

## Senate Bill Number SP20 SB011

### A Bill to Combine CAC and StAT into SPAC

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Be it enacted by the Senate of the Associated Students of Lewis & Clark here assembled that:

**Section 1: Delete the ASLC Constitutional Affairs Committee Bylaws and the ASLC Student Advisory Team Bylaws.**

**Section 2: Establish the ASLC Student Policy Advisory Committee Bylaws, which shall read as follows:**

#### Article 1 - Purpose and Scope

1. Purpose
  - a. The Student Policy Advisory Committee (hereafter: SPAC) is the interpreter of the ASLC governing documents
  - b. Shall review and improve the governing documents
  - c. Shall help students understand their rights in Lewis & Clark disciplinary procedures
  - d. Shall serve as a resource for information on college policy
2. Scope
  - a. These bylaws cannot be construed to contain any implied rules, powers, or abilities not explicitly stated
  - b. SPAC shall not claim expertise on legal matters, and should direct students to the appropriate legal services

#### Article II - Membership

1. ASLC Chief Justice
  - a. Shall act as chair of the SPAC
  - b. Shall set an agenda and meeting times for all SPAC meetings
  - c. Will vote in SPAC decisions only in the case of a tie
  - d. Shall be responsible for the selection of the Associate Justices
  - e. Shall be responsible for the nomination of committee members
    - i. Applications for the position of committee members shall be distributed within the first month of the academic year
2. The Associate Justices
  - a. Shall be two (2) members of the CAS student body
  - b. Shall be nominated by the Chief Justice within the first month that Senate is in session and approved by a two-thirds (2/3) vote of the Senate
  - c. Shall assist the Chief Justice in running the SPAC

Introduced on February 13, 2020 by Senator Roland Berg '22

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- d. Shall serve as voting members of the SPAC
- e. Either shall, in the absence and/or at the discretion of the Chief Justice,
  - i. Serve as Chief Parliamentarian of the ASLC Senate
  - ii. Act as Chair of the SPAC, assuming all responsibilities, powers, and restrictions
- 3. Committee Members
  - a. Shall be at least five (5) members of the CAS Student Body, including at least two (2) Senators and the Associate Justices
  - b. Shall serve as voting members of the SPAC
    - i. Shall have one (1) vote each
  - c. Shall perform tasks as delegated by the Chief Justice
  - d. Shall attend all SPAC meetings as set by the Chief Justice
    - i. Any and all absences must be reported to the Chief Justice
- 4. Removal of Committee Members
  - a. Voting members may be removed from SPAC by a two-thirds (2/3) vote of the committee

#### Article III - Duties

- 1. Shall be familiar with the ASLC governing documents
- 2. Shall assist students in accessing the appropriate resources
- 3. Shall hold at least one (1) informational student forum on student rights and/or resources each year
- 4. Shall maintain a resource guide made freely available to the student body
- 5. Shall provide additional resources pertaining to student rights at the request of Senate, the public, or at the discretion of SPAC
- 6. Shall be FERPA-trained within one (1) week of appointment to SPAC
- 7. Shall review Senate and Cabinet meeting minutes to ensure they are FERPA-compliant

#### Article IV - Judicial Review

- 1. The SPAC 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
- 2. Review of the Constitution
  - a. The SPAC may review the ASLC Constitution as necessitated by a petition for review or at the discretion of the Chief Justice

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- b. The SPAC may propose edits to the ASLC Constitution to improve clarity, consistency and construction
  - i. All Constitutional edits proposed by the SPAC must be brought forth in the form of legislation by a voting member of the ASLC Senate
3. Review of Bylaws
  - a. The SPAC may review any ASLC bylaws as necessitated by a petition for review or at the discretion of the Chief Justice
  - b. The SPAC may invalidate bylaw language that violates the ASLC Constitution
  - c. The SPAC 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 SPAC must be brought forth in the form of legislation by a voting member of the ASLC Senate
4. Advisory Review of Legislation
  - a. The SPAC may review any legislation proposed by voting members of the Senate
  - b. Voting members of the Senate can contact any member of the SPAC, upon which the SPAC shall convene and may propose changes to submitted legislation in order to improve clarity, consistency and construction
5. Invalidation of Legislation
  - a. The SPAC 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-fourths (3/4) vote of the Senate
  - c. Legislation may only be invalidated upon the convention of a formal SPAC hearing
6. Review of ASLC Duties
  - a. The SPAC shall review all ASLC Cabinet and Senate members who aren't performing their duties outlined by the ASLC governing documents upon the discretion of the Chief Justice or upon receiving a Petition for Review
  - b. If SPAC confirms that the ASLC member is not performing their duties, then an official warning will be issued by the Chief Justice
7. Petitions for Review
  - a. May be submitted by any student of the Lewis & Clark College of Arts and Sciences for review of legislation, the governing documents, or as a formal grievance concerning an ASLC Cabinet or Senate member not performing their duties
  - b. Must be made available by the Chief Justice

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- c. Shall include the name(s) of the complainant(s)
- d. Shall include a summary of the complaint
- e. Shall reference the specific action or documentation at issue
- f. 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 SPAC hearing within ten (10) business days of receiving the complaint
- g. If a Petition for Review is submitted when academic classes are not in session, then the SPAC is to hold a hearing within the first ten (10) business days of the resumption of academic classes
  - i. Or, within ten business (10) days of the first SPAC meeting

#### Article V - Hearings

1. A hearing is the formal process by which the SPAC 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 SPAC shall be given an opportunity to question all parties involved

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10. Following the appeals process, the SPAC shall enter into a closed session to deliberate
  - a. Closed session shall be treated as a standard SPAC meeting
11. Following the closed session, the Chief Justice shall announce SPAC'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 (3/4) vote 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 VI - Recalls

1. A recall is the active removal of an ASLC Cabinet or Senate member from their seat, reopening said seat for contestation,
2. Recalls are to be initiated as follows:
  - a. Prior to beginning the collection of petition signatures, the petitioner must contact the Chief Justice
    - i. If the Chief Justice is the subject of the petition or has a conflict of interest, then they shall recuse themselves and an Associate Justice shall lead the process,
  - b. It will be the responsibility of the SPAC to determine whether or not a member is eligible for recall,
  - c. In any petition to initiate a recall against a member of ASLC, each page of the petition must display the name of the officer in question and their position within the ASLC,
  - d. To recall the ASLC President or the ASLC Vice President there must be a:
    - i. Petition of four hundred (400) signatures from the student body,
  - e. To recall any other member of the Cabinet there must be a:
    - i. Petition of two hundred (200) signatures from the student body,
  - f. To recall a Senator there must be a:
    - i. Petition of one hundred (100) signatures from the student body,
3. Once the petition is complete, within five (5) days of receiving the recall petition, unless SPAC votes to extend the deadline at their discretion, the SPAC shall be responsible for affirming the recall based upon a two-thirds (2/3) vote of the Committee,
4. Should the SPAC affirm the recall, the Elections Committee shall initiate a special election for the seat of the member recalled,

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5. Once recalled, the recalled member's vacant seat shall be treated as any other vacancy within elected ASLC positions,
  - a. Special elections for a recalled member shall follow the standard elections procedure outlined within these bylaws,
  - b. A recalled member is not prohibited from rerunning for their vacated seat unless the election is within the same academic year of their recall,

#### Article VII: Amendments

1. These bylaws may be amended by an initial two-thirds ( $\frac{2}{3}$ ) vote of the SPAC followed by a two-thirds ( $\frac{2}{3}$ ) vote of the ASLC Senate

**Section 3: Adjust all governing documents to reflect the combination of CAC and StAT into SPAC, as well as the name change from "CAC Vice Chair" to "Associate Justice".**

**Section 4: This bill shall take effect immediately.**

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