

**THE CONSTITUTION OF THE STUDENT BODY  
OF WEST VIRGINIA UNIVERSITY**

We, the students of West Virginia University, in order to maintain our responsibility in student representation, promotion of academic freedom and excellence, contribute to the formulation of University policies, continue support of University goals, promote a high level of student services, provide quality programming of general interest, and ensure personal liberties and freedom, do hereby establish this Constitution of the Student Body of West Virginia University.

**ARTICLE I. THE STUDENT GOVERNMENT ASSOCIATION.**

Section 1. Student Body.

All persons registered and enrolled as students at Morgantown campuses of West Virginia University shall be deemed members of the Student Body.

Section 2. Description of Student Government Association

In pursuit of the foregoing objectives, the Student Body of West Virginia University does hereby establish the West Virginia University (WVU) Student Government Association (SGA) as its administrative body, which shall be located at: Mountainlair SOW, Morgantown, WV 26506-6444.

Section 3. Composition.

Student Government Association shall be composed of three branches: executive, legislative and judicial.

Section 4. Authority.

The WVU student body endorses and grants to Student Government Association all powers and authority as enumerated in this constitution.

Section 5. Subordination.

This constitution shall be subordinate to the United States Constitution, the Constitution of the State of West Virginia, all federal, state, and local laws, and all duly promulgated policies and regulations of the West Virginia University Administration or the West Virginia Board of Governors.

Section 6. Supremacy.

All policies, pronouncements, rulings, and enactments of Student Government Association shall be subordinate to this constitution.

## **ARTICLE II. THE EXECUTIVE BRANCH.**

### Section 1. Description.

The SGA executive branch shall be those officers and persons recognized by this article and those additional persons included in the executive organization as established by the SGA President.

### Section 2. Officers: Powers and Function.

Executive authority shall be vested in the following officers of Student Government Association: President, Vice President, Attorney General, Treasurer, Chairperson of the Elections Committee, Executive Director for Off-Campus Housing, and the Executive Director of Mountaineer Maniacs. Each officer may delegate his/her authority as defined below:

#### A. SGA President.

The SGA President shall:

1. appoint, within 30 days of vacancy, the SGA Attorney General, the SGA Treasurer, the student members, chairpersons of all committees, and directors of all positions in the Executive Branch except those positions and chairpersons entirely within the legislative branch. The positions of all chairpersons, members, and clerks of the Judicial Board and Judicial Board of Appeals, upon majority approval of the Board of Governors, shall be nominated and filled with due speed. Any person appointed by the President, whose position requires approval of the Board of Governors, shall be entitled to exercise all the powers of that position pending approval or rejection by the Board of Governors, but shall immediately cease to exercise such power if rejected by them;
2. create or dissolve such positions, departments, committees, boards, bureaus, panels, and commissions within the executive branch as the SGA President may deem necessary to carry out the duties of the SGA President;
3. serve ex-officio, without vote, on all SGA committees, except those entirely within the judicial branch, or those entirely within the legislative branch;
4. require reports from all SGA committees, boards and appointees as the need arises;
5. represent the Student Body in dealings with other institutions: faculty, staff and administrators of WVU, the West Virginia Board of Governors, and any other pertinent governing bodies;
6. make such recommendations to the Board of Governors as the SGA President may deem necessary;
7. administer the enactments of the Board of Governors, unless specified otherwise by the Governors;

8. set policy and implement programs as the SGA President may deem necessary and proper, none of which may be in conflict with actions of the Board of Governors;
9. submit a goals and issues statement to the President of the University in September outlining Student Government Association's goals for the upcoming year;
10. submit an semi-annual progress report to the President of the University describing the organizational structure and executive projects of the current Student Government Association. Such report shall be submitted first in September and second in March or no less than one month before the expiration of the SGA President's term-which ever arrives first;
11. make a bi-weekly presentation to the Board of Governors dealing with current issues of the student administration and ongoing issues;
12. submit monthly written reports on actions, duties, decisions, and meetings with administrators and other student leaders during the month to the Board of Governors and SGA Executive Officers.

B. The SGA Vice President shall:

1. fulfill all duties of the SGA President in the event of succession as outlined in Article VII, section, subsection C;
2. serve ex-officio, without vote, on all SGA committees, except those entirely within the judicial branch;
3. perform and aid in such duties as may be delegated by the SGA President;
4. organize the annual SGA inauguration in cooperation with the Student Organization Services salaried secretary and the SGA Board of Governors;
5. organize the Student Government Association annual summer retreat;
6. serve as Chairman of the Board of Governors as outlined by Article III, Section 2.;
7. initiate programs and create committees as the SGA Vice President may deem necessary and proper, none of which may be in conflict with the actions of the Board of Governors;
8. submit monthly written reports to the SGA President on actions and initiatives taken during the month.

C. SGA Attorney General.

The Attorney General shall:

1. institute and administer Student Discipline Procedures, with the cooperation of the Vice President of Student Affairs;

2. provide legal advice related to University matters as requested by members of the Student Body or Student Government Association;
3. represent students before University disciplinary and academic committees and the Judicial Board;
4. serve as Parliamentarian of the Board of Governors as outlined in Article III, Section 3.;
5. serve as an ex-officio member of the Board of Governors as outlined in Article III, Section 2.
6. serve as Parliamentarian of the Graduate Council as outlined in The Bylaws of the West Virginia University Graduate Council;
7. update this Constitution annually before leaving office with the aid of the Student Organization Services salaried secretary, by adding his/her signature, and any amendments, by-laws, or amendments to by-laws approved during his/her term of office, with appropriate dates accompanying each;
8. keep and update a record of all proclamations, resolutions, and other orders issued by the Board of Governors;
9. submit monthly reports to SGA President on actions taken in office;
10. perform such other duties that are incident to the office or that may be required by the Board of Governors.

#### D. SGA Treasurer

The SGA Treasurer shall:

1. have charge of the books, records, and monies of Student Government Association in conjunction with the SGA Advisor;
2. execute and sign such instruments that require the authorization of the SGA Treasurer;
3. submit a detailed budget proposal to incoming Treasurer prior to May 1<sup>st</sup>;
4. formulate, with the help of the SGA Advisor, a Student Government Association budget proposal for the Board of Governors;
5. submit budget recommendation to Student Affairs prior to June 1<sup>st</sup>;
6. submit budget proposal to Board of Governors at first formal meeting of fall semester;
7. submit written and oral quarterly financial reports to the Board of Governors;
8. submit monthly budget update and report to the SGA President and the Board of Governors;

9. perform such other duties that are incident to the office of the SGA Treasurer or that may be required by the Board of Governors.

E. SGA Chairperson of the Elections Committee

The SGA Elections Chair shall:

1. Adhere to the powers and functions as defined in the West Virginia University Elections Code;
2. Submit monthly written reports to the SGA President.

F. SGA Executive Director For Off-Campus Housing

The SGA Executive Director for Off-Campus Housing shall:

1. work in cooperation with the Off-Campus Housing Coordinator and the Office of Student Legal Services to facilitate Housing Awareness Booths, the Annual Housing Fair, Lease Review Clinics, and all other programs pertinent to this office or that may be requested by the Board of Governors;
2. gather off-campus housing information and investigate housing issues in the University community;
3. assist students in referrals to appropriate Administrative offices when the need should arise;
4. represent the student body in housing related business before the University, the City of Morgantown, the State of West Virginia, and all other entities;
5. attend any and all meetings required by the position;
6. submit monthly reports to the SGA President;
7. assume any additional off-campus housing duties as requested by the SGA President;

G. SGA Executive Director of the Mountaineer Maniacs

The SGA Executive Director of the Mountaineer Maniacs shall:

1. be charged with the handling of the day to day operations of the student body booster club, the Mountaineer Maniacs;
2. promote positive spirit at all intercollegiate athletics at West Virginia University;
3. establish an executive board (Vice-President, Treasurer, and Secretary) that will meet regularly to plan Mountaineer Maniacs activities and athletic interaction with members;

4. oversee all Mountaineer Maniacs expenditures;
5. attend all Student Government Association Board of Governors meetings;
6. act as a liaison to WVU Administration Institutional Advancement, Student Affairs, and Intercollegiate Athletics;
7. meet regularly with the SGA Advisor to discuss major decisions concerning the Mountaineer Maniacs;

H. Graduate Council Chair

The Graduate Council Chair Shall:

1. Perform all duties as prescribed to of the office of Graduate Council Chair as outlined in the Graduate Council By-laws.
2. Submit a monthly report to the SGA President outlying issues facing graduate students.

**ARTICLE III. THE LEGISLATIVE BRANCH.**

Section 1. Description.

The SGA legislative branch shall be unicameral, and shall be entitled the Board of Governors. It shall manage SGA affairs and be vested with all legislative power as herein described.

Section 2. Composition.

The members of the Board of Governors shall be 17 in number, with voting privileges as follows:

- A. 15 Elected Governors—enfranchised with one vote each (hereinafter the “15 elected Governors”);
- B. SGA Vice President—as chairperson, enfranchised with one vote when the vote of the SGA Vice President will affect the outcome;
- C. SGA Attorney General—member without vote

Section 3. Officers.

The SGA Vice President shall serve as chairperson and the SGA Attorney General as parliamentarian at meetings of the Board of Governors. The Board shall elect a vice-chairperson from among the "fifteen elected governors", and shall select a secretary and any other personnel it deems necessary to its function.

A. Chairperson of the Board.

The Chairperson shall:

1. preside at meetings of the Board of Governors;
2. call special meetings of the Board whenever the need arises;
3. ensure that parliamentary and secretarial responsibilities are fulfilled;
4. ensure that all directives of the Board are carried out, delegating responsibility as deemed necessary for the efficient operation of the Board.

B. Vice Chairperson of the Board.

At the first meeting following the SGA inauguration, a Vice-Chairperson shall be elected by majority vote from among the "fifteen elected governors".

The Vice-Chairperson shall:

1. fulfill all duties of the Chairperson of the Board in the absence of the Chairperson;
2. prepare an agenda, according to Robert's Rules of Order, Newly Revised, for each meeting of the Board of Governors, with the help of the Students Organizations salaried secretary, and distribute same to all members prior to the respective meetings;

C. Board of Governors Parliamentarian.

The SGA Attorney General shall serve as parliamentarian to the Board of Governors.

The Parliamentarian shall:

1. prepare special rules of procedure for Board meetings. Any area not covered by these special rules shall be covered by Robert's Rules of Order, Newly Revised;
2. rule, give advice, and interpret matters of procedure, constitutions, laws, policies, rules and regulations, documents, and other legal or non-legal materials;

D. Board of Governors Secretary.

At the first meeting following the SGA inauguration, a secretary shall nominated by and be selected by majority vote of the Board of Governors.

The secretary shall:

1. record accurate minutes of all Board of Governors meetings and deliver typed transcripts of members to all members of Student Government Association within 48

hours following any meeting;

2. prepare said minutes for reference in such form as shall be determined by the Board. In any case, a condensed version of the year's proceedings shall be prepared, in written form, for inclusion in an on-going historical file;
3. maintain and organize all Board of Governors records and files, including copies of all reports and resolutions;
4. keep accurate attendance records at all Board meetings;
5. post minutes with corresponding resolutions outside the Board of Governors' office;
6. perform all other related duties as shall be determined by the Board of Governors;

#### Section 4. Powers and Functions.

The Board of Governors shall:

- A. approve or disapprove of all SGA Presidential appointments that require Board of Governors approval, except those positions entirely within the executive branch or as otherwise specified in this constitution, by majority vote. Except as otherwise specified herein, vacancy appointments not submitted within 30 days of said vacancy may be filled by the Board upon 2/3 majority approval;
- B. approve or disapprove, or make alterations in the annual Student Government Association budget proposed prior to submission to Student Affairs and then again at first formal meeting of fall semester by the SGA Treasurer and the SGA Advisor. Only upon Board approval may this proposed budget be submitted to the Director of Student Activities, and nobody within the Student Government Association other than the Board of Governors shall have the power of financial appropriation;
- C. impeach or censure, when necessary, any SGA official or position after due deliberation and under the guidelines of Article VII, Section 2;
- D. petition to Judicial Board for subpoena, when necessary, of any SGA official or representative of a recognized student organization to appear before it for questioning, or to require written report from said official or organization upon majority approval;
- E. serve ex-officio on all committees exclusively within the legislative branch;
- F. call special meetings of the Board of Governors, when necessary by written petition signed by at least five members. Notice of at least 24 hours must be given to all members before said meeting can be held. In the absence of the Chairperson or the Vice-Chairperson, the Board may appoint a temporary chairperson from among the "fifteen elected governors" upon majority approval;
- G. create or dissolve any temporary or standing committee or position within Student

Government Association, except those entirely within the executive or judicial branches, or those mandated by this constitution;

- H. establish or revise chapters of the West Virginia University Code (WVU Mountie) as by-laws to this constitution, as shall be deemed necessary, by 2/3-majority approval. Such by-laws will become effective subject to Board stipulations, but in no case earlier than 15 days following approval;
- I. select from its members representatives to serve as liaisons to each University Vice President and Faculty Senate Committee as requested by the University Administration;
- J. set policy; implement programs; administer services, offices and facilities of Student Government Association; approve monetary appropriations proposed by Bureau of Finance; and enact any other legislation that shall be deemed necessary and proper for effectuating this constitution or to promote the general welfare of the Student Body;
- K. each Governor shall submit monthly written reports to the Chairman of the Board of Governors with copies to the Attorney General and the Secretary;
- L. each Governor shall be responsible for an equal number of student organizations during their term in office. These organizations shall be divided among the Governors not later than thirty days after the first formal meeting. They shall be required to send a letter to their respective organizations identifying themselves as their representative and they shall be commissioned with the duty of maintaining knowledge of current issues facing these organizations. Each Governor shall be required to submit a report to the President and to the Executive Board on the each organization's current issues every other month. Each Governor shall be responsible for organizing two meetings during the fall semester and one during the spring semester wherein a representative from each student organization shall be invited to sit with the Board of Governors to discuss any matters of concern to their respective organizations. The meeting style shall be of that of a forum.

#### Section 6. Meetings.

- A. The Board of Governors shall meet formally at least bi-weekly during its one-year term of office while school is in session. Formal meetings shall be open to all members of the Student Body and shall follow Parliamentary Procedure.
- B. The Board of Governors shall meet informally at least bi-weekly during its one-year term of office while school is in session. Informal meetings shall be open to all members of the Student Body.

#### Section 7. Quorum and Voting.

Two-thirds of the total members shall constitute the necessary quorum at all meetings of the Board of Governors. A "majority approval" and "2/3 majority approval" voting requirements as listed in this constitution and subsequent by-laws shall refer to those enfranchised members present and voting. Proxy or absentee participation shall not be permitted.

## Section 8. Attendance.

Attendance at the formal and informal meetings of the Board of Governors shall be mandatory; more than two unexcused absences by any member or officer of the Board shall constitute grounds for impeachment and removal from office. The SGA Attorney General, aided by the Secretary of the Board, and the Chairperson of the Board, shall rule on excuse validity, keep accurate record thereof, and shall notify the Board of Governors when attendance infractions arise.

## Section 9. Limitations.

The Judicial Board shall have the power to overrule legislative action instances of unconstitutionality, conflict, malfeasance, or abuse of authority.

# **ARTICLE IV. JUDICIAL BRANCH.**

## Section 1. Description

The Judicial Branch of the Student Government Association of West Virginia University shall consist of three bodies: The Judicial Board, the Appeals Panel of the Judicial Board of Appeals, and the Judicial Board of Appeals. The Judicial Board shall rule on conflict within Student Government Association and be vested with the judicial power herein described. The Appeals Panel shall rule on the validity of appealed cases and forward such cases to the Judicial Board of Appeals. The Judicial Board of Appeals shall serve as the appellate court from the Judicial Board and shall be vested with the judicial power herein described.

## Section 2. Composition

### A. Judicial Board

There shall be nine members of The Judicial Board with one serving as Chairperson. There shall be a Clerk of the Judicial Board appointed to a one-year term by the Student Government Association President. There shall be a faculty advisor to The Judicial Board selected from the faculty of The West Virginia University College of Law and appointed to a one-year term by the Student Government Association President. In addition, the Judicial Board shall establish any additional positions necessary to its function. Any additional positions shall be appointed by the Student Government Association President, subject to majority approval by The Board of Governors.

Members of The Judicial Board shall be full-time students, in good academic standing at WVU, and appointed within the first 30 days of the fall term. Five of the members must be enrolled in the West Virginia University College of Law and four must be enrolled in an undergraduate degree program. The Chairperson of the Judicial Board shall be appointed from among the new law members within 15 days of the approval of the Judicial Board. Term of office shall be one academic year for five members, and two academic years for four members. The Clerk of The Judicial Board shall serve a one-year term commencing with the appointment of The Judicial Board in the fall. All of the members of the Judicial Board shall

be subject to confirmation hearings and majority approval by The Board of Governors.

#### B. The Appeals Panel

The Appeals Panel shall be composed of the Chairperson of the Judicial Board of Appeals, who shall serve as Chairperson of the Appeals Panel, the Chairperson of the Judicial Board, the Faculty Advisor to the Judicial Board, and the two (2) Faculty Advisors to the Judicial Board of Appeals, and the Clerk of the Judicial Board of Appeals.

#### C. Judicial Board of Appeals

There shall be seven members of the Judicial Board of Appeals. Five of the members shall be selected from the third year law class of the West Virginia University College of Law and appointed by the Student Government Association President. The final two members of the Judicial Board of Appeals shall be ex-officio selected from the faculty of the West Virginia University College of Law and appointed by the Student Government Association President. There shall be a student member that serves as the Chairperson of the Judicial Board of Appeals. There shall be a Clerk of the Judicial Board of Appeals appointed to one-year term by the Student Government Association President subject to majority approval by The Board of Governors.

Student members of the Judicial Board of Appeals shall be full time students of The West Virginia University College of Law completing their third year of study. They must be in good academic standing at WVU. They shall be appointed within the first 30 days of the fall term. The Chairperson of the Judicial Board of Appeals shall be appointed from among the student members within 15 days of the approval of The Judicial Board of Appeals. Term of office shall be one year for student members and two years for faculty members. The Clerk of the Judicial Board of Appeals shall be subject to confirmation and majority approval by The Board of Governors.

### Section 4. Powers and Functions.

#### A. Judicial Board.

The Judicial board shall:

1. serve as the judiciary in the Student Discipline Procedures instituted by the SGA Attorney General;
2. interpret the SGA Constitution, any by-laws established, and any legislation established by the Board of Governors at monthly meetings;
3. certify the validity of the annual SGA general election, and special elections, before the inauguration ceremony, or postpone said inauguration until it can declare the respective election valid. In addition, the Judicial board shall have the authority to void questionable elections upon presentation of just cause, and to provide for special elections

to fulfill the provisions of this constitution and subsequent by-laws;

4. conduct hearings of alleged election violations and impose appropriate sanctions upon violators, under the guidelines of the Elections Code of West Virginia University Student Government Association;
5. perform all other judicial functions as shall become necessary and proper for the just operation of Student Government Association.

#### B. The Appeals Panel of the Judicial Board of Appeals

Before the Judicial Board of Appeals considers an appeals case, an Appeals Panel shall determine if grounds for such an appeal exist. If the panel determines that an appeal is necessary, the Judicial Board of Appeals shall hear the case with due speed.

##### 1. Application for Appeal

The affected party of Judicial Board Hearings shall make a written request no later than seventy-two (72) hours after the Judicial Board ruling for an appeal directed to the Chairperson of the Judicial Board of Appeals. The Chairperson of the Judicial Board of Appeals, who shall serve as chairperson of the Appeals Panel, shall then coordinate a meeting of the Appeals Panel to evaluate the merit of an appeal within three (3) days after receiving the written request by the affected party.

##### 2. Circumstances for Appeal

In the written request, the affected party must demonstrate that at least one (1) of the circumstances stated below has occurred and explain how this circumstance warrants an appeal to the Judicial Board of Appeals.

- a. A witness bearing influential testimony or evidence to the case who did not testify to the Judicial Board;
- b. An error in Judicial Board Procedure;
- c. An excessive fine imposed by the Judicial Board in cases where it is determined that a violation was committed;
- d. A ruling by the Judicial Board that is in conflict with the Constitution of the Student Body of West Virginia University, The By-laws of the Graduate Council, or the West Virginia University Elections Code.

##### 3. Appeals Panel Procedure

The Chairperson of the Judicial Board of Appeals shall serve as the Chairperson of the Appeals Panel and shall only cast a vote in the event of an Appeals Panel split decision. The Appeals Panel shall determine by simple majority vote if an appeal is warranted based solely on the written letter submitted by the affected party. The Appeals Panel

shall not request or consider witnesses or evidence in this meeting and shall only consider the written request. The decision by the Appeals Panel to grant the appeal to the Judicial Board of Appeals shall be based on at least one of the above four criteria.

#### 4. Composition of Appeals Panel

The Appeals Panel shall be composed of the Chairperson of the Judicial Board of Appeals, the Chairperson of the Judicial Board, the Faculty Advisor to the Judicial Board, and the two (2) Faculty Advisors to the Judicial Board of Appeals. The Appeals Panel shall not conduct business unless the Chairperson of the Judicial Board of Appeals, the Chairperson of the Judicial Board, and at least one (1) faculty member is present. The Clerk of the Judicial Board of Appeals shall record all proceedings of the meeting and shall notify all affected parties of the Appeals Panel decision.

#### C. Judicial Board of Appeals

The Judicial Board of Appeals shall:

1. serve as an appellate body of the Judicial Branch of Student Government Association;
2. conduct appellate hearings in relation to petitions submitted by affected parties of Judicial Board Hearings;
3. perform all other judicial functions as shall become necessary and proper for the just operation of Student Government Association.

#### D. Judicial Board Chairperson.

The Chairperson of the Judicial Board shall:

1. preside at all meetings and proceedings of the Judicial Board;
2. serve on the Appeals Panel of the Judicial Board of Appeals;
3. administer the inaugural oath of office to all SGA elected officials;
4. deliver all rulings, orders and opinions of the Board to involved parties;
5. perform all other related duties as deemed necessary and proper for the efficient operation of the Board, and when necessary, designate an alternate from the Judicial Board to perform any of the foregoing duties

E. Judicial Board of Appeals Chairperson.

The Chairperson of the Judicial Board of Appeals shall:

1. preside at all meetings and proceedings of the Judicial Board of Appeals;
2. serve as Chairperson of the Appeals Panel
3. deliver all rulings, orders and opinions of the Board of Appeals to involved parties;
4. perform all other related duties as deemed necessary and proper for the efficient operation of the Board of appeals, and when necessary, designate an alternate from the Judicial Board to perform any of the foregoing duties.

F. Clerk of the Judicial Board.

The Clerk of the Judicial Board shall:

1. record accurate minutes or transcripts of all Judicial Board meetings and proceedings;
2. prepare said minutes of transcripts for reference in such form as shall be determined by the Board. In any case, a condensed version of the year's proceedings shall be prepared, in written form, for inclusion in an on-going historical file;
3. maintain and organize all Judicial Board records and files;
4. publicize all Board meetings and proceedings at least 24 hours in advance, through the student newspaper (pending editorial policy) and by any other means that shall be deemed appropriate;
5. keep accurate attendance records at all Board meetings and proceedings;
6. perform all other related duties as shall be determined by the Judicial board.

G. Clerk of the Judicial Board of Appeals.

The Clerk of the Judicial Board of Appeals shall:

1. record accurate minutes or transcripts of all Judicial Board of Appeals meetings and proceedings;
2. record accurate minutes or transcripts of all Appeals Panel meetings and proceedings;
3. prepare said minutes of transcripts for reference in such form as shall be determined by the Board of Appeals. In any case, a condensed version of the year's proceedings shall be prepared, in written form, for inclusion in an on-going historical file;
4. maintain and organize all Judicial Board of Appeals records and files;

5. publicize all Board of Appeals meetings and proceedings at least 24 hours in advance, through the student newspaper (pending editorial policy) and by any other means that shall be deemed appropriate;
6. keep accurate attendance records at all Board of Appeals meetings and proceedings;
7. perform all other related duties as shall be determined by the Judicial Board of Appeals.

Section 5. Authority.

A. Judicial Board.

The Judicial Board shall in all cases be the first court in the Judicial Branch of Student Government Association. Decisions shall be binding on all parties within Student Government Association and on the Student Body subject to appeal to the Judicial Board of Appeals.

B. Appeals Panel of the Judicial Board of Appeals.

Appeals Panel shall determine if grounds for an appeal to the Judicial Board of Appeals exist. If the panel determines that an appeal is necessary, the Judicial Board of Appeals shall hear the case with due speed.

C. Judicial Board of Appeals

The Judicial Board of Appeals shall in all cases be the court of last resort; decisions shall be binding on all parties within Student Government Association and on the Student Body.

Section 6. Subordination.

The Judicial Board and The Judicial Board of Appeals shall exercise their power freely within the scope to Article I, Section 5.

Section 7. Meetings.

The Judicial Board Chairperson shall call Board meetings within seven days of a request by the Board of Governors, request by two Executive officers, or by petition of five percent of the student body. The Judicial Board shall meet once a month and meeting times and place shall be published in the student newspaper at least 24 hours in advance.

Section 8. Quorum and Voting.

A. The Judicial Board

1. Five voting members shall constitute the necessary quorum at all meetings and proceedings of the Judicial Board. All "majority approval" voting requirements as listed in this Constitution and subsequent by-laws shall refer to those members present and voting.

2. All members shall have one vote.
3. Judicial Board members with vested interests in the outcome of a particular question before the Judicial Board shall disqualify themselves, or be disqualified by the rest of the Board, from consideration of the question.
4. All decisions of the Judicial Board shall be made by majority vote.
5. Proxy or absentee participation shall not be permitted.

B. The Appeals Panel

1. The Chairperson of the Judicial Board of Appeals, the Chairperson of the Judicial Board, and at least one (1) faculty member from the WVU College of Law shall constitute the necessary quorum at all meetings and proceedings of the Appeals Panel.
2. All members, except the Chairperson, shall have one vote.
3. The Chairperson shall only cast a vote in the event of an Appeals Panel split decision.
4. The Appeals Panel shall determine by simple majority vote if an appeal is warranted. All "majority approval" voting requirements as listed in this Constitution and subsequent by-laws shall refer to those members present and voting.
5. Proxy or absentee participation shall not be permitted.

C. The Judicial Board of Appeals

1. Three voting members shall constitute the necessary quorum at all meetings and proceedings of the Judicial Board of Appeals. All "majority approval" voting requirements as listed in this Constitution and subsequent by-laws shall refer to those members present and voting.
2. All members shall have one vote.
3. Judicial Board of Appeals members with vested interests in the outcome of a particular question before the Judicial Board shall disqualify themselves, or be disqualified by the rest of the Board, from consideration of the question.
4. All decisions of the Judicial Board of Appeals shall be made by majority vote.
5. Proxy or absentee participation shall not be permitted.

Section 9. Attendance.

Attendance at Judicial Board and Judicial Board of Appeals meetings and proceedings shall be mandatory; more than two unexcused absences by any member or officer shall constitute grounds for impeachment and removal from office. The Board Chairpersons shall rule on excuse validity

and shall notify the SGA President if attendance infractions arise.

Section 10. Procedure.

- A. Judicial Board and Judicial Board of Appeals meetings shall be conducted pursuant to the rules of procedure promulgated by the Judicial Board and Judicial Board of Appeals and any procedure not specified in such rules shall follow Robert's Rules of Order Newly Revised.
- B. Judicial Board and Judicial Board of Appeals proceedings shall be conducted pursuant to the rules of procedure and evidence contained in the Chapter of the WVU Code entitled "The Judicial Code."

**ARTICLE V. SGA LIAISONS.**

Section 1. Description

SGA Liaisons shall represent the student body in their respective areas identified in this Article.

Section 2. Accountability

- A. Liaisons shall make bi-weekly verbal reports to the Board of Governors.
- B. Liaisons shall submit monthly written reports to the Board of Governors.

Section 3. Board of Governors Liaisons:

The Board of Governors shall have the power create new liaisons as it sees fit to carry out duties and deliver on the needs of the student body.

Section 4. Athletic Council.

- A. There shall be two students elected by the Student Body to serve on the Athletic Council.
- B. The Athletic Council student members are empowered to represent all students on the Athletic Council.

Section 5. SGA Public Relations Officer:

A. Description:

The SGA Public Relations officer is charged with pro-actively assisting the Student Government

Association in communicating in an unbiased manner with students and the media on the activities of Student Government Association.

B. The SGA Public Relations Officer shall:

1. maintain official SGA Web Page;
2. organize SGA Brochure;
3. prepare Bi-Monthly SGA Newsletter after SGA members written reports have been submitted;
4. prepare mass e-mail (currently referred to as University List-Serve) once every month while school is in session;
5. publicize all board meetings, at least 24 hours in advance through the student newspaper (pending editorial policy) and by any other means that shall be deemed appropriate;
6. schedule all advertisements in the school newspaper;

C. Accountability:

SGA Public Relations Officer must seek approval of SGA Advisor and only the SGA advisor prior to publication or release of any document pertaining to SGA.

D. Selection:

The SGA Selections Panel as defined in Article VI shall choose the SGA Public Relations Officer.

## **ARTICLE VI. SGA PARTICIPATION.**

Section 1. Qualifications and Requirements to Seek and Hold any SGA Position.

All SGA Positions shall be open to full-time students at WVU who are in good academic standing. To continue to hold a SGA position, the WVU student must remain a full-time student in good academic standing. The Vice President for Student Affairs shall have the final decision on questions of status.

Section 2. Appointed Positions Not Requiring Board of Governors Approval.

- A. Applications may be made available for appointed positions not requiring Board of Governors approval, by the SGA President, or the respective committee Chairperson; announcement of application availability and deadlines may appear in the student newspaper (pending editorial policy) or as otherwise deemed appropriate; and interviews may be given by the SGA President or the respective committee chairperson. Selected students become vested in their positions upon appointment for the term specified, but in pending cases the

term shall extend beyond one year.

- B. Applicants for Judicial Board, Judicial Board Chairperson, and Clerk of the Judicial Board shall be selected through the above procedure (Article VI, Section 2. A.), with the exceptions that their terms may extend past one year and that the positions are subject to Board of Governors approval.

### Section 3. Appointed Positions Requiring Board of Governors Approval

#### A. Coverage

The Board of Governors shall approve or disapprove the following positions upon their nomination by the President: SGA Attorney General, SGA Treasurer, SGA Elections Committee Chairperson, SGA Public Relations Officer, SGA Executive Director for Mountaineer Maniacs. These positions will have a term of office for one year. If the Board of Governors disapproves a nomination, the President may choose to nominate the same person or nominate a different person that again must be voted on by the Board of Governors. The President will continue to nominate until all positions have been approved by a 2/3 majority of the Board of Governors.

### Section 4. Elected Positions.

#### A. Coverage.

The following positions shall be elected by the Students of WVU: SGA President, SGA Vice President, the "fifteen elected governors", and the two students on the Athletic Council.

#### B. Qualification.

1. The SGA President and SGA Vice President each must have achieved a cumulative grade point average of at least 2.0, attained the rank of second semester sophomore, and completed three consecutive semesters at the Morgantown campuses, exclusive of summer sessions, immediately prior to the semester in which they become candidates. The phrase Morgantown campuses means that the individual's presence at the Morgantown campus is absolutely required. The only exception being an internship for which a student is receiving credit from West Virginia University. Conjunctively, the President and Vice President shall be elected on a single ticket.
2. The fifteen elected members of the Board of Governors and the two Athletic Council members must have each achieved a cumulative grade point average of at least 2.0 and completed the semester immediately prior to the semester in which they become candidates.

#### C. Election.

The President, Vice President, fifteen elected members of the Board, and the two Athletic Council members, shall be elected by simple majority vote of the Student Body voting in open elections during the last week of each February with at least two days of polling, and shall serve a term of office of one year.

D. Procedure.

The election of the President, Vice President, Board of Governors, and Athletic Council members shall be consistent with the Provisions of the Elections Code of the West Virginia University Student Government Association.

E. Inauguration.

The annual inauguration shall be held no later than the second Sunday after the SGA General Election, or, in the event the validity of an election must be resolved, as soon thereafter as practical. Official installation of newly elected officers shall transpire at the inauguration ceremony, except for the two Athletic Council winners, for which their official installation shall be on June 30 of each year. The Chairperson of the Judicial Board or a representative from among the Judicial Board shall administer the official inaugural oath of office. In cases of hardship or impossibility, the SGA Attorney General is empowered to administer this oath of office for elected officials.

Section 4. Limitation.

Except as provided for in this Constitution, no person shall concurrently occupy more than one of the following positions: officer, Chairperson, or administrative assistant in the executive branch; elected position on the Board of Governors; position on the Judicial Board; position on the Athletic Council; or Chairperson of any SGA standing committees.

**ARTICLE VII.**

**VACANCY AND SUCCESSION, IMPEACHMENT AND REMOVAL, AND PETITIONS.**

Section 1. Vacancy and Succession.

- A. Any appointed position within Student Government Association, that originally required Board of Governors approval, which becomes vacant shall be filled by presidential appointment with majority approval of the Board of Governors, as previously described in this Constitution.
- B. Any elected position within Student Government Association except that of SGA President, which becomes vacant shall be filled by the candidate receiving the next highest number of votes- subject to majority approval of the Board of Governors.
- C. If the office of SGA President becomes vacant, the SGA Vice President shall succeed to that position and the Vice-Chairperson of the Board of Governors will succeed to SGA Vice President. If the offices of SGA president and SGA Vice President become vacant, the Vice-

Chairperson of the Board of Governors shall succeed to the presidency.

## Section 2. Impeachment and Removal.

### A. Impeachment.

Any Article VI, Section 4 elected official or appointed official described under Article VI, Section 2, B or Section 3, may be impeached for maladministration, corruption, or dereliction or neglect of duty. The Board of Governors shall have the power of impeachment, which shall require a majority affirmative vote, or by 2/3 majority of the Executive Officers, or by petition of 10% of the student body. Any member of the Board of Governors being impeached shall relinquish that position for the duration of the impeachment proceedings.

### B. Removal.

#### 1. Appointed Positions.

- a. Impeachment by the Board of Governors, 2/3 majority of the Executive Officers, or by petition of 10% of the Student Body of any appointed official described under Article VI, Section 2, B, or Section 3, shall automatically result in the removal from office, subject to appeal to the Judicial Board.
- b. Any person occupying a SGA position described under Article VI, Section 2, A, may be removed by the SGA President or their respective chairperson for any reason and without cause. There shall be no appeal of this removal to the Judicial Board.

#### 2. Elected Officials.

- a. Impeachment by the Board of Governors of any elected official shall automatically forward such case to the Judicial Board.
- b. The Judicial Board alone shall have the power of removal of elected officials upon majority vote. Judgement in cases of removal shall not exceed removal from office and disqualification from holding future positions within Student Government Association.

## Section 3. Petitions

- A. Petitions may only be initiated and signed by students currently enrolled at West Virginia University's Morgantown campus.
- B. Petitioners may be allowed one (1) month to complete their petition from the date initiated.
- C. The SGA Attorney General must be informed and consulted prior to any petitioning process. Petitions, which are initiated without informing the Attorney General, will be considered null and void.
- D. Official petition forms will be provided by the Attorney General upon request.

**ARTICLE VIII.****INITIATIVE FOR REFERENDUM AND CONSTITUTIONAL AMENDMENTS.**

## Section 1. By the Student Body.

## A. Initiative for Referendum.

Any action, except Constitutional changes as outlined in Article VIII, Section 2, may be initiated by a petition directed to the Board of Governors stating the proposed matter in full and signed by at least three percent of the Student Body. Petitions must follow guidelines as defined in Article VII, Section 3.

## B. Amendments.

Amendments and changes to this Constitution may be proposed by a petition directed to the Board of Governors stating the proposed amendments in full and signed by at least five percent of the Student Body. Petitions must follow guidelines as defined in Article VII, Section 3.

## Section 2. By the Board of Governors.

The Board of Governors, within 15 days of receipt of a referendum proposal or Constitutional amendment, or upon majority approval of referendum material of its own, or upon 2/3 majority approval of Constitutional amendments of its own, shall submit said referendum proposal or Constitutional amendment to the Elections Committee for placement on the ballot in a special election.

## Section 3. Special Elections.

- A. Within 30 and not less than fourteen days from the date of receipt of referendum material by the Elections Committee, a special election shall be held wherein the Student Body shall be entitled to vote for or against the proposed matter or amendment.
- B. Said election may be held provided notice of such election, setting forth the proposed matter in full, is published in the student newspaper (pending editorial policy) or is publicized as otherwise deemed appropriate.
- C. If the proposed referendum material is approved by a majority of those voting in this campus-wide election, it shall be binding upon both the Student Body and Student Government Association.
- D. Amendments shall become effective when ratified by a majority of those voting in this campus-wide election.

**ARTICLE IX. EFFECTIVENESS.**

Upon ratification by the Student Body, this constitution shall become effective on March 1, 2001.

**ARTICLE X. LEGISLATIVE INTENT.**

For the purpose of interpreting amendments to this constitution, transcripts or recordings of the amendments' debate at passage by the board of Governors shall serve as a record of legislative intent.

Last Amended: October 17, 2002