

Student Government Constitution

**Note: As of 2014, the following word changes have been made within the Student Handbook due to recommended best practices: Judicial Board is referred to as Student Conduct Board. Central Judicial Council is referred to as Council on Student Standards. Judicial (as an adverb) is now replaced with student conduct. These changes have not been made in the Student Government Constitution as of Fall 2015.*

Preamble

In order to provide for the orderly and representative governance of out-of-classroom student affairs at Emory & Henry College, with a view to creating a vital community in which students, with the aid of faculty and administration, take responsibility for supporting the goals and purposes of the College, we hereby establish this Constitution of the Student Government of Emory & Henry College, Emory, Virginia, on this sixteenth day of March, Nineteen-hundred and ninety-nine.

Article I. Name

The name of this body shall be the Student Government of Emory & Henry College, Emory, Virginia.

Article II. Functions and Responsibilities

The Student Government shall collaborate with the Student Affairs Committee of the Board of Trustees, the President of Emory & Henry College, the Dean of Faculty, and the Dean of Students, and the faculty in the formulation and implementation of regulations and programs related to student life. This is meant to include general student regulations, student housing, social/recreational activities, student media, student organizations, intramural activities, and judicial/honor affairs. All prior regulations or policies from the previous body shall remain in effect unless duly altered.

Further, the Student Government shall serve as an advocate for the interests of the student body and shall represent the student body in all campus matters. These interests may include areas such as religious life, cultural life, food services, health services, academic interests, intercollegiate athletics, vehicle and safety regulations, community relations, and any other area of student interest.

Article III. The College Senate

A. Membership

The College Senate shall be composed of sixteen students representing sixteen evenly divided “districts” of the student body; three representatives of the administration: Dean of Students or their designee, one administrator appointed by the President of the College, and one additional administrator appointed by the Presiding Officer of the College Senate; and

three faculty representatives elected by the faculty. The Student Body President or their designee shall serve as an ex officio member of the Senate. The Dean of Students may be called upon by the Senate for advice and counsel as needed, but shall not be a voting member of the body (amended by Senate Bill #99 on April 28, 2003).

B. Officers

1. The Vice President of the Student Body shall serve as the Presiding Officer of the College Senate, performing all duties listed in Article IV, Part B. The responsibilities of the Presiding Officer shall include conducting all meetings of the Senate in accordance with parliamentary procedure and Senate rules, serving as the official representative of the Senate when called upon, appointing all employees of the Senate (i.e. secretarial staff, etc.) with the approval of a majority of the Senate, and communicating with the appropriate officers of the executive about all legislation. The Presiding Officer shall have no vote except in case of a tie.
2. The Senate shall elect an alternate to serve in the place of the Presiding Officer should the need arise.
3. The Presiding Officer shall appoint a Senate Chaplain to provide spiritual guidance to the body by offering prayer at the opening and the close of any Senate proceeding.

C. Responsibilities of the Senate

The College Senate shall be the principal legislative body of the Student Government. It shall be responsible for considering, formulating, and enacting all legislation appropriate for the conduct of the business of the Student Government. All Senate proceedings will be conducted in accordance with the rules that the Senate shall adopt or establish. In order for the Senate to conduct business, a quorum must be present. For the purposes of this body, a quorum shall consist of a majority of the voting members of the Senate, of whom at least one half must be Student Senators. While officers of the executive may be called upon to submit legislation appropriate to their expertise, the Senate shall retain all responsibility for the legislative function of the Student Government. Specifically, the Senate must: 1) create or adopt a system of rules of procedure, 2) establish districting for the elections of the coming year, 3) approve an operating budget for the Student Government, 4) review and approve the appointments of the executive officers by the Student Body President, 5) and any or all other legislation necessary to provide for the operation of the Student Government and the best interests of the Student Body.

D. Meetings

1. The Senate must meet at least once a month during the academic term. The schedule of meetings of the Senate shall be proposed by the Presiding Officer, and shall be approved by a majority of the Senate.
2. Special meetings of the Senate may be called by the Presiding Officer, the Student Body President, the President of the College, or by a signed petition containing the signatures of two-thirds of the Senate membership.

E. Legislative Process

The Senate may opt to consider legislation while assembled as a whole body, or the Presiding Officer may appoint committees to study legislation and report to the body as a whole. No legislation may be passed by the Senate without discussion by the members. Outside speakers may be called in to the discussion at the discretion of the Presiding

Officer, but no person who is not a member of the Senate may address the Senate assembled unless duly recognized by the Presiding Officer. Passage of legislation shall require a simple majority unless specifically noted elsewhere in this Constitution. Once an item of legislation has been passed by the Senate, it is delivered to the Student Body President by the end of the next academic day. The Student Body President shall consider the legislation for a period of ten academic days. At any time before this period is over, the President may choose to sign it into effect, or may veto the legislation and return it with a written reply to the Senate. The veto of the Student Body President may be overridden by a two-thirds majority of the entire Senate. At any time during the ten day consideration period, the Student Body President, Dean of Students, Provost, or appropriate committee of the faculty may recommend that the President of the College consider the legislation. The President of the College may, at their discretion, (1) allow the legislation to move forward without any action on her/his part, (2) veto the legislation for specific reasons, or (3) refer the legislation to the Student Affairs Committee of the Board of Trustees for consideration. If the legislation is referred to the Board of Trustees then the consideration period shall be suspended until the Board can take action on the legislation. The Board of Trustees may, at their discretion (1) remand the legislation to the Student Government (with or without instructions) or (2) nullify the legislation for specific reasons. A veto by the President of the College or nullification by the Board of Trustees may not be overturned.

Note: Pursuant to Bill #116, as passed by the E&H Senate on February 11, 2004, the guidelines for communication of a veto between the President of the Student Body and the College Senate shall be as follows:

1. Should the President of the Student Body choose to veto legislation in constitutionally allotted time, they are required by the Student Government constitution to return the vetoed legislation with a written reply to the Senate. The Student Government Constitution also gives the Student Body President, among others, the power to call a special meeting of the College Senate.
2. The vetoed legislation in question and the written reply should be returned to the Senate within 24 hours of the veto. This allows the Senate adequate time to reevaluate the legislation, and call a special meeting in a manner prescribed by the Constitution if this body chooses to do so.

Article IV. The Executive

A. The Student Body President

The Student Body President shall be elected by the student body as a whole. The Student Body President shall be the principal executive officer of the Student Government. Pursuant to Senate Bill #191 (March 21, 2007), in order to qualify for the office of Student Body President, they must have achieved at least a junior status, have a cumulative GPA of at least 2.5, have never been suspended for disciplinary reasons and must have attended Emory & Henry College for at least two consecutive semesters. With the assistance and counsel of the Dean of Students, the Student Body President shall be responsible for execution of policies, regulations and programs legislated by the College Senate. They shall present a report to the assembled Senate each semester, detailing the progress of the Student Government for that semester. The President shall also have the authority to veto legislation of the Senate, subject to a two-thirds majority override vote. The President, or their designee shall serve as the official representative of the Student Body and Student Government. In addition, the President or their designee shall serve as the representative of the interests of the student body in all bodies responsible for the governance of the various aspects of the College when such representation is requested. The President shall appoint executive officers to administer the different individual functions of the executive. These executive officers must be approved by the Senate before taking office.

B. The Student Body Vice President

The Student Body Vice President shall be elected by the student body as a whole. They will serve as an assistant to the President in formulating policy and legislation, as well as in representing the student body. Pursuant to Senate Bill #191 (March 19, 2007), in order to qualify for the office of the Vice President, they must have achieved at least junior status, have a cumulative GPA of at least 2.5, have never been suspended for disciplinary reasons, and must have attended Emory & Henry for at least two consecutive semesters. The Vice President shall serve as Presiding Officer of the Senate, performing all the duties listed in Article III, Part B. Other specific duties of the Vice President shall be determined by the President. The Vice President will be called upon to act on the behalf of the President in the event that they are not available. The Vice President will become the President should the President resign, be removed from office, or be otherwise permanently unable to discharge the duties of the office.

C. The Student Body Treasurer

The Student Body President shall appoint a student to serve as the Student Body Treasurer. The Treasurer, under the direction of the President and with the assistance of the Dean of Students, shall be responsible for the fiscal management of the Student Government, including the formulation of a proposed budget including the operating budget for the Student Government and all student organizations. The Treasurer shall formulate the budget in consultation with an advisory committee composed of the Treasurer, the Student Body President, the Student Body Vice President, the Dean of Students, and not fewer than three other students, one of whom must be a First Year Student. The Treasurer shall submit this proposed budget to the Senate for approval within four weeks of the beginning of each academic term. Throughout the term, the Treasurer shall track all expenditures, and with the Dean of Students, authorize payment on all Student Government expenditures.

D. Other Executive Officers

The Student Body President may appoint persons to serve as administrative officers in other areas as need indicates, requiring only the approval of the Senate to do so. These areas may include student/resident/commuter life, constituent services/advocacy, judicial/honor affairs, food service, public relations/media, elections, religious life, health/safety matters, student activities, academic affairs, etc.

E. Advisors

Each of the Executive Officers should have an advisor. The Advisor to the President, Vice President, and Treasurer is the Dean of Students. Other officers should be assisted by a faculty or administration advisor appropriate to their office. Officers and their advisors should meet regularly so that they may keep each other well informed. Advisors will be selected by the applicable officer and shall have the approval of the Student Body President.

F. Executive Committees

Each of the Executive Officers shall require periodic consultation and advice from a Special Executive Committee designed for that purpose. It is the responsibility of the Executive Committees to serve as a forum for policy making and discussion in the respective area of their expertise. Executive Committees shall convene at the discretion of the Executive Officer in charge of that particular area. Only in cases of the Finance and Media Committees will the decisions of the committees be binding upon the officer.

Appointments to the Executive Committees are made by the Student Body President, in consultation with the Executive Officers. The advisors to the Executive Officers shall represent the interests of the Faculty/Administration on each Executive Committee. The Student Body President shall serve as an ex officio member of all executive committees. The Student Body Vice President may serve on any or all of these committees.

G. The Executive Cabinet

This body shall be composed of the Student Body President, Vice President, Dean of Students, and each of the Executive Officers. The Student Body President shall serve as chair of this group. The board exists in order to advise the Student Body President, and to help set executive policy and agenda. This body shall also have the full authority to act on behalf of the entire Student Government during the summer session or during the academic term before the Senate is convened in situations where immediate action is crucial.

Article V. Elections

A. Student Senators

1. Within two academic weeks of the beginning of the Fall term, elections shall be held for the positions of Student Senators from each of the districts composed of upper-class students.
2. First-Year Districts shall elect representatives by the end of the fourth academic week of the Fall term.
3. Student Senators may be re-elected.

B. Faculty Senators

1. Three Faculty Senators will be elected by the Faculty in a rotating fashion to serve three-year terms.
2. Faculty Senators may be re-elected.

C. Student Body President and Vice President

The Student Body President and Vice President shall be elected during the April of the Spring term, for the following year. Since it is critical that the Student Body President and Vice President be able to work together, they will be elected together. The Presidential Candidate must select a Vice Presidential Candidate with whom they will stand for election. When balloting is conducted, the student body will vote for the pair of candidates that they favor, rather than electing the posts separately. The new President and Vice President shall work in conjunction with the outgoing officers for the remainder of the term, and formally take office at convocation.

D. General

1. In order to be eligible for the office of an electable student position, any person wishing to run for and retain that office must at all times during their term be a degree-seeking student of Emory & Henry College.
2. Any person wishing to run for the office of Senator must live in their respective district at the time of elections.
3. Any student-elected official who is placed on any type of probation during their term of office would become ineligible for their position.
4. In the event that a Senator should become ineligible, this fact should be reported to the presiding officer and the Elections Officer. The seat shall be declared vacant, and a special election shall occur as outlined in Article V, section D, subsection 2.
5. In the case of vacancy in the Senate, a special election will be held within two academic weeks.
6. In the case of a vacancy in the office of President, the Vice President shall become President.
7. In the case of vacancy in any other executive office, the President shall appoint a new officer to fulfill the unexpired term with the consent of the Senate.
8. Any elected official of the Student Government may be subjected to recall by a petition of two-thirds of the constituency represented. After such a recall, a new election shall be held within fifteen academic days
9. All regularly enrolled students are eligible to vote.
10. Any Senator who is habitually absent, or negligent in performing the duties of the office may be removed from office by a two-thirds vote of the Senate, but not without being afforded the opportunity to present their case before the Senate assembled.
11. Any appointed executive officer who is negligent in their duties or is otherwise unsuitable may be removed from office at the sole discretion of the Student Body President.
12. The Vice-President may be removed from office only upon the concurrent decision of the President and the Senate.
13. The President may be removed from office by a simple majority in a special student referendum authorized by a two-thirds majority of the Senate.

Note: Pursuant to Senate Bill #119, as passed on March 3, 2004, “No person may hold an office in more than one branch of the Student Government simultaneously with the exception of the Student Body Vice President as the Presiding Officer of the College Senate, and the Student Body President as an ex officio member of the Senate.”

Article VI. Amendments to this Constitution

Proposed amendments to this Constitution must be presented to the Senate for discussion and deliberation. If passed, and not vetoed by the Student Body President, then the amendment will proceed to a vote of the faculty, where it must be approved by a majority of the faculty voting. Then the measure must be put to a student referendum, where it must be approved by a majority of the students voting, and then sent to the President of the College for written approval.

Article VII. Ratification Procedure

This Constitution shall become operative after approval by a majority of the students voting in a referendum, by a majority of the faculty voting in an official faculty meeting, by the President of the College, and by a majority of the Board of Trustees.

Article VIII. The Judicial Structure (Authorized by Senate Bill #96, March 24, 2003)

A. Central Judicial Council

1. Structure

- a.** The Central Judicial Council shall be the final student authority in all campus judicial/honor matters, within the jurisdiction established by this Student Government Code and applicable College Policy. It shall also be the final authority on the interpretation of the Student Government Constitution.
- b.** This body shall be composed of five student Counselors appointed by the President of the Student Body with the advice and consent of the Senate, one faculty Counselors elected by the faculty and one administrative Counselors appointed by the President of the College. Terms for all Student Counselors shall be for the academic year. Terms for the Faculty Counselors shall be determined by the faculty. Terms for the Administrative Counselor shall be determined by the President of the College. The President and Vice President of the Student Body shall serve as ex-officio members of the Council, with all rights of members, except that of vote. One of the student members of the body shall be appointed by the Student Body President with the consent of the Senate, to serve as the Chief Councilor, who shall be responsible for formally convening the Council, and to moderate the proceedings of any hearings or deliberations of the Council.
- c.** No less than two Alternate Student Counselors shall also be appointed by the President of the Student Body, with the consent of the Senate, to serve as substitutes any time a regular Councilor must be absent. When Councilor must be excused from a hearing, the Chief Counselor shall determine which alternative will serve as the replacement. The entire membership of the Council must be present for any hearing to take place.
- d.** First-year students and first-term transfer students shall be ineligible for membership on the Council. No student may serve who is currently under any form of probation or whose grade point ratio falls below 2.00. The Student Government shall make every effort to appoint Counselors who have a GPA of at least 3.00.
- e.** Members may be re-appointed.
- f.** In case of a vacancy in a Student or Administrative Counselors position, the appointing body shall act within 10 working days to effect a replacement. In the case of a faculty vacancy, the faculty shall elect a replacement at the next scheduled faculty meeting. In the interim period, the Dean of Faculty may appoint a faculty alternate to serve until a replacement is duly elected by the faculty.
- g.** The Board shall elect a secretary from among its members, who shall be responsible for keeping records of all Council proceedings in collaboration with the Dean of Students Office.

2. Jurisdiction

- a. The Central Judicial Council shall have the final jurisdiction within the Student Government's Judicial System. The scope and practice of the original and/or appellate jurisdiction of the Council shall be determined from time to time by the College Senate. This authority shall extend to all matters of student discipline, including the Code of Conduct established by the College and any other systems of regulations created or implemented by the Student Government (i.e. Honor Code) as defined by the Senate.
- b. The Central Judicial Council shall have jurisdiction to rule on any question of interpretation of the Student Government Constitution that may be presented to it by any elected official of the Student Government. Such official rulings of the Council shall be binding upon any/ all officials of the Student Government. No other body within the Student Government shall have this authority.

B. Subordinate Judicial Bodies

All subordinate judicial bodies shall be established by the Senate through regular legislation. As part of this authority, the Senate is required to establish both the structure of the subordinate judicial system, and the procedures for all hearings and appeals.