

WEST VIRGINIA UNIVERSITY

CONSTITUTION OF THE STUDENT GOVERNMENT ASSOCIATION

PREAMBLE

We, the students of West Virginia University, desiring to preserve within our University an atmosphere of open exchange of ideas with discussion, inquiry, and self-expression to ensure the personal freedoms and general welfare of the students within our University, to promote principles of diversity, and to continue in our tradition of self-governance, do hereby establish this Constitution of the West Virginia University Student Government Association.

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ARTICLE I. THE WEST VIRGINIA UNIVERSITY STUDENT GOVERNMENT ASSOCIATION

1.1 NAME. The governing organization of the West Virginia University student body shall be known as the West Virginia University Student Government Association.

1.2 LOGO. The logo for the West Virginia University Student Government Association shall appear as:



ARTICLE II. ORGANIZATIONAL POWERS

2.1 POWER. The WVU student body endorses and grants to the West Virginia University Student Government Association the powers as enumerated in this Constitution.

2.2 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 and of the West Virginia University Institutional Board of Governors.

2.3 SUBORDINATE PROCEEDINGS. All policies, pronouncements, rulings, and enactments of the West Virginia University Student Government Association shall be subordinate to this Constitution.

ARTICLE III. FRANCHISE AND CITIZENSHIP

3.1 MEMBERSHIP. All students registered and enrolled as a full-time student of the Morgantown campus at West Virginia University shall be deemed members of the student body, and therefore eligible to participate and hold membership in the West Virginia University Student Government Association. This organization will not discriminate on the basis of age, disability status, ethnicity, gender identity, national origin, race, religion, sex, sexual orientation, or veteran status.

3.2 GOVERNANCE. The West Virginia University Student Government Association shall be composed of three branches: executive, legislative, and judicial.

ARTICLE IV. EXECUTIVE BRANCH

4.1 DESCRIPTION. The West Virginia University Student Government Association Executive Branch shall consist of the President and Vice President which are elected by the student body during the annual West Virginia University Student Government Association Election. Within three weeks following the SGA Inauguration, the President and Vice President will appoint members to serve on the Executive Cabinet. The President may also have the power to appoint other executive positions as deemed necessary.

4.2 EXECUTIVE POSITIONS AND DUTIES.

4.2.1 PRESIDENT.

The President shall:

- a. Represent the Student Body in dealings with West Virginia University institutions: faculty, staff, and administrators of West Virginia University, the West Virginia University Board of Governors, and any other pertinent governing bodies;
- b. Serve as the Student Representative on the University Board of Governors;
- c. Make appointments to the Student Government Judicial Court when and if necessary;
- d. Appoint (with collaboration of the Vice President) within the first three weeks of term, the executive cabinet;
- e. Create or dissolve such positions, departments, committees, boards, bureaus, panels, and commissions within the executive branch as they may deem necessary to carry out the duties as the SGA President;
- f. Serve as an ex-officio member, without vote, on all SGA committees, except those entirely within the judicial branch;
- g. Require reports from all SGA committees, boards, and appointees as needed; Make recommendations to the Student Assembly as the SGA President may deem necessary;
- h. Administer the enactments of the Student Assembly, unless specified otherwise by the assembly;
- i. Sign or veto all legislation voted on by the Student Assembly within 5 academic days of passage of said legislation. Any veto should be accompanied by the President's objections or recommendations and the legislation may be reconsidered by the Assembly as described in Article 8.7;
- j. Set policy and implement programs as the SGA President may deem necessary and proper, none of which may conflict actions of the Student Assembly;
- k. In collaboration with the Vice President, submit a goals and issues statement to the President of the University and Chairperson of the University Board of Governors within the first month of being elected; provide a mid-term report by November 1; and

a final report stating remaining tasks and accomplishments by May 1. This document should also be made available to the student body, the student newspaper(s), and SGA members;

- L. Attend weekly Student Assembly meetings and report to the Student Assembly dealing with current issues of the Student Administration and ongoing issues.

4.2.2 VICE PRESIDENT.

The Vice President shall:

- a. Fulfill all the duties of the SGA President in the event of absence or succession as outlined in Article 10, Section 1, Subsection D;
- b. Collaborate with the President, to appoint, within the first three weeks of their term, members to serve on the Executive Cabinet;
- c. Serve ex-officio, without vote, on all SGA committees, except those entirely within the judicial branch;
- d. Perform and aid in such duties as delegated by the Student Government Association President;
- e. Organize the annual Student Government Inauguration in cooperation with the staff of Student Engagement and Leadership and the Student Government Association Student Assembly;
- f. Organize the annual SGA mini-retreat and summer retreat;
- g. Make reservations for facilities and services when necessary with regards to the Inauguration and Retreat;
- h. Serve as the President of the Student Assembly as outlined in Article 5, Section 3, Subsection 1;
- i. In collaboration with the President, submit a goals and issues statement to the President of the University and Chairperson of the University Board of Governors within the first month of being elected; provide a mid-term report by November 1; and a final report stating remaining tasks and accomplishments by May 1. This document should also be made available to the student body, the student newspaper(s), and SGA members;
- j. Initiate programs and create committees as the Student Government Association Vice President may deem necessary and proper, none of which may conflict with the actions of the Student Assembly;
- k. Chair Student Government Association meetings on a weekly basis.

4.2.3 ATTORNEY GENERAL.

The Attorney General shall:

- a. Provide advice related to university matters as requested by members of the Student Body or Student Government Association;
- b. Serve as Parliamentarian of the Student Assembly as outlined in Article 5.3.3;

- c. Update this Constitution within thirty (30) days of an amendment;
- d. Submit monthly reports to the SGA President and Vice President on actions taken in office;
- e. Attend Student Government Association meetings on weekly basis;
- f. Perform all other related duties as shall be determined by the President and Vice President.

4.2.4 TREASURER.

The Treasurer shall:

- a. Have access to the books, records, and monies of the Student Government Association in conjunction with the SGA Advisor;
- b. Execute and sign such instruments that require the authorization of the SGA Treasurer;
- c. Formulate, with the help of the SGA Advisor, a Student Government Association budget proposal for the Student Assembly;
- d. Submit budget recommendations to the WVU Office of Student Engagement and Leadership prior to June 1;
- e. Submit monthly budget update and report to the SGA President and Vice President;
- f. Facilitate, monitor, and promote the access of Student Organizations to apply for grants through the Student Government Association;
- g. Present the Financial Bill to the Student Assembly;
- h. Attend Student Government Association meetings on a weekly basis;
- i. Submit the Financial Bill to the President Pro-Tempore of the Assembly within twentyfour (24) hours prior to any SGA meeting to be placed on the agenda;
- j. Perform all other related duties as shall be determined by the President and Vice President.

4.2.5 ELECTIONS CHAIR.

The Elections Chair shall:

- a. Adhere to the powers and functions as defined in the West Virginia University Elections Code;
- b. Present election results to the SGA Judicial Court following any election;
- c. Submit a monthly written or oral report to the SGA President and Vice President;
- d. Attend Student Government Association meetings on a weekly basis;
- e. Hold candidate information sessions and give out all information regarding elections and campaigning to all the candidates in accordance with the Student Government Association Election Code;
- f. Work with the SGA communications team to promote voting during all elections and to make the student body aware of deadlines and procedures for filing to run for office prior to each election;
- g. Show impartiality to all candidates during all elections;

- h. Make all candidates aware of deadlines before, during, and after campaigns at least 72 hours (3 days) in advance;
- i. The elections chair must be a full-time student who has completed at least one semester at West Virginia University and seen at least one election cycle;
- j. Determine the number of College Senator positions for the spring election, as specified in Article V;
- k. Perform all other related duties as shall be determined by the President and Vice President.

4.2.6 CHIEF OF STAFF. The

Chief of Staff shall:

- a. Act as a resource for the Executive Branch;
- b. Oversee the accountability of the Executive Branch;
- c. Assist the President and Vice President with the duties of their office;
- d. Act as an intermediary for the President or Vice President;
- e. Attend Student Government Association meetings on a weekly basis;
- f. Perform all other related duties as shall be determined by the President and Vice President.

4.2.7 COMMUNICATIONS COORDINATOR.

The Communications Coordinator shall:

- a. Select and appoint a communications team within the first thirty (30) days of appointment by the SGA Student Assembly;
- b. Serve as the official spokesperson for the WVU Student Government Association;
- c. Coordinate with SGA Chief Information Officer to maintain official SGA website;
- d. Prepare SGA Newsletter once per semester (once at midterm and once at end of semester) after SGA members submit written reports;
- e. Publicize all meetings of the SGA Student Assembly, at least 24 hours in advance through the Student Newspaper and by all means that are deemed appropriate;
- f. Attend Student Government meetings on a weekly basis;
- g. Perform all other related duties as determined by the President and Vice President.

4.2.8 EXECUTIVE SECRETARY.

The Executive Secretary shall:

- a. Serve as an assistant to the Vice President;
- b. Record and maintain accurate minutes of all Student Assembly and Executive Meetings and deliver typed transcripts of minutes to members of the Student Government Association within ninety-six (96) hours of any meeting;
- c. Prepare said minutes for reference in such form as determined by the Student Assembly;
- d. Maintain an on-going SGA historical file;

- e. Maintain and organize all Student Assembly and Executive records and files, including copies of all reports and resolutions;
- f. Maintain and organize the WVU SGA listserv;
- g. Keep accurate attendance records at all Student Assembly meetings;
- h. Post minutes with corresponding resolutions on the SGA Website with the help of the Communications Director and the Chief Information Officer;
- i. Collaborate with the Judicial Court Clerk to document judicial actions and proceedings;
- j. Attend Student Government Association meetings on a weekly basis;
- k. Perform all other related duties as shall be determined by the President and Vice President.

ARTICLE V. LEGISLATIVE BRANCH: THE STUDENT ASSEMBLY

5.1 THE STUDENT ASSEMBLY. The supreme legislative power for the Student Body shall be vested in the Student Government Association Student Assembly.

5.2 COMPOSITION OF THE STUDENT ASSEMBLY. The Student Assembly shall be composed of twelve (12) Senators and a number of college Senators to be determined based on a proportional representation model. These Assembly members are all elected during the West Virginia University Student Government Association campus-wide election held each year. The number of College Senator positions shall be directly related to the enrollment data for the respective colleges. Each college will have one College Senator and will receive an additional College Senator for every 1,000 students enrolled in the college, abiding by the following data specifications (Ex.: A college with 500 students receives one College Senator, a college with 1,500 students receives two College Senators). This data will come from the fall enrollment of the prior calendar year for the spring election (Ex.: Spring 2020 Election will use Fall 2019 Enrollment data). The data must also come from a verifiable source, including, but not limited to, an official university database. The Elections Chair shall determine the number of College Senators for the election, as specified above, before the last meeting of the fall semester. The "Health Sciences" College Senator position shall encompass the School of Dentistry, School of Medicine, School of Nursing, School of Pharmacy, and School of Public Health for both candidacy and enrollment data purposes, as this collection of Schools shall imitate the role of colleges in regard to the Student Assembly. The College Senators, two from each academic college, will represent the following academic colleges:

- Benjamin M. Statler College of Engineering and Mineral Resources
- College of Creative Arts
- College of Education and Human Services
- College of Law
- College of Physical Activity and Sport Sciences
- Davis College of Agriculture, Natural Resources, and Design
- Eberly College of Arts and Sciences
- John Chambers College of Business and Economics
- Health Sciences
- Reed College of Media

The Student Assembly will be elected in the Spring Election.

5.3 STUDENT ASSEMBLY OFFICERS AND DUTIES

The SGA Vice President shall serve as the President of the Assembly. Senators and College Senators shall elect a President Pro-Tempore from the Assembly and use the Executive Secretary of the Assembly and any other personnel it deems necessary to its function.

5.3.1 PRESIDENT OF THE ASSEMBLY.

The President of the Assembly shall:

- a. Preside over meetings of the Student Assembly;
- b. Call special meetings of the Assembly whenever the need arises;
- c. Ensure that parliamentary and secretarial responsibilities are fulfilled;
- d. Ensure that all directives of the Student Assembly are carried out, delegating responsibility as deemed necessary for the efficient operation of the Assembly;
- e. Shall vote in the case of a tie.

5.3.2 PRESIDENT PRO-TEMPORE OF THE ASSEMBLY. At the first meeting of the administration (the changing of the seats), a President Pro- Tempore shall be elected by majority vote from among elected Senators. This shall take place in a public, open SGA meeting or at the SGA mini- retreat.

The President Pro-Tempore shall:

- a. Fulfill duties of the Chairperson of the Assembly in absence of the President of the Senate, serving as the Chairperson of the Assembly;
- b. Prepare an agenda for each meeting of the Student Assembly, and distribute to all members twenty-four (24) hours prior to the respective meetings;
- c. Represent the overall needs of the Student Body, before self;
- d. Perform all other related duties as shall be determined by the President of the Assembly.

5.3.3 STUDENT ASSEMBLY PARLIAMENTARIAN.

The Parliamentarian shall:

- a. Prepare special rules of procedure for Assembly meetings. The Student Assembly must approve these rules within thirty (30) days of beginning the Spring term. Any area not covered by these special rules shall be covered by Robert's Rules of Order; Newly Revised;
- b. Rule, give advice, and interpret matters of procedure, Constitutions, laws, policies, rules and regulations, documents, and other legal or non-legal materials.

5.4 POWERS AND FUNCTIONS.

5.4.1 STUDENT ASSEMBLY SENATORS AND COLLEGE SENATORS.

The Student Assembly shall:

- a. Approve or deny all SGA Presidential executive appointments of Officers and Directors. Vacancy appointments not submitted within thirty (30) days of said vacancy may be filled by the Assembly upon two-thirds (2/3) majority approval;
- b. Approve or deny the annual Student Government Association budget at the first formal meeting following the Treasurer receiving the budget from the University. No one within the Student Government Association other than the Student Assembly shall have the power of financial appropriation;
- c. Impeach any SGA official or appointed position under 10.2.1;
- d. Require, upon majority approval, any SGA officer to appear before the Judicial Court within the power of the Judicial Court as outlined in Article 6.3;
- e. Call special meetings of the Student Assembly, when necessary by written petition signed by ten (10) total members of the Student Assembly. Notice of at least twentyfour (24) hours must be given to all members before said meeting can be held;
- f. In the absence of the Vice President or the President Pro-Tempore of the Senate, Assembly members may appoint a temporary chairperson from within upon majority approval;
- g. Create or dissolve any temporary or standing committee or position within the Student Government Association, except those entirely within the executive or judicial branches, or those mandated by the Constitution;
- h. Create or dissolve any committees within the Student Assembly;
- i. Approve or deny representatives to serve as liaisons to University committees as requested to the SGA President or Vice President;
- j. Set policy; implement programs, administer services and facilities of the Student Government Association, approve or deny grant requests by the SGA Treasurer, or enact any other legislation that shall be deemed necessary for effectuating this Constitution and to promote the general welfare of the student body;
- k. Approve or deny any special rules proposed by the Parliamentarian as outlined in Article 5.3.3;
- l. College Senators shall bear the additional requirement of a monthly meeting with their college's Dean or a liaison of the college Dean. Each Assembly member will submit a monthly written report to the President and Vice President, with copies to the Attorney General and Executive Secretary. College Senators shall submit a monthly oral or written report on their mandated, monthly meeting with the Dean of their college or with an organization that speaks on behalf of their college as a whole. If an Assembly member fails to submit a report, the respective Assembly member shall be required to meet with the Vice President and the Attorney General to give recourse and explanation;
- m. Only members of the Assembly may propose and vote on amendments to the Student Government Association Constitution.

5.5 MEETINGS. The Student Assembly shall meet formally during the academic year at least bi-weekly (twice per month) during its one-year term of office while school is in session. Formal meetings shall be open to all members of the Student Body, all WVU Faculty and Staff, and any member of the greater Morgantown community, and shall follow parliamentary procedure.

5.6 QUORUM AND VOTING. Two-thirds of the total members shall constitute the necessary quorum at all meetings of the Student Assembly. Proxy or absentee participation shall not be permitted.

5.7 ATTENDANCE.

- a. Attendance at meetings of the Student Assembly shall be mandatory; the third unexcused absence by a member of the Student Assembly shall constitute grounds for impeachment and removal from office. The SGA Attorney General, aided by the Executive Secretary of the Assembly, and the President of the Senate, shall rule on excuse validity. The assembly shall retain the authority to define what else may or may not constitute an excused absence by amendment of the SGA Bylaws;
- b. An absence may be recorded as excused in the case of an illness, extenuating family circumstances, religious observances, travel on behalf of the university, competition as a student athlete, exam, mandated class events that conflict with the scheduled meeting, overwhelming academic responsibilities, significant mental strain, or other university-approved excuses. The SGA Attorney General, aided by the Executive Secretary and Vice President, will decide if the excuse falls within these stated categories.
- c. Notification of an absence shall be given to the SGA Attorney General, Executive Secretary, and Vice President; absences can be considered excused after a meeting has adjourned;
- d. Following the first and second unexcused absences by an Assembly Member, the Assembly Member shall be given a warning from the Executive Secretary;
- e. At three (3) unexcused absences, the Assembly person is required to have a meeting with the Attorney General, Executive Secretary, President, and Vice President.
- f. Failure to respond within five (5) academic days to the initial meeting request regarding unexcused absences shall result in an indirect resignation from the Assembly Member.

ARTICLE VI. JUDICIAL COURT

6.1 DESCRIPTION. The West Virginia University Judicial Branch shall consist of one judicial body and one appointed Court Clerk. The judicial body shall be entitled the West

Virginia University Student Government Association Judicial Court and shall have nine (9) appointed members. The Judicial branch shall be vested with the judicial power described in Article 6.3.

6.2 COMPOSITION OF THE JUDICIAL COURT.

6.2.1 JUSTICES. The Judicial Court shall consist of 9 Justices, 1 serving as Chief Justice. They shall consist of:

- a. Full-time students;
- b. Three (3) law students, three (3) graduate students, three (3) undergraduate students;
- c. In good academic standing (2.5 GPA or above);
- d. Appointed within thirty (30) days vacancy and must be approved by a majority vote of the Student Assembly;
- e. Chief Justice must be a law student and shall be elected by members of the Judicial Court within fifteen (15) days of the Student Assembly approval of the Judicial Court. The Chief Justice must have one year of previous experience on the Judicial Court and must be reselected yearly;
- f. Terms shall be lifetime academic appointments.

6.2.2 CLERK. The Judicial Court shall consist of one Clerk, appointed to a one-year term by the Chief Justice.

- a. Term of one year, reselected within thirty (30) days of the Fall semester;
- b. The clerk must be approved by the Judicial Court.

6.2.3 FACULTY ADVISOR. The Judicial Court shall consist of a Faculty Advisor selected from the WVU faculty and will not be restricted to a professor of Law, appointed to a oneyear term by the SGA Judicial Court Chief Justice.

6.2.4 ADDITIONAL POSITIONS. The Judicial Court shall establish any additional positions necessary to its function, subject to majority approval by the Judicial Court.

6.3 POWERS AND FUNCITONS.

6.3.1 JUDICIAL COURT.

The Judicial Court shall:

- a. Interpret the SGA Constitution, Elections code, any by-laws established, and any legislation established by the Student Assembly at monthly meetings.

- b. 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 Court 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 bylaws.
- c. Have the power to create bylaws of the Judicial Court.
- d. Conduct hearings of alleged election violations and impose appropriate sanctions upon violators, under the guidelines of the Elections Code of the West Virginia University Student Government Association.
- e. Require a re-election to occur, if necessary.

6.4 AUTHORITY. The Judicial Court shall in all cases be the 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.

6.5 SUBORDINATION. The Judicial Court shall exercise their power freely within the scope of Article 2.2. The Judicial Court shall be subordinate to the Dean of Students.

6.6 MEETINGS. The Judicial Court Chief Justice shall call Board meetings within seven (7) days of a request by the Student Assembly, request by two Executive officers, the Attorney General, three (3) members of the Judicial Court, or by petition of five hundred (500) members of the student body. The Judicial Court meeting times and location shall be available to the public at least twenty-four (24) hours in advance of any meeting.

6.7 VOTING AND QUORUM.

- a. Five voting members shall constitute the necessary quorum at all meetings and proceedings of this Judicial Court. All “majority approval” voting requirements as listed in this Constitution and subsequent by-laws shall refer to those members present and voting.
- b. All members shall have one vote.
- c. Judicial Court members with vested interests in the outcome of a particular question before the Judicial Court shall disqualify themselves, or be disqualified by the rest of the Board, from the consideration of the question.
- d. All the decisions of the Judicial board shall be made by a majority vote.
- e. Proxy or absentee participation shall not be permitted.

6.8 ATTENDANCE. Attendance at Judicial Court meetings shall be mandatory; more than two unexcused absences by any member or officer shall constitute grounds for impeachment or removal from office. The Chief Justice shall rule on excuse validity and shall notify the SGA President if attendance infractions arise. The Student Assembly shall vote to impeach based on attendance infractions.

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

6.10 LIMITATIONS. The Judicial Court shall have the power to overrule legislative actions by the Student Assembly in instances of unconstitutionality, conflict, malfeasance, or abuse of authority.

ARTICLE VII. OPERATIONS

7.1 BYLAWS. The West Virginia University Student Government Association shall be bound by a set of Bylaws which will dictate protocol, procedures, and duties for each branch of the West Virginia University Student Government Association. The West Virginia University Student Government Association Bylaws shall be subordinate to the West Virginia University Student Government Association Constitution.

7.2 ELECTION CODE. The West Virginia University Student Government Association shall be bound by the West Virginia University Student Government Association Elections Code, which will provide guidelines, rules, and regulations for the Student Government Association Elections. No amendment, varying a change in elections procedures to the Election Code, shall take effect, until an election.

7.3 ETHICS CODE. The West Virginia University Student Government Association shall be bound by the West Virginia University Student Government Association Ethics Code which shall be guidelines for ethical principles and practices and shall be signed by all members of the Student Government Association.

ARTICLE VIII. LEGISLATIVE PROCESS

8.1 RULES OF THE PARLIAMENTARIAN. The West Virginia University Student Government Association will conduct business under rules set by the Parliamentarian according to Article 5.3.3 and approved by the Student Assembly as outlined in Article 5.4.1.

8.2 BYLAWS. The Student Government Association Bylaws shall further dictate procedures and requirements for formal and informal meetings of the West Virginia University Student Government Association beyond those outlined in Robert's Rules of Order, Newly Revised.

8.3 ETHICS CODE. The Student Government Association Ethics Code shall hold members of the Student Government Association members accountable for their behavior.

8.4 BILLS. The Student Government Association Student Assembly may propose bills which shall be for actions that directly influence the organization, such as amendments to this Constitution, the SGA Bylaws, or any other governing documents. Bills provide direction to and/or approve of SGA-sponsored programming and spending. Bills must at least be sponsored by one (1) Senator and co-sponsored by at least four (4) Senators. All bills must be submitted to the President Pro-Tempore twenty-four (24) hours prior to any meeting of the Student Assembly to be placed on the agenda.

8.5 RESOLUTIONS. The Student Government Association Student Assembly may propose resolutions for vote by the Student Assembly. These resolutions shall be for actions that directly influence members of the Student Body. Resolutions must at least be sponsored by one (1) Senator, and co-sponsored by at least four (4) Senators. All resolutions must be submitted to the President Pro-Tempore twenty-four (24) hours prior to any meeting of the Student Assembly to be placed on the agenda.

8.6 PROCLAMATIONS. The Student Government Association Student Assembly may propose proclamations for vote by the Student Assembly. These proclamations shall be statements that have an indirect influence on members of the Student Body and give praise or support for. Proclamations must at least be sponsored by one (1) Senator or

Representative, and co- sponsored by at least four (4) Senators. All proclamations must be submitted to the President Pro-Tempore twenty-four (24) hours prior to any meeting of the Student Assembly to be placed on the agenda.

8.7 PRESIDENTIAL APPROVAL OR VETO.

- a. The Student Assembly must, upon passage of legislation, present such legislation to the President before it is enacted. If the President approves it, they shall sign it and it shall be enacted. If the President disapproves, they shall veto it and return it to the Assembly with their objections or recommendations within five academic days of its passage.
- b. If the legislation is not signed nor returned to the Assembly by this time, it shall be enacted. Legislation that has been vetoed and returned to the Assembly may be reconsidered, overridden, and enacted by a vote of at least 2/3 of the members present.
- c. Should the Assembly adjourn and prevent the President from vetoing and returning legislation of which they disapprove, it shall not be enacted.
- d. The President shall not have the power to veto amendments to this Constitution or impeachment proceedings.

ARTICLE IX. PARTICIPATION

9.1 BASIC QUALIFICATIONS AND REQUIREMENTS TO SEEK AND HOLD A POSITION IN SGA .

All SGA positions, whether elected or appointed, shall be open to full-time students at WVU who are in good academic standing (cumulative GPA of 2.5 or above) which must be transferred from a BOT recognized institution. To continue to hold an SGA position, the WVU student must remain a full-time student in good academic standing. The Dean of Students will have the final decision on questions of status. All appointed positions must be approved by a two-thirds (2/3) vote of the Student Assembly.

9.2 ADDITIONAL QUALIFICATIONS FOR ELECTED POSITIONS.

- a. The President, Vice President, and Student Assembly must be elected to a one year term, by the Student Body by a majority vote, during the annual campuswide election, as detailed in the Election Code of Article 7.2. First-semester freshman and first- semester transfer students are not eligible to run in the election;
- b. The SGA President and SGA Vice President each must have achieved a cumulative grade-point-average of at least 2.5, attained the rank of a second semester sophomore, and completed three (3) consecutive semesters at the Morgantown campus, exclusive of Summer sessions. The only exceptions include internship opportunities, study abroad, military service, or personal reasons which must be approved by the Executive Director of Student Organizations or Dean of Students. The President and Vice President shall be elected on a single ticket;
- c. All Student Assembly members must have achieved a cumulative grade point average of 2.5 and completed the semester immediately prior to the semester they become candidates. The only exceptions include internship opportunities, study abroad, military service, or personal reasons which must be approved by the Executive Director of Student Organizations or Dean of Students;
- d. The election of the President, Vice President, and Student Assembly shall be consistent with the provisions of the Elections Code of the West Virginia University Student Government Association.

9.3 INAUGURATION.

9.3.1 PRESIDENT, VICE PRESIDENT, AND STUDENT ASSEMBLY.

The Spring SGA inauguration shall be held before the end of the Spring semester following the Spring SGA 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. All assembly members will be included in all annual inauguration events. The Chairperson of the Judicial Court, the Attorney General, or a

representative of the Judicial Court shall administer the official inaugural oath of office. No official business will be conducted by the outgoing administration and assembly after the new officers and senators have been sworn in.

9.4 LIMITATIONS. Except as provided for in this Constitution, no person shall concurrently occupy a position outside the initial branch of government to which they were elected or appointed.

ARTICLE X. VACANCY AND SUCCESSION, IMPEACHMENT AND REMOVAL, AND PETITION

10.1 VACANCY AND SUCCESSION.

- a. Any appointed position within the Student Government Association that originally required Student assembly approval, which becomes vacant shall be filled by presidential appointment with two-thirds (2/3) approval of the Student Assembly, as previously described in this Constitution;
- b. Any elected position within the Student Government Association except that of the Student Government Association President and Vice President, which becomes vacant, shall be filled by the candidate receiving the next highest number of votes. If the candidate that received the next highest number of votes does not meet the requirements to be on the Student Government Assembly, which is outlined in Article 9.1 and Article 9.2. the person receiving the next highest number of votes shall fill the vacancy;
- c. In the instance that there are no candidates from the Student Government Association Election to fill the vacancy, the position shall be filled by presidential appointment from individuals determined by the Student Government Association Select Committee on Legislative Vacancies and Appointments;
 1. The Select Committee on Legislative Vacancies and Appointments is formed on a *pro re nata* basis when a vacancy in the Student Assembly arises. The Select Committee on Legislative Vacancies and Appointments shall consist of five (5) total members: The Vice President of the Student Government Association, two (2) members of the Student Assembly (with the President Pro-Tempore serving as one of the members *de facto* and selecting the other member), and two (2) members of the Executive Branch (selected by the President).
 2. The Student Government Association Select Committee on Legislative Vacancies and Appointments shall submit a public notice to the student body no more than twenty-four (24) hours after the formation of the select committee in order to notify the student body of the vacancy and outline the application and appointment process.
 3. Any student interested in applying for the appointment will have four (4) academic days following the public notice posting time to submit the following information to the Student Government Association:
 - I. Name
 - II. WVU Student ID Number
 - III. Any additional or supplemental information as requested, outlined and/or determined by the Select Committee on Legislative Vacancies and Appointments.

4. All applicants must meet the requirements to be on the Student Government Student Assembly as outlined in Article 9.1 and 9.2. These requirements shall be outlined on the application. For vacancies with specific regard to College Senators, applicants must be enrolled in the academic college for which the vacancy has been created.
 5. The Select Committee on Legislative Vacancies and Appointments shall then conduct an interview process (lasting no shorter than four (4) academic days) to meet all qualified candidates for nomination in person.
 6. Upon completion of the interview process and recommendation(s) by the Select Committee on Legislative Vacancies and Appointments, the Student Government Association President shall have no more than twenty-four (24) hours to approve or reject the recommendation(s) and make the appointment at the next calendar dated SGA meeting to the Student Assembly to fill the vacancy(s). The nomination must then be approved by a two-thirds (2/3) vote of the Student Government Association Student Assembly.
- d. If the office of SGA President becomes vacant, the SGA Vice President shall succeed to that position and the President Pro-Tempore of the Student Assembly will succeed to SGA Vice President and the Senate will elect a new President Pro-Tempore;
 - e. If the offices of SGA President and Vice President become vacant, the President Pro-Tempore of the Assembly shall succeed to the presidency. The Student Assembly will then elect a Vice President from amongst them and the Student Assembly will then elect a new President Pro-Tempore amongst them.

10.2 IMPEACHMENT AND REMOVAL.

10.2.1 IMPEACHMENT.

- a. The Student Assembly shall have the power of Impeachment for any individual, elected or appointed, within SGA for reasons of malfeasance in office, violation of the attendance policy, gross misconduct, and/or misappropriation of Student Government resources.
- b. Impeachment Proceedings
 1. Impeachment Proceedings may be brought forward by any member of the Assembly for a public reading at an SGA General Meeting, provided that the Articles of Impeachment are presented in the form of a bill, as detailed in Article 8.4. Each Article of Impeachment contained within the bill shall be voted on separately at the conclusion of an Impeachment Inquiry. All authors and sponsors of this bill shall be considered Impeachment Managers for the purposes of the bill's specific Impeachment Inquiry.
 2. Impeachment Inquiries must be chaired by a Judicial Court Justice selected by the Chief Justice of the Judicial Court. Inquiries shall follow a modified version of the trial procedures set forth in Robert's Rules of

Order, Newly Revised (12th Ed.) 63:30-63:34 guided by the procedures and powers authorized in this Constitution. The accused party in all Impeachment Inquiries shall unequivocally have the right to be represented by the representative of their choice during the trial proceedings.

3. A second public reading of the Inquiry, following the same format as the first reading, shall be held at an SGA General Meeting. The second reading shall not occur within five (5) academic days of the first reading. The Article(s) of Impeachment may be approved by a majority vote of all Assembly members present. If the Assembly votes to approve these Articles following a plea of not guilty, they shall be delivered to the Judicial Court. If the accused enters a plea of guilty at the beginning of the trial, the Articles shall be immediately delivered to the Judicial Court without an Assembly Inquiry.

10.2.2 REMOVAL

- a. The Judicial Court shall make the final decision in matters of Impeachment and shall solely reserve the power to remove individuals from SGA office.
- b. The Judicial Court shall be responsible for adopting bylaws governing the procedures by which impeachment hearings are held, with the following stipulations:
 - 1 Impeachment proceedings must allow the impeachment complainant(s) and respondent(s) (or their representatives) equal time to present evidence and call witnesses.
 - 2 Additional rules and standards for these proceedings may be adopted by the Student Assembly through the adoption of Bylaws or Special Rules outlining additional procedures for impeachment proceedings that do not conflict with this Constitution.
 - i. Such an adoption may be passed by a simple majority vote of the Student Assembly. They may not take place within seven (7) days before the adoption of any article(s) of impeachment and shall not take effect while any proceedings are pending within the Judicial Court.
 - ii. Upon passage, these rules or standards will be immediately forwarded to the Chief Justice and Judicial Clerk.
- c. The Judicial Court may remove an impeached official from office by a vote of two thirds (2/3) of the members present. The Justice serving as the chair of the Assembly's Impeachment Inquiry shall be disqualified from this vote.
- d. Individuals removed from office may not hold a future position within the Student Government Association.

10.2.3 REMOVAL DUE TO INELIGIBILITY

- a. Any person occupying an elected or appointed position may be immediately removed from office if they are no longer in good academic standing or cease to be a full-time student, upon confirmation by an SGA advisor.

10.3 PETITIONS.

- a. Petitions may only be initiated and signed by current students at West Virginia University's Morgantown campus;
- b. Petitioners will be allowed four weeks 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 are required and shall be provided by the Attorney General upon request;
- e. Petitioners who wish to amend the SGA Constitution shall be required to obtain no less than 1000 signatures from the student body to initiate a special election on the proposed amendment(s).

ARTICLE XI. AMENDMENTS

11.1 SPECIAL ELECTION FOR AMENDMENTS. Any proposed amendment and changes to this Constitution that meet the requirements in Article 11.2 shall be voted upon by the student body in a special election following the guidelines of the Election Code.

11.2 ELECTION CODE Amendments and changes to this Constitution may be proposed in one of the following ways:

- a. Amendments and changes to this Constitution may be proposed by the student body through a petition as outlined in Article 10.3;
- b. Amendments and changes to this Constitution may be proposed by any member(s) of the Student Assembly and approved by at least two-thirds (2/3) vote of the Student Assembly.

ARTICLE XII. EFFECTIVENESS

Upon ratification by the Student Body, this constitution shall become effective on March 8th,2023.
Last amended: 03/08/2023.