

Constitutional Affairs Committee Bylaws

The Associated Students of Lewis & Clark

Amended: April 2nd 2015

Amended: April 9th 2015

Amended: April 21st, 2016

Article I - Purpose and Scope

1. The Constitutional Affairs Committee (hereafter: CAC) is the guardian and interpreter of the ASLC Constitution, all ASLC bylaws, and all ASLC procedures
 - a. The CAC is a board of judicial review, and exercises no active legislative or executive powers except where provided within the ASLC Constitution and ASLC bylaws
2. These bylaws cannot be construed to contain any implied rules, powers, or abilities not explicitly stated

Article II - Membership

1. The CAC shall consist of five (5) members in total.
2. ASLC Chief Justice
 - a. Shall act as chair of the CAC
 - b. Shall set meeting times for the CAC
 - c. Shall set an agenda for all CAC meetings
 - d. Will vote in CAC decisions only in the case of a tie
 - e. Shall be responsible for the selection of the CAC Vice Chair
 - i. The Chief Justice may set forth an application process as they see fit
 - f. Shall be responsible for the nomination of all committee members not of the ASLC Senate
 - i. All nominees must be confirmed by a two-thirds ($\frac{2}{3}$) vote of the Senate
3. The CAC Vice Chair
 - a. Shall be nominated by the Chief Justice within the first month of the academic semester and approved by a two-thirds ($\frac{2}{3}$) majority vote of the Senate
 - b. Shall assist the Chief Justice in running the CAC
 - c. Shall serve as a voting member of the CAC
 - i. Shall have one (1) vote within the CAC
 - d. Shall, in the absence or at the discretion of the Chief Justice
 - i. Serve as Parliamentarian of the ASLC Senate
 - ii. Act as Chair of the CAC, assuming all responsibilities, powers, and restrictions
4. Committee Members

- a. Shall be four (4) members of the CAS Student Body, including at least one (1) ASLC Senator and the CAC Vice Chair
 - b. Shall be selected by the Chief Justice within the five (5) weeks of the academic semester and approved by a two-thirds ($\frac{2}{3}$) majority vote of the Senate
 - c. Shall serve as voting members of the CAC
 - i. Shall have one (1) vote each
 - d. Shall perform tasks as delegated by the Chief Justice or the Committee
 - e. Shall attend all CAC meetings as set by the Chief Justice
 - i. Any and all absences must be reported to the Chief Justice
 - f. Shall be familiar with the ASLC Constitution, all ASLC bylaws, and all ASLC procedures
5. Removal of Committee Members
- a. Voting members may be removed from the CAC by a two-thirds ($\frac{2}{3}$) vote of the committee or by a two-thirds ($\frac{2}{3}$) vote of the ASLC Senate

Article III - Judicial Review

- 1. The CAC shall have the ability to review the ASLC Constitution, all bylaws, all ASLC documents, and all legislation as requested by any member of the CAS student body
 - a. All actions of review must be formally adjudicated through a convening of the CAC
- 2. Review of the Constitution
 - a. The CAC may review the ASLC Constitution as necessitated by a petition for review or at the discretion of the Chief Justice
 - b. The CAC may propose edits to the ASLC Constitution to improve clarity, consistency and construction
 - i. All Constitutional edits proposed by the CAC must be brought forth in the form of legislation by a voting member of the ASLC Senate
- 3. Review of Bylaws
 - a. The CAC may review any ASLC bylaws as necessitated by a petition for review or at the discretion of the Chief Justice
 - b. The CAC may invalidate bylaw language that violates the ASLC Constitution
 - c. The CAC may propose edits to the bylaws of any and all ASLC Committees to improve clarity, consistency and construction
 - i. All ASLC Committee bylaw edits proposed by the CAC must be brought forth in the form of legislation by a voting member of the ASLC Senate
- 4. Advisory Review of Legislation
 - a. The CAC may review any legislation proposed by voting members of the Senate as necessitated by a petition for review or at the discretion of the Chief Justice

- b. Petitions for advisory opinions may be submitted to the CAC by any voting member of the Senate
 - i. The CAC may propose changes to submitted legislation in order to improve clarity, consistency and construction
- 5. Invalidation of Legislation
 - a. The CAC may invalidate legislation that violates the ASLC Constitution or the Lewis & Clark College Code of Conduct
 - b. Invalidation of legislation may be overturned by a three-quarters (3/4) vote of the Senate
 - c. Legislation may only be invalidated upon the convention of a formal CAC hearing
- 6. Review of Executive Actions
 - a. The CAC shall review all Executive Actions upon the discretion of the Chief Justice or upon receiving a Petition for Review
 - b. The CAC may invalidate Executive Actions that violate the Constitution and any binding ASLC bylaws
 - c. Petitions for review may be submitted by any member of the Lewis & Clark College community
- 7. Petitions for Review
 - a. Must be made available by the Chief Justice
 - b. Shall include the name(s) of the complainant(s)
 - c. Shall include a summary of the complaint
 - d. Shall reference the specific action or documentation at issue
 - i. The petition must include the date of said action or documentation
 - e. The petition for review must be emailed to the ASLC Chief Justice's official email address
 - i. The Chief Justice must respond within five (5) business days
 - ii. The Chief Justice must hold a Constitutional Affairs Committee hearing within ten (10) days of receiving the complaint
 - f. If a Petition for Review is submitted when academic classes are not in session, then the Constitutional Affairs Committee is to hold a hearing within the first ten (10) days of the resumption of academic classes
 - i. Or, within ten (10) days of the first Constitutional Affairs Committee meeting

Article IV - Hearings

- 1. A hearing is the formal process by which the Constitutional Affairs Committee exercises designated powers of judicial review over legislation, the Constitution, bylaws, executive actions, ASLC Conduct, and any other matters requiring adjudication as prescribed by the ASLC Constitution or any ASLC bylaws
- 2. Hearings may be held:
 - a. Upon the discretion of the Chief Justice

- b. Upon receiving a Petition for Review
3. All parties involved in the action or documentation in question shall be invited to attend the hearing
 - a. All parties shall receive notification of the hearing forty-eight (48) hours before the hearing commences
4. The respondent may submit a written statement to augment their oral testimony, as may any other interested parties
5. The Chief Justice shall read the complaint aloud
6. All parties present must state their name, purpose, and position if applicable
7. It is the responsibility of the Chief Justice to chair, facilitate, and maintain order at all hearings
8. Each party shall be designated five (5) minutes to present their case
 - a. Additional time may be allocated at the discretion of the Chief Justice
9. The Constitutional Affairs Committee shall be given an opportunity to question all parties involved
10. Following the appeals process, the Constitutional Affairs Committee shall enter into a closed session to deliberate
 - a. Closed session shall be treated as a standard Constitutional Affairs Committee meeting
11. Following the closed session, the Chief Justice shall announce Constitutional Affairs Committee's final decision aloud to all involved parties
12. The Chief Justice shall assign a committee member to write a summary of the decision for the record
13. A hearing's decision may be overturned by a three-quarters ($\frac{3}{4}$) majority of the Senate
14. All hearings shall be recorded and retained for public record
15. All decisions of invalidation and review shall be submitted to the Senate in a formal, written confirmation and acknowledgment, stipulating in all particulars the language and the form of the changes

Article V - Additional Powers

1. The Constitutional Affairs Committee shall be vested with the power to investigate matters stipulated within the ASLC Constitution and all ASLC bylaws