



## **ADVISORY OPINION**

Inclusion of 'A Motion to Vacate' for the Position of Speaker Pro Tempore and Committee Chair in Article II Section C of the Legislative Bylaws

April 30, 2024

### **Introduction**

This advisory opinion is issued by the Student Judicial Court of the Undergraduate Student Government at the University of Iowa in response to a request to update the Legislative Bylaws (Article II Section C). This opinion provides guidance and clarification regarding the recommendation for bylaw change.

### **Background**

The Student Judicial Court received a request on Tuesday, April 30<sup>th</sup> at 3:01 pm via Engage to review the existing guidelines for the removal of Senate Committee Chairs. The request detailed concerns regarding the lack of guidelines to execute this procedure. Considering this request, the Student Judicial Court reviewed the Undergraduate Student Government Constitution and Undergraduate Student Government Legislative and Executive By-Laws. The Student Judicial Court decided upon review to issue a recommendation for by-law change to the Internal Affairs Chair and Committee.

### **Issue Presented**

Article II Section C (1)(c) of the Senate Legislative Bylaws grants any senator the authority to initiate a motion to vacate the position of the Speaker of the Senate. In Article II Section C (2) and (3) do not include any clear processes by which the Speaker Pro Tempore or committee chairs, respectively, shall be removed from office. The lack of a clear process by which to remove lower-level legislative leadership leaves unchecked authority and creates a lack of accountability within the legislative branch.

### **Section C. Student Senate Officers**

#### **1) Speaker of the Student Senate**

- c) Removal of Responsibilities as Speaker

- i) At any official Senate session, any senator may make a motion on the floor to remove the Speaker from their leadership position and return to an at-large senator position. This introduction shall be the first consideration of the motion. For the motion to move on to the second consideration, it must receive a two-thirds affirmative vote of seated senators. If the motion reaches this threshold, it can be brought for a second consideration no less than two-weeks later allow for concerns to be addressed.
- ii) If the first consideration passes, the Speaker Pro-Temp shall serve as the chair of the senate until the time at which either the second consideration vote fails or the Speaker is replaced.
- iii) At the second consideration, the motion must receive a three-fourths majority vote of seated senators for the removal to be approved.
  - (1) In the event the Speaker is relieved of their duties, an election following the same procedure as the original vote shall take place at the next Senate session after removal.

## **Analysis and Findings**

Upon review of the Legislative Bylaws, the Student Judicial Court recommends inclusion of language within the Bylaws to describe the processes by which the offices of Speaker Pro Tempore and committee chairs shall be vacated. The Court recommends the use of a similar process as that described in Article II Section C (1)(c) for removal of either the Speaker Pro Tempore or committee chairs, in their respective sections.

## **Conclusion**

The Student Judicial Court of Undergraduate Student Government at the University of Iowa has thoroughly examined the Advisory Opinion to request an update to the Legislative Bylaws pertaining to the removal of Senate committee chairs and Speaker Pro Tempore. After careful consideration of the relevant constitutional provisions and Legislative Bylaws, it is evident that the current guidelines lack clarity and specificity regarding the removal process for the following positions: Speaker Pro Tempore and committee chairs. Therefore, the court has ruled for a recommendation of the inclusion of plain language within the Bylaws to outline the procedures for vacating these offices, mirroring the process outline in Article II Section C (1)(c) for the removal of the Speaker of the Senate. This recommendation aims to ensure transparency, accountability, and equitable treatment of all key leadership positions within the Undergraduate Student Government, thereby fostering a more effective and fair governance structure.

## **Recommendation**

The Student Judicial Court recommends the inclusion of the Speaker Pro Tempore and Committee Chairs to Article II Section B of the USG Legislative Bylaws.

## 2) Speaker Pro Temp of the Student Senate

### b) Removal of Responsibilities as Speaker Pro Tempore

i) At any official Senate session, any senator may make a motion on the floor to remove the Speaker Pro Tempore from their leadership position and return to an at-large senator position. This introduction shall be the first consideration of the motion. For the motion to move on to the second consideration, it must receive a two-thirds affirmative vote of seated senators. If the motion reaches this threshold, it can be brought for a second consideration no less than two-weeks later to allow for concerns to be addressed.

ii) If the first consideration passes, the Speaker shall serve as the chair of the senate until the time at which either the second consideration vote fails or a new Speaker Pro Tempore elected.

iii) At the second consideration, the motion must receive a three-fourths majority vote of seated senators for the removal to be approved.

(1) In the event the Speaker Pro Tempore is relieved of their duties, an election following the same procedure as the original vote shall take place at the next Senate session after removal.

## 3) Committee Chairs

### b) Removal of Responsibilities as Committee Chair

i) At any official Senate committee session, any senator may make a motion during the respective committee to hold a new committee chair election. The motion must be supported by a majority of the committee.

ii) If the motion reaches a majority, a committee chair election shall commence immediately, presided over by either the Chief Justice or the Senate Liaison. The standing committee chair and any other interested committee member shall be allowed to run. See the Committee Chair Election Script for further information on the chair elections process

iii) Upon the conclusion of the election, the elected committee chair shall assume the committee chair position. If the standing committee chair is removed, they

shall resume the role in which they were elected (at-large senator, first-year senator, or constituency senator). The Speaker and Speaker Pro Tempore of the Senate shall be notified of election results by the presiding SJC Justice.

## **Limitations**

The Student Judicial Court sees no limitations to this recommendation at the time of authoring this opinion (Tuesday, April 30<sup>th</sup>, 2024 – 6:30 pm).

## **Compliance Statement**

This advisory opinion was issued in accordance with the governing documents and procedures of the University of Iowa's Undergraduate Student Government (USG) and the Student Judicial Court (SJC). All relevant provisions of the USG Constitution and Bylaws, as well as the established procedures of the SJC, were followed in the issuance of this opinion.

Please note that this advisory opinion is non-binding but serves as guidance for decision-making purposes within the Undergraduate Student Government at the University of Iowa. For further assistance or clarification, please contact Chief Justice Faith Cequena.

Thank you,

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