

Spring 1-1-2005

## Senate Bill SB-05S-1865 Noncompliance

Student Government Association  
*University of North Florida*

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# SENATE LEGISLATION

## SB-05S-1853<sup>65</sup>

1 *SB-05S-1853<sup>65</sup>: Noncompliance*

2 Whereas: The Student Government of the University of North Florida was established to  
3 represent student concerns in all University wide matters, and;

4 Whereas: The Student Senate is the legislative body of the University of North Florida's  
5 Student Government given the responsibility of carrying out such legislative acts  
6 that are necessary and proper for the Student Body of the University of North  
7 Florida;

8 Whereas: Legislation dealing with necessary and proper statutory revisions shall be  
9 considered by Student Senate;

10 Whereas: The Constitution and Statutes Committee is responsible for making revisions to  
11 the Student Government Constitution and Statutes as needed, and;

12 Whereas: Title VII is in need of revision;

13 Whereas: The procedure for noncompliance, the procedure for the enforcement of the  
14 Student Government bylaws, is inadequate and outdated;

15 **Therefore: Let it be enacted, that the following changes be made to Title VII:**

16 **Chapters 700, 701, 702, 703, 707, 708, 709 and 710 read as follows:**

17  
18 **Chapter 700 Enforcement**

19  
20 700.1 The primary legislative act that will govern all executive, legislative, and  
21 judicial act of law shall be Noncompliance.

22  
23 700.2 Noncompliance shall be defined as the failure or refusal to comply, whether  
24 intentional or not, with the University of North Florida Student Government  
25 Constitution, Statutes, or Policies and Procedures as set by the Student  
26 Government.

27  
28 **Chapter 701 Noncompliance**

29  
30 701.1 Noncompliance may only be issued by members of Student Government as  
31 outlined in this chapter.



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1  
2 701.2 Entities that are subject to noncompliance are limited to:

- 3  
4 A. Student Government funded entities  
5  
6 B. Student Government Committees  
7  
8 C. Student Government elected and appointed members  
9  
10 D. Student Government Branches

#### 11 **Chapter 702 Authority to Issue Notification**

12 702.1 The authority to issue a “Notification of Noncompliance” is vested in the  
13 following offices:

- 14  
15 A. The Student Body President  
16  
17 B. The Student Government Senate President  
18  
19 C. Student Government Treasurer shall have the jurisdiction over Title  
20 VIII, Activity and Service Accounts, and Senate appropriations made  
21 in Bill form.  
22 D. The Elections Supervisor shall have jurisdiction limited to Title VI  
23 and election proceedings.  
24  
25 F. Any Four (4) Senators can file Noncompliance through the Senate  
26 President  
27  
28  
29

#### 30 **Chapter 703 Format of the Notification of Noncompliance**

31 703.1 Notification of Noncompliance

32 Student Government Association Form N-1, “Notification of  
33 Noncompliance,” is to be used as a written notification that the Student  
34  
35



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1 ***SB-05S-1853<sup>65</sup>: Noncompliance***

2 Government Constitution and Statutes, Senate Bills, and/or other legal  
3 mandates are not being complied with or adhered to.

4  
5 703.2 Each "Notification of Noncompliance" shall be drafted in the following  
6 form:

7  
8 **Notification of Noncompliance**

9  
10 Issuer: \_\_\_\_\_ [Title of Issuer] \_\_\_\_\_

11  
12 Party Issued To: \_\_\_\_\_

13  
14 You are hereby notified that you are in noncompliance with:

15  
16 \_\_\_\_\_ [Title of Bill or Legal Mandate] \_\_\_\_\_

17  
18 The following is noted to be in noncompliance:

19  
20 \_\_\_\_\_ [Exact wording of Bill or Legal Mandate] \_\_\_\_\_

21  
22  
23 **Chapter 707 Noncompliance Procedure**

24  
25 707.1 Upon issuance, the standing Committee that has jurisdiction shall hear the matter at  
26 the next meeting that shall occur no less than ten (10) business days and no more  
27 than fifteen (15) business days after the issuance.

28  
29 707.2 At the Committee meeting the procedure of Noncompliance shall go as  
30 follows:

31  
32 A. The Issuer of Noncompliance shall:

- 33 1. State the Title of Bill or Mandate in question
- 34 2. Introduce evidence

35  
36 B. The accused shall then take the floor and:

- 37 1. Show that the accused has become back within compliance
- 2. Refute the Charges



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- C. The Committee then shall have open discussion and have the right to question all involved in the hearing.
  
- D. Upon the closure of open discussion, the Committee shall by a majority vote, have the right to due the following:
  - 1. Dismiss the charges of Noncompliance if the accused is found not to be in violation.
  
  - 2. Find that the accused is now back within compliance with the statutes, accept in the case in which the accused party is unable to become back in compliance with the bill or legal mandate. Such cases shall include but not be limited to:
    - a. Prohibited usage of A&S Funds
    - b. Violation of the Code of Ethics
    - c. Violation of the Nondiscrimination Policy
    - d. Malfeasance or Misfeasance
  
  - 3. Find that the accused party is in violation the bill or legal mandate stated.
  
- E. Upon finding the accused in violation, the committee shall write a Simple Resolution through open discussion that shall be forwarded to Senate that shall include the following:
  - 1. The stated charges against the accused
  - 2. Formal Evidence
  - 3. An enacting clause that shall include their recommendation for penal action, which shall derive from Chapter 710
  - 4. The Senate Sponsor shall be the Committee Chair
  
- F. The Committee must then pass a Simple Resolution by a majority vote.
  
- G. Upon approval of the committee, the Simple Resolution shall then be placed on the agenda for the next Senate meeting under Legislation considered for 2<sup>nd</sup> reading.

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2 H. At the Senate meeting, the procedure for the Simple Resolution shall  
3 follow the same procedure as any other Simple Resolution on the  
4 table with the following exception:

5  
6 1. Once the Senate Sponsor of the Simple Resolution is finished  
7 with his/her presentation and has finished answering  
8 questions, the Accused party shall be allowed to make a  
9 counter presentation and answer questions posed to them.

10 I. Upon the two-thirds (2/3) majority approval of the Simple  
11 Resolution, the penal action of enacting clause shall go into effect.  
12

13 **Chapter 708 Appeal of Noncompliance**

14  
15 708.1 In the event that the accused party feels that the Senate derives an inadequate  
16 ruling, either party has the right to file an appeal with the Judicial Branch.  
17

18 708.2 Guidelines for the appeal shall be set by the Chief Justice and the Judicial  
19 Policies and Procedures.  
20

21 708.3 As defined in the Student Government Constitution, all rulings of the  
22 Judicial Branch shall be final.  
23

24 **Chapter 709 Invalidation**

25  
26 709.1 "Notification of Noncompliance" shall be considered invalid if issued more  
27 than one hundred and eighty (180) business days after the violation  
28  
29

30 **Chapter 710 Penalties for Noncompliance**

31  
32 710.1 Penalties for noncompliance shall include, but not limited to:  
33 A. Formally written reprimand  
34 B. Freezing or retraction of Activity and Service Fee funding  
35 C. Suspension of Student Government recognition  
36 D. Suspension from office for a period not to exceed 30 days



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2 E. Recommendation for the impeachment from office.  
3

#### Line 711.1.A read as follows:

5 Charges, in affidavit form, stating the alleged violations and preliminary  
6 proof may be filed by a Senator, with concurrence of three (3) additional Senators to  
7 the Constitution and Statutes Committee Chairman, unless there has been a Simple  
8 Resolution passed recommending Impeachment through the Noncompliance  
9 procedure, in which case the Simple Resolution shall take the place of the affidavit.  
10

#### STUDENT SENATE ACTION

Respectfully Submitted: Sen. Blair Mitchelson, CSC Chair  
Introduced by: Senator Blair Mitchelson, CSC Chairman  
Senate Action: 35-00-01  
Date: February 21<sup>st</sup>, 2005  
Signed, **Charles R. Jordan**  
*Charles R. Jordan, Student Senate President*

#### EXECUTIVE ACTION

Let it be known that SB-05S-1853<sup>65</sup> is hereby  
PASSED / VETOED / LINE-ITEM VETOED  
on this 28 day of Feb., 2005  
Signed, **Jerry Watterson**  
*Jerry Watterson, Student Body President*

#### OVERRIDE

25-09-02  
**Charles R. Jordan**  
*Student Senate President*