

CONSTITUTION
OF
THE MARSHALL UNIVERSITY STUDENT
GOVERNMENT ASSOCIATION



STUDENT GOVERNMENT
ASSOCIATION

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2018 Constitutional Committee

Chairman Brian Stein

Co-chair, Head of Revisions Jo Tremmel

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PREAMBLE

We, the Student Government Association that governs the student body at Marshall University, understand that the Student comes first and is our utmost priority. Therefore, our sole purpose is to create and oversee an open government that listens and advocates for the entire student body. We strive to promote principles of diversity and to continue the traditions of Marshall University's core values. Furthermore, we do hereby establish the constitution before you which is set in place to ensure that the voice of the students shall be heard and represented properly through a structured democracy.

ARTICLE I.

DEFINITIONS

SECTION 1) CONSTITUTIONAL DEFINITIONS

- A) For the purposes of this constitution, the definition of a student shall be any persons taking courses at or from Marshall University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and who reside in Marshall University residence halls or utilize Marshall University facilities or services for the purpose of pursuing studies. A person shall be considered a student during any break or holiday period that occurs during a term in which that person is registered or between terms for which that person is registered. A person shall be considered a student while: the person is attending or participating in any activity preparatory to the beginning of a term, including, but not limited to: athletic training, orientation, placement testing, and residence hall check-in.
- B) For the purposes of this constitution, the definition of hazing shall be: to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another individual(s) or causes another individual(s) to destroy or remove public or private property for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by Marshall University. Hazing includes, but is not limited to: any brutality of a physical nature, such as whipping, beating, branding, forced

consumption of any food, alcohol, drug or other substance; any other forced physical activity which could adversely affect the physical or mental health and safety of the individual(s) and includes any activity which would subject the individual(s) to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment; any other forced activity which could adversely affect the physical and/or mental health or dignity of the individual(s), or any willful destruction or removal of public or private property. Further, the implied or expressed consent or willingness of an individual(s) to hazing shall not be a defense.

- C) For the purposes of this constitution, the definition of intimidation shall be: committing, conspiring to commit, or causing any act to be committed which would compel or deter an individual's actions through the threatened or actual use of force, coercion, blackmail, or engaging in an intentional course of behavior directed at a specific individual(s) which frightens or harasses.
- D) A regular session shall be defined as the sum of the last meeting in the previous academic year and all regular meetings conducted in the following academic year consisting of a fall and spring semester as determined by Marshall University for administrative purposes.
- E) A regular meeting shall be defined as any previously scheduled gathering occurring within a regular session with the intent and purpose of conducting Senate business relating to bills, resolutions, and/or affairs relating to the operation of the Student Government Association (SGA).
- F) A special session shall be defined as the sum of any and all meetings occurring outside of the regular session schedule. These special sessions shall follow the same conventions as regular sessions, and their results shall be implemented in a manner befitting regular sessions.
- G) A special meeting shall be defined as any meeting occurring outside of the predetermined regular meeting schedule. These special meetings shall follow the same conventions as regular meetings, and their results shall be implemented in a manner befitting regular meetings.

- H) A regular election shall be defined as the annual election in the spring of each year for the purpose of electing student body representatives and/or giving the student body ratification rights. These elections shall follow the scheduling conventions set forth in Article III, Section 7-E.
- I) A special election shall be defined as any election occurring outside of the regular election cycle as defined in Article III, Section 7-E. These elections shall follow the same conventions as regular elections, and their results shall be implemented in a manner befitting regular election results unless otherwise specified as in Article II, Section 10-D-iii.
- J) The definition of an elected Senator shall be any student elected in a regular election.
- K) The definition of an At-Large Senator shall be any student in Senate by means other than a regular election in accordance with Article III, Section 6-H.
- L) "Senate" shall hereby refer to the Marshall University Student Government Association Senate.

ARTICLE II.

ORGANIZATION

SECTION 1) MEMBERS

- A) All students of Marshall University shall be eligible to be elected as members of the Marshall University Student Government Association.
 - i. Membership is open to all students without regard to any of the following: race, sex, ethnic origin, religious affiliation, age, physical or psychological handicap, and/or sexual orientation.
 - ii. In accordance with the policies of Marshall University and all national organizations represented on our campus, hazing shall not be permitted. All acts of hazing by any organizational member are forbidden.

SECTION 2) SUPREME LAW

- A) This constitution and all laws enacted pursuant thereto shall be the supreme law of the Marshall University Student Government Association.

SECTION 3) RULES OF ORDER

- A) All matters not covered in this constitution or Senate legislation shall be governed by the latest edition of Robert's Rules of Order.

SECTION 4) PURPOSE

- A) The major purpose of the Student Government Association shall be to facilitate the development of a sense of joint responsibility of students, faculty members, and administration for the achievement of the university's educational objectives.
- B) The Student Government Association shall be recognized as the sole authorized agency through which student participation in university governance shall be made effective.
- C) The Student Government Association shall be the major body in assisting the overall well being of the students of Marshall University.

SECTION 5) NAME RESTRICTION

- A) The name "Student Government Association" shall not be used by any student or group of students, except as authorized by the Senate or the Executive Branch.

SECTION 6) LOGO

- A) The logo for the Marshall University Student Government Association shall appear as:



SECTION 7) RECALL

- A) Students shall have the power to recall any elected official of the Student Government Association. The petition to recall shall be given to the Director of Student Conduct and shall not be valid until they determine that it contains the signatures of at least ten (10) percent of the qualified voters of that official's constituency whose recall has been petitioned. Any officer who does not receive a majority of affirmative votes shall have their office declared vacant and filled in accordance with the provisions of this

constitution. The sole exception shall be that the recalled official shall not be eligible for the vacancy.

SECTION 8) REFERENDUM

- A) The student body shall have the power to call for a vote on any act of the Senate, provided a petition calling for the ballot specifies, in writing, the act on which the referendum is to be taken. This petition must be signed by at least ten (10) percent of the qualified voters.
- B) The Student Body President shall, if they determine the petition to be in good order, call for an election within two weeks of receiving the petition. A majority of the votes cast shall be sufficient to enact the proposed measure.
- C) Any act of the Senate may be referred to the student body for a vote, provided the motion for ratification by the student body is passed by a two-thirds (2/3) majority vote of the Senate.

SECTION 9) INITIATIVE

- A) The student body shall have the power to initiate any act within the power of the Senate, provided that the same procedure shall be used as designated in Article II, Section 8.

SECTION 10) AMENDING PROCEDURE

- A) Amendments to the Constitution shall become valid under the following procedure:
 - i. An amendment may be introduced to the Senate by any member at any regular session. The proposed amendment shall be debated in the subsequent session(s).
 - ii. A simple majority vote of the Senate shall be necessary for approval of regularly proposed amendments.
 - iii. Approval of the Student Body President shall not be required.
- B) A constitutional amendment shall become law after approval by a simple majority of the Senate and ratification by a majority of the students voting in a regular or special election.
- C) The Constitution of the Marshall University Student Government Association shall be reviewed every three years for accuracy, correctness, integrity, and with the intention of

keeping the document in line with current practices of the Marshall University Student Government Association.

- i. The manner in which this is done shall be determined by the Senate President Pro-Tempore with the advice and consent of the Senate.
- D) A constitutional amendment shall become effective as hereunder provided:
- i. If a proposed constitutional amendment is ratified in a special election, it will become law and go into effect at the conclusion of the next regular election.
 - ii. If a proposed constitutional amendment is ratified in a regular election, it will become law and go into effect at the conclusion of that regular election.
 - iii. If a proposed constitutional amendment with provisions for special time for enactment is ratified, those provisions shall be enacted at that specific time.

SECTION 11) VACANCIES OF SENATE

- A) If a vacancy shall arise in a seat of the Senate, the seat shall be declared vacant and shall be filled in accordance with Article III, Section 6-H.

ARTICLE III.

LEGISLATIVE BRANCH

SECTION 1) SUPREME POWER

- A) Supreme legislative powers of the Student Government Association shall be vested in the Senate.

SECTION 2) ENUMERATED POWERS

- A) The Senate shall have the power to:
- i. Appropriate funds to all agencies of the Student Government Association and to other activities compatible with the general welfare of the students of Marshall University.
 - ii. Ratify or reject all appointments made by the Student Body President by a simple majority vote.
 - iii. Override a presidential veto by a two-thirds (2/3) vote in a regular or special session.

- iv. Establish such subordinate offices and committees of the Senate as it shall deem appropriate.
- v. Approve all rules governing student elections.
- vi. Make recommendations to the President of Marshall University concerning matters affecting the student body but not within the power of the Student Government Association to adjust.
- vii. Require reports from all organizations receiving appropriations from the Senate.
- viii. Engage in legitimate enterprise for the purpose of gaining revenue for the maintenance of the Student Government Association.
- ix. Make all laws necessary and proper to carry out the provisions of the Constitution and promote the general welfare of the students of Marshall University.
- x. Approve or reject the Student Government Association budget in whole or in part.
- xi. Initiate and try all impeachments.

SECTION 3) RESTRICTED POWERS

A) The Senate shall not have the power to:

- i. Pass any *ex post facto* law.
- ii. Make any law abridging or denying the freedom of the student press or any other freedom guaranteed by the Constitution of the United States of America or the Constitution of the State of West Virginia.

SECTION 4) LEGISLATIVE PROCEDURES

A) Legislation may be introduced in the Senate by a main motion, resolution, bill, or amendment.

- i. To be valid, any act must be signed by the Senate President Pro-Tempore and approved by the Student Body President.
- ii. If the Student Body President disapproves the motion, it shall be returned to the Senate for possible reconsideration and may be enacted into law by a two-thirds (2/3) majority vote in a regular or special session.

- iii. All legislation not signed by the Student Body President within ten (10) days of its receipt from the Senate President Pro-Tempore shall immediately become law and go into effect.
- iv. All legislation not signed by the Senate President Pro-Tempore within ten (10) days of its receipt from the Student Body President shall immediately become law and go into effect.
- v. All legislation signed by neither the Student Body President nor the Senate President Pro-Tempore within ten (10) days of its receipt shall become law and go into effect.

SECTION 5) IMPEACHMENT PROCEDURES

- A) Impeachment procedures may be brought against any Student Government Association member holding office.
- B) When the Student Body President, Student Body Vice President, or members of the Senate are tried, the Director of Student Conduct shall preside.
- C) The Senate, when sitting for the purpose of impeachment, shall be under oath or affirmation.
- D) Conviction under any article of impeachment shall require a two-thirds (2/3) majority vote by secret ballot of Senate members.
- E) Judgement in cases of impeachment and/or judicial review shall extend no further than removal from office and a one (1) year probation from holding any office in the Student Government Association. After the probation period, the impeached individual(s) shall then be allowed to run in a regular election with an indication of past impeachment next to their name on the ballot.
- F) Individuals that have been impeached and/or removed through the judicial review process shall not be eligible for At-Large seats in Senate at any time.

SECTION 6) MEMBERSHIP

- A) The Senate shall consist of qualified students, as provided for by Article III, Section 6 of this constitution.
- B) Students shall be elected by their constituency.

- i. A constituency shall be defined as an academic group considered and counted in the annual student census; those groups shall be determined by the Registrar's Office.
 - ii. A student's constituency shall be determined by information on file in the Registrar's Office.
- C) The following colleges shall be constituencies that shall vote to elect students into Senate:
 - i. College of Arts and Media, College of Education and Professional Development, College of Health Professions, College of Information Technology and Engineering, College of Liberal Arts, College of Science, Graduate College, Honors College, INTO Marshall University, Joan C. Edwards School of Medicine, Lewis College of Business, Regents College, School of Pharmacy, University College.
 - ii. Within thirty (30) days of the Fall Student Census, the Senate is required to review and/or modify Article II, Section 6-C-i to update constituencies for purposes of Senate reapportionment.
- D) No candidate shall simultaneously run for Senator in more than one (1) constituency.
- E) The advisor(s) shall check the constituency and eligibility of Senators following the start of each fall and spring semester.
 - i. Senators who transfer to a different constituency during their term shall serve the remainder of the term in which they were elected until the next regular election, wherein they shall be eligible to be elected according to their new constituency.
- F) The number of Senators apportioned to each constituency shall be determined by applying total headcount enrollment statistics as provided by the Office of Institutional Research to the following chart. The total headcount shall include undergraduate students enrolled in seven (7) or more hours and graduate students enrolled in six (6) or more hours. The total headcount enrollment shall be calculated every two (2) years, using the enrollment statistics from the Fall Student Census. These enrollment numbers shall be used in determining the Student Government Association election ballots for each

constituency in the student body elections in March. These figures shall last for two (2) years, after which time the most current census numbers shall be used for reapportionment.

1-499	2 Senators
500-999	3 Senators
1000-1499	4 Senators
1500-1999	5 Senators
2000-2499	6 Senators
2500-Over	7 Senators

- G) The total number of Senate seats in the fall must be equal to the total number of Senate seats in the spring.
- H) Open seats within each constituency shall become At-Large seats. At-Large seats may be applied for and filled by a qualified student from any constituency. At-Large Senators shall serve the entirety of the term to which they are appointed. All At-Large seats shall be converted back into their respective constituency seats for the spring elections as described in Article III, Section 7-E.
- I) No Senator shall be unseated because of declining enrollment during their term in office.
- J) Each constituency that incurs decreased enrollment before the next student population census shall lose the corresponding seat amount in the next Student Government Association election when the seat(s) of said constituency expire(s).

SECTION 7) QUALIFICATIONS AND ELECTIONS

- A) In order to be eligible to be elected and/or hold office, undergraduate candidates for Senate must achieve and maintain a cumulative grade point average of 2.75 or above and be enrolled for at least twelve (12) credit hours of classes prior to their participation in the Student Government Association.
- B) Full-time first semester freshmen at Marshall University shall be eligible to apply to the Student Government Association Apprenticeship Program.

- C) Full-time second semester freshmen having completed at least twelve (12) semester hours at Marshall University shall be eligible to be elected to fill a vacant Senate seat within their constituency and/or apply for an At-Large Senate position.
- D) Graduate students are required to achieve and maintain a cumulative grade point average of 3.00 or above. In order to be eligible to be a Senator and/or Senate Executive, students must be enrolled in at least nine (9) credit hours of classes and must have satisfactorily completed the minimum number of credit hours required for full-fee assessment during one (1) spring, one (1) fall, or one (1) summer term prior to their participation in the Student Government Association.
- E) Senators shall be elected in regular elections. The election date shall fall no earlier than the month of March. The exact date shall be determined by the Senate.
- F) All students enrolled at Marshall University and INTO Marshall University have the right to vote in all elections presented to the student body.
- G) INTO English Students shall be eligible for candidacy if they have completed one (1) full semester in the INTO Marshall University program, passing one (1) full level.
- H) In the regular student body election, candidates running to represent the INTO Marshall University constituency must be INTO Marshall University students. Candidates must have completed their INTO Marshall University program and transition into Marshall University or be an INTO Marshall University student who has satisfactorily completed one (1) semester in INTO Marshall University. INTO Marshall University candidates shall be subject to the requirements of Article III, Section 7 of this constitution.

SECTION 8) QUORUM

- A) One (1) more than half (1/2) of Senators shall constitute quorum.

SECTION 9) VACANCIES

- A) In the case of a vacancy, the Senate shall publicly announce that applications for that vacancy shall be accepted. All applications received shall be referred to the Judiciary Committee to verify their compliance with the Constitution of the Marshall University Student Government Association and the Senate By-Laws.

- i. The Judiciary Committee must meet at least once within fifteen (15) instructional days during session.

SECTION 10) TERM

- A) Senators shall serve one (1) year, elected in the spring and serve through the following spring.
- B) At-Large Senators shall serve until the conclusion of the term for the seat to which they were appointed.
- C) Officers of the Senate shall be elected at the beginning of each new session of the Senate.
 - i. Should a vacancy arise, a replacement shall be elected from the Senate in a timely manner.

SECTION 11) SENATE ADVISORS

- A) The Senate shall elect, by a simple majority vote, an advisor(s). The advisor(s) shall be a member(s) of the Marshall University Faculty or Administration. The election shall take place yearly at the same time as the election of Senate officers as described in Article III, Section 7-E.

ARTICLE IV.

EXECUTIVE BRANCH

SECTION 1) POWER

- A) The Executive power shall be vested in the Student Body President. To this end, the Student Body President must ensure that the Executive Branch adheres to the requirements, responsibilities, structure, and membership set forth by the Student Government Association Executive Branch By-Laws, so long as they are not in conflict with this constitution.
- B) Amendments to the Executive Branch By-Laws may only be made effective by approval of a simple majority vote of the student body in a special or regular election.

SECTION 2) ENUMERATED POWERS

- A) The Student Body President shall:

- i. Make recommendations to the President of Marshall University concerning matters affecting the students that are not within the power of the Student Government Association to adjust.
- ii. Represent the Student Government Association in all relations.
- iii. Make all executive appointments to be approved by the Senate.
- iv. Establish such subordinate offices and committees as deemed necessary.
- v. Remove any presidentially appointed officer for incompetence or neglect of duty.
- vi. Serve as an ex-officio member of all committees of the Executive Branch.
- vii. Enforce the decisions of the Director of Student Conduct.
- viii. Ensure the enforcement of the Constitution of the Marshall University Student Government Association and the Executive Branch By-Laws.
- ix. Call special sessions and/or elections when deemed necessary.
- x. Determine and recommend to the Senate the Student Government Association budget.
- xi. Make recommendations to the Senate as deemed necessary.
- xii. Have the power to veto bills of the Senate as provided for in Article III, Section 4.

B) The Student Body Vice President shall:

- i. Serve as President of the Senate.
- ii. Serve in the capacity of assistant to the Student Body President.

SECTION 3) EXECUTIVE REQUIREMENTS

A) Following the March 14, 2018 referendum by the student body, candidates for Student Body President and Student Body Vice President shall:

- i. Be undergraduate students of Marshall University.
- ii. Be enrolled in at least twelve (12) credit hours of undergraduate classes during the semester they become a candidate.
- iii. Have a cumulative grade point average of at least 3.25.
- iv. Have satisfactorily completed at least forty (40) hours of credit.
- v. Have satisfactorily completed, on the main Marshall University campus, one (1) full semester prior to the one in which they become a candidate.

- B) Following the March 14, 2018 referendum by the student body, while in office, the Student Body President and Student Body Vice President shall:
- i. Maintain cumulative grade point averages of at least 3.25.
 - ii. Satisfactorily complete at least twelve (12) hours of classes during each of the spring and fall semesters of their term.
- C) The Student Body President and Student Body Vice President shall be elected as a single ticket during the spring election of each year.

SECTION 4) TERM

- A) The term for both Student Body President and Student Body Vice President shall be one (1) fiscal year as determined by Marshall University.
- B) Term limits shall be two (2) terms as Student Body President for the student elected as Student Body President.
- i. The student elected as the Student Body President shall be eligible to serve as an Appointed Executive in a subsequent cabinet.
- C) Term limits shall be two (2) terms as Student Body Vice President for the student elected as Student Body Vice President.
- i. The student elected as the Student Body Vice President shall be eligible to serve as an Appointed Executive in a subsequent cabinet.
- D) Appointed Executives shall be exempt from term limits.
- i. Executives shall be eligible to run and hold office as either Student Body President or Student Body Vice President following their executive term.

SECTION 5) MEMBERSHIP

- A) The Executive Branch shall consist of at least: the Student Body President, Student Body Vice President, and other positions as deemed necessary by the Executive Branch By-Laws.
- B) The Student Body President shall appoint all cabinet members. Each cabinet member shall be subject to approval by a simple majority vote of the Senate.
- i. All cabinet members appointed by the Student Body President shall be required to hold and maintain a cumulative grade point average of at least 3.00.

- C) The Assistant Dean of Student Affairs shall appoint the Election Commissioner with the advice and consent of the Senate.
- D) The Election Commissioner shall:
 - i. Ensure adherence to the official election rules by all candidates and their cabinet members.
 - ii. Take action to reprimand candidates violating the official election rules according to the official election rules document.
 - iii. Ensure that the elections are conducted in a fair, impartial, and open manner.
 - iv. Arrange, promote, and schedule a public forum for the President/Vice President tickets.
 - v. Fulfill all other duties as determined by the Assistant Dean of Student Affairs.

SECTION 6) VACANCIES OF THE EXECUTIVE BRANCH

- A) If a vacancy shall arise in the office of Student Body President in the case of their death, disability, removal, and/or resignation, the order of succession shall be:
 - i. The Student Body Vice President.
 - ii. The Senate President Pro-Tempore.
 - iii. A replacement elected by the Senate within fifteen (15) days of the official announcement of vacancy.
- B) If a vacancy shall arise in the office of the Student Body Vice President in the case of their death, disability, removal, and/or resignation, the President shall appoint a new Vice President with the advice and consent of the Senate.
- C) If a vacancy shall arise in the office of Senate President Pro-Tempore, the Senate shall convene in a regular session and elect a replacement from its members.

SECTION 7) OATH OF OFFICE

- A) The Director of Student Conduct, or a designated person of their choice, shall administer the oath of office to the Student Body President and the Student Body Vice President.

SECTION 8) FINANCE

- A) The Student Government Association shall maintain a financial account.

- i) The money collected from the student activities and service fees shall be placed in the Student Government Association special account of the university. The expenditures of these monies shall be by requisition generated by the Student Body President, Student Body Vice President, or designated person(s), and forwarded for approval to the designated person(s).

B) The Senate must approve any expenditure from the budget surplus.

SECTION 9) FINANCIAL AUDITS

- A) All financial records of the Student Government Association shall be audited by the designated personnel as needed. A copy of this report shall be submitted to the President of Marshall University, the Student Body Vice President, and the Senate.

ARTICLE V.

JUDICIAL BRANCH

SECTION 1) POWER

- A) The judicial power of the Marshall University Student Government Association shall be vested in the Director of Student Conduct.

ARTICLE VI.

FREEDOM OF PRAYER

- A) The members of any branch of the Marshall University Student Government Association shall be free to include, as part of any of their meetings or records, a voluntary prayer. Although the members of the Student Government Association shall always be permitted to lead the prayer, it must remain open for any members of the student body of any faith to be scheduled to lead the prayer if they request permission to do so. The nature and specifics of the prayer shall be left entirely to the discretion of the individual leading it. There shall be no effort on the part of the Student Government Association or its members to restrict the prayers exclusively to any deity, individual, or other specific entity. Likewise, to prohibit the invocation of any deity, individual, or other specific entity shall likewise be considered unconstitutional.

ARTICLE VII.

EFFECTIVE DATE

- A) This constitution shall go into effect immediately upon ratification by the student body,
March 14, 2018.