of Legislative Bylaws

**Section 01** | Prior to taking effect, these Legislative Bylaws must be passed by a two-thirds majority of each chamber and may be amended in committee and on the floor according to the normal rules of the House and Senate respectively.

**Section 02** | The Legislative Bylaws may be amended after their passage by a two-thirds majority of both the House and Senate, subject to the procedural rules prescribed in these bylaws and in the bylaws and parliamentary procedures of the House and Senate. Any amendment that alters the operation of Article IV, Section 04 shall be subject to the same procedures provided therein and must receive the approval of the Senate President and Speaker of the House.

**Section 03** | Any future additions to these bylaws, unless acting as an alteration to an existing enumerated clause, shall be herein listed as formal Amendments to this document, according to the format provided under the heading entitled “Amendments to the Legislative Bylaws” at the end of this document.

**Section 04** | In the event of a conflict, amendments made to the Legislative Bylaws shall take precedence over the original text and any prior amendments.

## Amendments to the Legislative Bylaws

### Amendment I | [Title]

[Text of Amendment]

*Approved on* \_\_\_\_\_.