

Summer 5-1-2011

## Senate Bill SB-11SA-2528A Title VII Reform

Student Government Association  
*University of North Florida*

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# SENATE LEGISLATION

## SB-11SA-2528A

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### *SB-11SA-2528A : Title VII Reform*

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 that  
6 are necessary and proper for the Student Body of the University of North Florida;  
7 and

8 Whereas: Title VII is in need of revision. Both forms of enforcement expressed in its current  
9 version are inefficient and have proven to be too lengthy to fulfill effectively.

10 Whereas: The Executive Branch is a proactive branch charged with enforcing all laws  
11 delineated within our Constitution and Statutes. The Executive should have its own  
12 means of enforcement where it works symbiotically with the Legislative in  
13 prosecuting any officer who finds him/herself in noncompliance; and

14 Whereas: The Legislative Branch should also have its own means of enforcing the Constitution  
15 and Statutes appropriate to how the Senate operates with its elected members; and

16 Therefore; The following revisions are being made to Title VII;

#### TITLE VII: THE ENFORCEMENT STATUTE

##### Chapter 700: Enforcement

21 700.1 The primary legislative acts that will govern all e Executive, l Legislative, and j Judicial acts of law shall  
22 be Noncompliance and the Senate Subpoena.

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

28 700.3 Senate Subpoena shall be defined as a document issued by the Senate compelling the attendance of  
29 any accused party at a Senate proceeding for questioning.

##### Chapter 701: Grounds for Removal of a Student Government Officer

33 701.1 Grounds for removal of a Student Government Officer shall be limited to the following as  
34 stated in Article VII of the Student Government Constitution and Statutes.

36 A. Malfesance shall be defined as "a wrongful or unlawful act committed" by an  
37 elected or appointed member of Student Government.



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B. Misfeasance shall be defined as "a lawful act performed in a wrongful manner" by an elected or appointed member of Student Government.

C. Non-feasance shall be defined as "the failure to act when a duty to act existed."

D. Incompetence shall be defined as "The state or fact of being unable or unqualified to do something."

#### **Chapter 702: Noncompliance**

702.1 Noncompliance may only be issued by ~~members of Student Government~~ the President as outlined in this ~~title~~ chapter.

702.2 Entities that are subject to noncompliance are limited to:

- A. Student Government funded entities
- B. Student Government Committees
- C. Student Government elected and appointed members
- D. Student Government Branches

#### **Chapter 703: Authority to Issue Notification**

703.1 The authority to issue a "Notification of Noncompliance" is vested in the following offices:

- A. ~~The Student Body President~~
- B. ~~The Student Government Senate President~~
- C. ~~Student Government Treasurer shall have the jurisdiction over Title VIII, Activity and Service Accounts, and Senate appropriations made in Bill form.~~
- D. ~~The Elections Supervisor shall have jurisdiction limited to Title VI and election proceedings.~~
- E. ~~Any Four (4) Senators can file Noncompliance through the Senate President~~



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703.2 “Notification of Noncompliance” shall be considered invalid if issued more that fourteen (14) business days after the violation.

**Chapter 704: Format of the Notification of Noncompliance**

704.1 Notification of Noncompliance

Student Government ~~Association~~ Form N-1, “Notification of Noncompliance,” is to be used as a written notification that the Student Government Constitution and Statutes, Senate Bills, and/or other legal mandates are not being complied with or adhered to.

704.2 Each “Notification of Noncompliance” shall be drafted in the following form:

Notification of Noncompliance

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

Party Issued To: \_\_\_\_\_

You are hereby notified that you are in noncompliance with:

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

The following is noted to be in noncompliance:

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

Issuers’ Explanation: \_\_\_\_\_

**Chapter 705: Disposition of Notification of Noncompliance**

705.1 Seven (7) ~~Six (6)~~ copies of the “Notification of Noncompliance” shall be made. The President, The Senate President, Student Body President, Chief Justice, Attorney General, the Chair of the Senate Committee that has jurisdiction, the Student Advocate, and the Student Government Advisor shall receive a copy. the Senate Committee that has Jurisdiction as defined in 702.1.C.1 all are served within 24 hours of issuance. All copies issued must be given to the aforementioned persons within 24 hours of issuance. The party issuing the “Notification of Noncompliance” must also retain a copy.

705.2 The accused party must be given the “Notification of Noncompliance” within forty-eight (48) hours of issuance by the Attorney General or a designee.



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~~Chapter 705: Proper Notification~~

~~705.1 The accused party of the noncompliance must be served the "Notification of Noncompliance" within 48 hours of issuance by the Attorney General, or designee.~~

~~Chapter 706: Noncompliance Procedure~~

~~706.1 Upon issuance, the standing Committee that has jurisdiction shall hear the matter at the next meeting that shall occur no less than five (5) ~~ten (10)~~ business days and no more than ~~fifteen (15)~~ ten (10) business days after the issuance. The Issuer of Noncompliance and the accused party shall be notified by the Chairperson of the standing Committee that has jurisdiction no fewer less than three (3) business days prior to the meeting at which the Noncompliance Procedure will take place.~~

~~706.2 The following committees shall have jurisdiction over Noncompliance proceedings:~~

- ~~A. The Budget and Allocations Committee shall hear all Noncompliance cases pertaining to fiscal matters.~~
- ~~B. The Constitution and Statutes Committee shall hear all other noncompliance cases which do not fall under the purview of the aforementioned committee.~~

~~706.3 The procedure of Noncompliance hearings at the committee meeting shall go as follows:~~

~~707.2 At the Committee meeting the procedure of Noncompliance shall go as follows:~~

- ~~A. The Attorney General shall prosecute.~~
- ~~B. The Attorney General Issuer of Noncompliance shall:~~
  - ~~1. State the Title of Bill or Mandate in question~~
  - ~~2. Introduce any evidence~~
- ~~C. The accused party shall then take the floor and:~~
  - ~~1. Show that the accused party has become back within compliance~~
  - ~~2. Prove he/she was never out of compliance with the bill or mandate.~~
  - ~~3. 1. Refute the charges.~~
- ~~D. The Committee then shall have open discussion, During this time, the committee reserves and have the right to question both parties all involved in the hearing.~~



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- E. Upon the closure of open discussion, the Committee shall by a majority vote, have the right to ~~do due~~ the following:
1. Dismiss the charges of Noncompliance if the accused is found to have not been in violation with the specified bill or mandate, not to be in violation.
  2. Find that the accused party is now back within compliance with the statutes, except 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. ~~Nonfeasance, Malfeasance or Misfeasance~~
      - i. Malfeasance
      - ii. Misfeasance
      - iii. Neglect of duties
      - iv. Incompetence
      - v. Permanent inability to perform official duties
      - vi. Conviction of felony
  3. Find that the accused party is in violation the bill or legal mandate stated.
- F. Upon finding the accused party in violation, the committee shall ~~right write a Simple Joint~~ Resolution through open discussion that shall be forwarded to Senate ~~and that which~~ 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 708.
- ~~1. The Senate Sponsor shall be the Committee Chair~~
4. The Committee must then pass a Simple Joint Resolution by a majority vote.



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5. Upon approval of the committee, the Simple Joint Resolution shall then be turned into a bill and placed on the agenda for the next Senate meeting under Legislation considered for 2nd reading.

i. The Senate Sponsor shall be the chair of the committee that oversees the noncompliance proceedings.

G. At the Senate meeting, the procedure for the bill Simple Resolution shall follow the same procedure as any other Simple Resolution on the table bill with the following exception:

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

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

#### Chapter 707: Appeal of Noncompliance

707.1 The accused party has the right to a file an appeal with the Judicial Branch.

~~707.2 If the accused party is a member of the Judiciary they have the right to file an appeal to the Judicial Appeals Committee. The Judicial Appeals Committee shall consist of two (2) members from each standing committee appointed by the chair of that committee immediately following fall and spring elections and once in the summer term. The Judicial Appeals Committee Chair shall be the Senate President. All decisions made by the Judicial Appeals Committee are final.~~

707.3 Grounds for an appeal shall include but not be limited to: the accused party has been denied due process or has found new evidence.

707.4 As defined in the Student Government Constitution, all rulings of the Judicial Branch shall be final.

#### ~~Chapter 709: Invalidation~~

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

#### Chapter 708: Penalties for Noncompliance



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708.1 Penalties for noncompliance shall include, but not limited to:

- A. Formally written reprimand
- B. Freezing or retraction of Activity and Service Fee funding
- C. Suspension of Student Government recognition
- D. Suspension from office for a period not to exceed 30 days
- E. Recommendation for the impeachment from office.

#### **Chapter 709: Senate Subpoena**

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709.1 A Senate Subpoena may only be issued by members of the Legislative Branch as outlined in this chapter.

709.2 Entities that are subject to Senate Subpoenas are limited to:

- A. Student Government funded entities
- B. Student Government committees
- C. Student Government elected and appointed members
- D. Student Government branches

709.3 The authority to issue a "Senate Subpoena" is vested in the following offices:

- A. The Student Government Senate President
- B. The B&A Committee
- B. Any eight (8) Senators

709.4 Upon receiving notice of a Senate Subpoena, the accused party must appear at the next regularly scheduled Constitution and Statutes meeting or Budget and Allocation if the matter is fiscal. A hearing shall occur as outlined in Chapter 712.

#### **Chapter 710: Format of the Notification of a Senate Subpoena**

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710.1 Notification of a Senate Subpoena





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The Student Government "Senate Subpoena," is to be used as a written notification that the Student Government Constitution and Statutes, Senate Bills, and/or other legal mandates are not being complied with or adhered to.

710.2 Each "Senate Subpoena" shall be drafted in the following form:

Senate Subpoena

[Issuer] \_\_\_\_\_ [Title of Issuer] \_\_\_\_\_

Party Issued To: \_\_\_\_\_

The Senate summons you to a senate subpoena hearing due to your noncompliance with the following:

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

#### **Chapter 711: Disposition of Senate Subpoena Notification**

711.1 Seven (7) copies of the "Senate Subpoena notification" form shall be made. The Senate President, President, Chief Justice, Attorney General, Student Advocate and the Chair of the Senate Committee that has jurisdiction as defined in Chapter 706, and the SG Advisor. All copies must be given within twenty-four (24) hours of issuance. The party issuing the Senate Subpoena notification must also retain a copy.

#### **Chapter 712: Senate Subpoena Procedure**

712.1 Upon issuance, the committee that has jurisdiction over what is being discussed shall hear the matter at their next meeting. This shall occur no less than five (5) business days and no more than ten (10) business days after the issuance. The Issuer of the Senate Subpoena and the accused party shall be notified by the Committee Chair that has jurisdiction no fewer than three (3) business days prior to the meeting at which the Senate Subpoena Procedure will take place.

712.2 At the Committee meeting the Senate Subpoena procedure shall go as follows:

- A. The Attorney General The CSC Chair shall prosecute.
- B. The Committee Chair Issuer of the Senate Subpoena shall:
  - 1. State the Title of Bill or Mandate in question



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2. Introduce evidence

C. The accused party shall then take the floor and:

1. Show that the accused party was never out of compliance

2. Refute the Charges

D. The Committee shall then have an open discussion and have the right to question all involved in the hearing.

E. Upon the closure of open discussion, the Committee shall by a majority vote, have the right to do the following:

1. Dismiss the charges of the Senate Subpoena if the accused is found not to be in violation.

2. If the accused party is found in violation, a Simple Joint Resolution shall be written by the committee. The accused party will then appear at the next regularly scheduled Senate meeting.

3. The Simple Joint Resolution shall include the following:

a. The stated charges against the accused

b. Formal Evidence

c. An enacting clause that shall include their recommendation for penal action, which shall derive from Chapter 714.

4. Upon approval of the committee, the Simple Joint Resolution shall then be placed on the agenda for the next Senate meeting under Legislation considered for 2nd reading

712.3 At the Senate meeting the Senate Subpoena procedure shall go as follows:

1. The Senate Sponsor shall be the Committee Chair

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



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- a. Once the Senate Sponsor of the Simple Joint Resolution is finished with his/her presentation and has finished answering questions, the Accused party shall be allowed to make a counter presentation and answer questions posed to them.
- b. Upon the two-thirds (2/3) approval of the Simple Joint Resolution, the penal action of enacting clause shall go into effect.

#### Chapter 713: Appeal of a Senate Subpoena- Move to Chapter 715

713.1 The accused party has the right to file an appeal with the Judicial Branch. Grounds for an appeal shall include but not be limited to: the accused party has been denied due process or new evidence has been found.

~~713.2 The accused party has the right to file an appeal with the Judicial Branch. Grounds for an appeal shall include, but not be limited to: the accused party has been denied due process or new evidence has been found.~~

713.3 If the accused party is found guilty of the following actions, the decision of the Senate shall be considered final: Move to 712.2E3

- i. Malfeasance
- ii. Misfeasance
- iii. Neglect of duties
- iv. Incompetence
- v. Permanent inability to perform official duties
- vi. Conviction of felony

~~713.4 If the accused party is a member of the Judiciary they have the right to file an appeal to the Judicial Appeals Committee. The Judicial Appeals Committee shall consist of two (2) members from each standing committee appointed by the chair of that committee immediately following fall and spring elections and once in the summer term. The Judicial Appeals Committee Chair shall be the Senate President. All decisions made by the Judicial Appeals Committee are final.~~

#### Chapter 714: Penalties for a Senate Subpoena-Move to 713

714.1 Penalties for a Senate Subpoena shall include, but not limited to:

- A. Formally written reprimand

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- B. Freezing or retraction of Activity and Service Fee funding
- C. Suspension of Student Government recognition
- D. Suspension from office for a period not to exceed 30 days
- F. Recommendation for the impeachment from office.

#### Chapter 715: Impeachment Proceedings

##### 715.1 Procedure

A. If Noncompliance or Senate Subpoena has been issued and the Senate finds the accused guilty a motion can be made to have him/her impeached. If the Senate sees no validity in the charges filed, then said charges shall be dropped.

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

B. ~~A copy of said affidavit will be presented to each member of the Constitution and Statutes Committee before its next regular meeting. If, after consideration, a majority of the committee present and voting find that the allegations have merit, the charges shall be brought up to the floor of the Senate by the Chair of the Constitution and Statutes Committee.~~

C. ~~Once on the Floor of the Senate, debate shall be limited to five minutes per person. At the end of said debate, a majority vote of the Senate shall be required for further investigation.~~

D. ~~If a majority vote for further investigation is reached, the Senate President shall set a date for a hearing no sooner than two (2) weeks, and no later than four (4) weeks from the meeting of the Senate.~~

E. ~~If the charges are against the Senate President, and a majority vote is upheld, the Senate President Pro Tempore shall set the date or a hearing, still under the constraints as outlined above.~~

##### 714.2 Notification

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~~The Senate Secretary shall send the accused a "Notice of Hearing" within one (1) week of the time the Senate voted to investigate. The notice shall include a copy of the charges, time and place of the hearing, and a statement of his/her right to be at the hearing to defend himself/herself, and to receive a copy of any transcript.~~

~~714.3 The Constitution and Statutes Committee shall be responsible for the investigation of evidence, examination of witnesses and any other procedures deemed necessary to ensure a fair hearing.~~

#### ~~Chapter 715: Hearing~~

~~715.1 In conducting the hearing, the Senate shall preserve decorum; restrict evidence, testimony, and discussion to the written charges; and shall uphold the right of the accused to defend him/her, to cross-examine witnesses, and to refute charges.~~

#### ~~715.2 Procedure of Hearing~~

~~A. The Senate President shall call the hearing to order.~~

~~B. The CSC Chair shall~~

~~1. State the charges;~~

~~2. Introduce the evidence, and~~

~~3. Question witnesses.~~

~~C. The accused shall be allowed to take the floor next and shall have the right to:~~

~~1. Counsel for advising purposes, and~~

~~2. Refute the charges and evidence, and~~

~~1. Cross-examine witnesses;~~

~~2. Introduce witnesses.~~

~~D. The CSC Chair may then cross-examine the witnesses.~~

~~G. The Constitution and Statutes Committee shall then have the opportunity to question all involved parties.~~

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C. ~~The Constitution and Statutes Committee shall then deliberate to decide on a recommendation to forward to senate.~~

D. ~~The CSC Chair shall then present the recommendation to the Senate.~~

H. ~~At this time, the Senate may question:~~

1. ~~The accused;~~

2. ~~The evidence;~~

3. ~~The witnesses, and~~

1. ~~The Constitution and Statutes Committee members:~~

I. ~~The Senate shall then vote on the charges.~~

J. ~~The Senate President shall then announce the verdict and the penalty shall be enforced in accordance with Article VII.~~

#### **Chapter 716: Impeachable Offenses**

713.1 ~~Impeachable offenses shall be defined as malfeasance, misfeasance, and non-feasance.~~

A. ~~Malfeasance shall be defined as "evil doing; ill conduct. The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which person ought not to do at all or the unjust performance of some act which the party had no right or which he had contracted not to do. Comprehensive term including any wrongful conduct that affects, interrupts, or interferes with the performance of official duties" by an elected or appointed member of Student Government.~~

B. ~~Misfeasance shall be defined as "an adverse event, calamity, or evil fortune, arising by accident (or without the will or concurrence of him who suffers from it), and not to be foreseen or guarded against by care or prudence" by an elected or appointed member of Student Government.~~

C. ~~Non-feasance shall be defined as "nonperformance of some act which ought to be performed, omission to perform required duty at all, or total neglect of duty" by an elected or appointed member of Student Government.~~

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**Chapter 716: Special Provision for Absentees**

716.1 Once a Senator obtains more absences than allowed per the Senate Policies and Procedures, it will be the responsibility of the Senate President Pro-Tempore to notify the Senator in question via telephone and/or electronic mail, ~~or U.S. mail~~ that they have violated the limit. If the Senator in question is the Senate President Pro-Tempore, then it will be the responsibility of the Senate President to carry out this duty.

716.2 Within ~~two weeks~~ six (6) business days of notification of the Senator, the Constitution and Statutes Committee will meet to answer any appeal to that Senator's removal from the Student Senate. If the Senator does not appear at the meeting or does not file an appeal, then he/she is automatically removed from his/her Senate seat. ~~Any appeals to the decision of the Constitution and Statutes Committee may be made to the Office of the Judiciary.~~

~~716.3 The initiation procedures stated in Chapter 711.1 are superseded by the provisions set down in this chapter.~~

716.4 The Senate President is charged with the obligatory duty of enforcing this chapter, in accordance with Title VII, ~~(with the exception of the aforementioned chapter 711.1).~~<sup>22</sup>

Furthermore: Let it be enacted, by the University of North Florida Student Government that the proposed revisions to Title VII be made effective immediately.

**Senate Action**

Respectfully Submitted: Constitution and Statutes Committee  
Introduced by: Sen. Yousra Hebeishy  
Senate Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed, \_\_\_\_\_

*Carlo Fassi, Student Senate President*

**Executive Action**

Let it be known that SB-11SA-2528A is hereby  
PASSED / VETOED / LINE-ITEM VETOED  
on this 26 day of October, 2011.  
Signed, **Matthew Brockelman**

*Matthew Brockelman, Student Body President*