

# THE CONSTITUTION

of the

## STUDENT ASSEMBLY

of the

### COLLEGE OF WILLIAM & MARY IN VIRGINIA

*Ratified April 15th, 2024*

#### PREAMBLE

We, the students of William & Mary; in order to establish a framework through which our efforts for a better university may be directed, do hereby establish this Constitution of the Student Assembly. This Assembly will represent the collective interests of the students, exercise powers entrusted by the university, and cultivate an environment where students succeed academically and thrive socially.

#### ARTICLE 1: Authority and Supremacy

- I. The Constitution of the Student Assembly shall be the supreme law of the Assembly and those under its jurisdiction.
- II. The authority of the Student Assembly is derived from the students of William & Mary and the delegation of authority by the President of the university. No act of the Student Assembly may violate local, state, or federal law.
- III. The Student Assembly shall have the official authority to speak on behalf of the students of the university.
- IV. No member of one branch may be a member, elected or otherwise, of any other branch.

#### ARTICLE 2: Legislative Branch

##### Section 1: Establishment of the Senate

- I. All legislative powers herein granted shall be vested in a Senate of the Student Assembly.
- II. The Senate shall be composed of Senators appointed or elected every year by the students of the university.
  - A. There shall be sixteen Undergraduate Senators, four per class, elected by the members of their respective social classes.
  - B. There shall be seven Graduate Senators from the graduate schools, apportioned among the schools as the Graduate Council shall designate, provided that every school that petitions the Graduate Council for representation is given it.
- III. The Senate shall also be composed of Undergraduate Class Presidents chosen in every election year by the students of their class.
  - A. There shall be four Class Presidents, one for each social class.
  - B. Class Presidents shall be elected in separate elections than Class Senators, but shall serve, as Senators, with Senators, in the legislative body of the Student Assembly.
  - C. Class Presidents shall receive the same recognition as a "Senator" in both the Student Assembly Constitution and Code unless indicated otherwise.

## **Section 2: Powers of the Senate**

- I. The Senate shall have the power to:
  - A. Provide for the budget of the Student Assembly and the disbursement of monies from the treasury of the Student Assembly and of fees allocated for student activities.
    1. No money may be dispensed from the treasury of the Student Assembly without the consent of the Senate or as provided for in a budget passed by the normal process of legislation.
  - B. Make any Acts, which shall be necessary and proper, to carry out the legislative powers herein granted through the enactment of bills or resolutions and all powers subsequently granted to the Senate by the Constitution.
  - C. Create executive agencies, offices, and departments to carry out the Acts.
  - D. Express the will of the students on matters concerning the university.
  - E. Pass non-binding resolutions, which express the will of the Senate only, without the requirement for presidential approval.
  - F. Create activities and initiatives for the students of the university.
  - G. Subpoena any relevant records and testimony of the executive branch.
    1. The executive may claim executive privilege to classify certain records in cases of sensitive information. This privilege may be challenged through the Review Board.
  - H. Create, appoint, and disband ad-hoc committees and commissions composed of any students they deem qualified to review and report on matters important to the Assembly.
- II. The Senate may not pass any ex post facto bills.
- III. The Acts of the Senate shall carry over and remain valid across academic years unless overturned by another Act of the Senate.

## **Section 3: Legislative Process**

- I. Each Senator shall have one non-transferable vote in all business of the Senate.
- II. The concurrence of a majority of the Senate present shall be required to pass a bill or resolution unless otherwise stipulated in this Constitution.
- III. Every bill which shall have passed the Senate, shall, before it becomes an act, be presented to the President of the Student Assembly within seven days; if the President approves they shall sign it and it shall pass and become law.
  - A. If not, the President shall return it within seven such days, with objections, to the Senate, who may reconsider the bill within two meetings following notification of a veto.
  - B. The Senate may overturn a Presidential veto with a three-fourths vote.

## **Section 4: Rules of the Senate**

- I. The Vice President of the Student Assembly shall be the presiding officer of the Senate.
  - A. The Vice President shall have no vote on any matter unless the chamber is equally divided on a vote.
- II. The Senate shall choose a Chair of the Senate, who shall exercise the duties of presiding officer of the Senate in the absence of the Vice President, or when the Vice President occupies the office of President of the Student Assembly.

- III. Communications from the Executive and the Judicial shall be transmitted to the Chair of the Senate.
- IV. The quorum of the Senate shall be two-thirds of the Senators currently holding office.
  - A. In the absence of quorum, the Senate may, in accordance with its Rules of Procedure, operate in a provisional session.
- V. The Senate shall meet once every seven days during the regular undergraduate academic calendar, except when the university is not in session. They shall hold their first meeting of the academic year before September fourteenth.
  - A. The Vice President and Chair of the Senate, upon mutual agreement, may cancel a meeting of the Senate due to necessity or lack of substantive business. This decision and rationale shall be communicated to the Senate at least 24 hours before the meeting is scheduled to begin.
  - B. No more than two meetings may be canceled per semester.
- VI. All meetings of the Senate shall be open and public, allow for press and recordings, and give reasonable time for students to express their views if they so request.
  - A. The Senate may enter into a Closed Session by vote of a majority of the Senators in office. The Secretary of the Senate will note the purpose of the Closed Session in the record in accordance with the Code of Virginia<sup>1</sup> as follows; the Senate must:
    - 1. (i) identify the subject matter,
    - 2. (ii) state the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law and,<sup>2</sup>
    - 3. (iii) cite the applicable exemption from open meeting requirements provided by the list of exemptions in subsection A of § 2.2-3711.
    - 4. For ease, the section cited by the Senate for the purpose of a Closed Session shall be § 2.2-3711 A. 1 (permitting a body to go into Closed Session for purposes of discussion on prospective candidates).
      - a) The Senate may enter into closed session for another purpose but that purpose must be permitted by law within § 2.2-3711 A.<sup>3</sup>
  - B. As per the Code of Virginia § 2.2-3712, “[a]t the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member’s knowledge
    - 1. (i) only public business matters lawfully exempted from open meeting requirements under this chapter and
    - 2. (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”
  - C. The Senate, as per the Code of Virginia, must exit Closed Session before taking a vote on the question at hand.

## Section 5: Voting

- I. Bills, Resolutions, and ratification votes shall be voted on and each Senator’s vote, associated with their name, shall be recorded by the Secretary.

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<sup>1</sup> Code of Virginia § 2.2-3712 (2017).

<sup>2</sup> *Id.*

<sup>3</sup> Code of Virginia § 2.2-3711 A (2017).

- A. The vote, upon completion, shall be read out by the Secretary telling the number of 'yes' votes, 'no' votes, and 'abstentions.'
- II. Bills shall require a majority vote of the Senate to pass, unless otherwise provided.

### **ARTICLE 3: Executive Branch**

#### **Section 1: Establishment of the Presidency and Vice Presidency**

- I. The executive power shall be vested in a President of the Student Assembly.
- II. If the office of the presidency is vacant, the Vice President shall assume the office of President of the Student Assembly. If the Vice President is ineligible or unable to assume the office, the Chair of the Senate shall assume the office. The Senate may provide for a further order of succession by legislation as needed.
- III. If the office of the Vice Presidency is vacant, either by succession or other reason, the President shall, with the consent of three-fourths of the Senate in office, appoint a new Vice President within fourteen academic days.
- IV. If the President is unable to serve, they may temporarily yield their authority to the Vice President, until such time as the President is able to carry out their duties.
  - A. If the President is unable to yield their own authority, the Vice President may, in conjunction with the President of William & Mary or their designee, temporarily transfer the powers of the President to themselves until the President is able to again carry out the duties of the office.

#### **Section 2: Powers of the President**

- I. The President shall have the power to:
  - A. Manage, by executive authority, the executive departments, agencies, and offices, which shall research and address issues of importance to the students, supply information to the Senate, see to the faithful execution of presidential goals and policies, and aid in the administration, planning, and implementation of Student Assembly services and projects, and carry out those duties empowered to them.
  - B. Through the agencies, offices, and departments, and as directed by the Senate, promulgate, enforce, and adjudicate regulations on the matters empowered to those agencies, offices, and departments.
  - C. Appoint, with the advice and consent of the Senate, the secretaries of the executive departments and principal officers of agencies and offices, who may appoint the necessary assistants and deputy officers to assist in the execution of their duties.
  - D. Appoint and dismiss the deputy officers, and members of the executive departments, agencies, and offices, without the advice and consent of the Senate.
  - E. Dismiss the secretaries, undersecretaries, and principal officers of the executive departments, agencies, and offices.
  - F. Manage the external relations of the Student Assembly, and, with the consent of the Senate, appoint liaisons to execute such relations and policy.
  - G. Recommend students to sit on the university advisory committees.
  - H. Call the Senate into a special session for the consideration of important matters.
- II. The President of the Student Assembly shall retain all other powers as shall be necessary and proper for the execution of their duties as chief executive.

### **Section 3: Responsibilities of the President**

- I. The President must faithfully execute the acts of the Student Assembly and enforce the decisions of the Review Board.
- II. The President shall conduct regular and scheduled cabinet meetings, including the secretaries of the executive departments, and any other advisors and members of the executive as deemed necessary by the President.
- III. The President or their designee shall prepare and present to the Senate, for their approval, the budget of the Student Assembly and the budget for the allocation of the Student Activities Fee.
- IV. The President shall represent the students at ceremonies and events as the office requires.
- V. The President must attend all meetings of the Board of Visitors of the university unless exigent circumstances arise.
- VI. The President must appoint an Executive representative to attend all meetings of the Graduate Council.

## **ARTICLE 4: Judicial Branch**

### **Section 1: Establishment of the Review Board**

- I. The judicial powers of the Student Assembly shall be vested in a Review Board, composed of no fewer than five and no more than eight members.
  - A. A Chair shall be selected, for a term of one year, by and from the members of the Board by the end of September.
- II. The President shall appoint all members of the Review Board with the consent of the Senate.
  - A. The President must make all such appointments before the third Senate meeting of the semester following their inauguration.
  - B. If a vacancy occurs, they must make such an appointment within fourteen academic days.
  - C. Board Members shall serve for a period of two years.

### **Section 2: Jurisdiction of the Board**

- I. The judicial power shall extend to all cases and controversies regarding the interpretation of this Constitution and the implementation and adjudication of the resolutions and regulations regarding elections.
  - A. The Board shall have the power of judicial review.
- II. The Board shall not have appellate jurisdiction over decisions from the Organization Budget Allocation Committee.
  - A. A process for appeals from the Organization Budget Allocation Committee shall be outlined in the Code of the Student Assembly.
- III. Deliberations of the Board may take place in private, however, the Board must publish written decisions available for public use.
- IV. Any currently enrolled, degree seeking student attending William & Mary shall have the ability to request advisory opinions from the Board.

## **ARTICLE 5: Graduate Council**

## **Section 1: Establishment of the Graduate Council**

- I. Each graduate school will establish its own governing body, which shall each create procedures to appoint or elect two representatives to the Graduate Council.
- II. This Graduate Council shall have legislative authority only on matters that are internal to the graduate schools.
  - A. Legislation from the Graduate Council may not be inconsistent with legislation passed by the Senate. Subsequent legislation passed by the Senate may supersede that of the Graduate Council.
- III. The Graduate Council may pass resolutions, free from the consent of the Student Assembly, that expresses the opinion of their members.
- IV. The Graduate Council shall elect a President and other officers as they see fit and may require the presence of the President of the Student Assembly, or their designee, at their meetings as they request.
- V. Vacancies on the Graduate Council shall be filled as that Council determines.

## **ARTICLE 6: Authority, Intra & Inter Branch Regulation**

### **Section 1: Records and Communication**

- I. The Executive, Legislative, and Judicial branches of the Student Assembly shall make their records and actions available to all members of the Student Assembly.
- II. The Executive, Legislative, and Judicial branches of the Student Assembly must keep regular journals and records which shall be provided to an officer of the Assembly, who shall be tasked with their retention and ensuring they are open and publicly available to all students.
  - A. All Acts of all bodies are to be recorded and saved in the archive of the Assembly.
  - B. Archived information must be kept for a period of at least five years, whereafter they shall be transferred to the Archives of William & Mary.

### **Section 2: Vacancies**

- I. A person must be an enrolled degree seeking student, in good standing, and taking at least three credits at the university to seek or hold office.
  - A. 'Enrolled degree seeking' and 'in good standing' shall be defined by the treatment of such terms according to the university.
- II. An office shall be considered vacant when the person holding that office resigns their seat or is removed from their office by proper procedure.
  - A. Withdrawal, expulsion, study away, or other action that removes the student from the university shall be considered a resignation from office.
- III. All notices of resignation or removal from office must be provided as follows:
  - A. Members of the Executive branch shall resign to the President or Vice President.
  - B. Members of the Senate shall resign to the Vice President or the Chair of the Senate.
  - C. Members of the Judicial branch shall resign to the Chair of the Review Board or the President.
- IV. In the absence of a stated resignation, the relevant officer or officers of the respective branch according to Clause III, may, with the concurrence of the President of the Student Assembly or their designee, infer the resignation of an officer.

### **Section 3: Emergency Powers**

- I. In extreme emergency situations, the President and Vice President of the Student Assembly and the officers of the Senate may assert powers not outlined in this document if the Senate declares a state of emergency.
  - A. These powers grant them the ability to suspend procedures outlined in this Constitution and the Code of the Student Assembly in the interest of student health and safety and/or the viability of the Student Assembly.
- II. These powers may include, but are not limited to: the disbursement of Student Assembly funds; suspending internal operating procedures; appointment of officers to take on duties; and promulgating new standards for the Student Assembly during the emergency.
- III. The Senate of the Student Assembly must pass a resolution, by a three-fourths vote, granting emergency powers through a general meeting or a special session. This resolution may include, but is not limited to, the following:
  - A. Possible next steps by the Student Assembly;
  - B. Changes to internal operating procedures;
  - C. Appointment of officers and/or creation of ad-hoc committees;
  - D. Limiting or expanding the financial discretion of the Executive Branch of the Student Assembly under a state of emergency;
  - E. A time limit on the emergency powers or designation of a time to revisit this resolution, but which shall not exceed two months;
  - F. Promulgation of different processes and standards under a state of emergency as the Senate of the Student Assembly sees fit.
- IV. Emergency power shall expire after two months, and require a concurrent resolution passed by the Senate in accordance with this Article to continue for an additional two months.

## **ARTICLE 7: Elections**

### **Section 1: Franchise and Candidacy**

- I. Every enrolled degree seeking student at William & Mary may cast one secret ballot in each race for which they are eligible to vote.
  - A. This shall include students determined to be enrolled by the university's study abroad office.
- II. A person must be an enrolled degree seeking student, in good standing, and taking at least three credits at the university to hold office.
  - A. 'Enrolled degree seeking' and 'in good standing' shall be defined by the treatment of such terms according to the university.
  - B. No student may seek office with the knowledge that they will not be an enrolled degree seeking student at the university during all or part of their expected tenure.
- III. No student may seek to represent a constituency of which they are not a part.
  - A. By default, a student's constituency shall be the social class they entered the university with.
    1. Exceptions may be granted by the Elections Commission as to a student's potential changes in social class.
- IV. Any eligible student at the university may run for or hold no more than one office in the Student Assembly.

### **Section 2: Election Dates, Special Elections, and Special Appointments**

- I. General elections shall be conducted on the second Thursday after Spring Break.
  - A. The Senate can determine an alternative date, by a three-fourths vote of Senators present, taken prior to the Thanksgiving Break, provided their determination shall fall after March first and before April first.
- II. Fall elections shall be held on the fifth Thursday following the start of the fall semester of undergraduate academic classes at the university.
  - A. The Senate can make a special exception by a vote of three-fourths of the Senate.
- III. If an Undergraduate Class Presidency or Senate seat becomes vacant prior to that session's fall elections, a special election shall be held to fill the seat in conjunction with said elections.
  - A. Should a Class President or Senator vacate their seat after that session's fall election, the Class President shall initiate a process to fill the vacant seat.
- IV. In the case of technical failure of the service conducting an election, or in the case of disruption of the academic calendar due to unforeseen emergencies, the Chair of the Elections Commission, with the consent of the Chair of the Senate and the Student Assembly President, may reschedule the date of the fall election, or the general election, to any date before the next Senate meeting, with the exception of Saturdays and Sundays.
  - A. If the Chair of the Elections Commission, the Student Assembly President and the Chair of the Senate do not all consent to the rescheduling of the election, then the Senate will convene in an emergency session and determine, by a majority vote, a date for the elections.
  - B. Consent by the Chair of the Senate and Student Assembly President shall be submitted in writing to the Chair of the Elections Commission and the Senate at least twelve hours before the ballots will open.

### **Section 3: Senatorial Class and School Officer Elections**

- I. Undergraduate Senators and Class Presidents, excluding freshman Senators and Class Presidents, shall be elected in the general election.
- II. Undergraduate Senators and Class Presidents, with the exception of seniors, shall serve for a period of one year.
  - A. Seniors shall serve until the Commencement of the Class they represent.
- III. Freshman Senators and the Class President shall be elected during the fall election.
- IV. Graduate Senators shall be sent, as the Graduate Council shall designate, provided that Senators are selected no later than the last Tuesday of the following September.

### **Section 4: Presidential Elections**

- I. The President and Vice President of the Student Assembly shall be elected by the eligible voters of the university during the general election. They shall hold their offices for a term of one year.
- II. The President and Vice President of the Student Assembly shall be elected together on a single ticket. The candidate ticket may not change less than seven days before the election.

### **Section 5: Inauguration**

- I. All officers elected in the general election shall be inaugurated during the third full week following their election.

- A. All freshman officers shall be inaugurated at the first Senate meeting following their election.
- B. Inauguration of appointed Senators shall occur at their first meeting unless otherwise requested.
- II. The oath of office will be administered by the Chair of the Review Board or their designee.
  - A. All members shall take this oath before executing the duties of their office.
  - B. All elected officers of the Assembly shall, at their inauguration, swear or affirm that they will faithfully execute the office they have been elected to, and to the best of their ability, preserve, protect, and defend the Constitution of the Student Assembly.
  - C. All officers shall be bound to this oath or affirmation.

## **ARTICLE 8: Censure, Impeachment, and Removal**

### **Section 1: Offenses**

- I. All members of the Senate, elected officers, and members of the Student Assembly confirmed by the Senate may be brought to trial for impeachment for serious neglect of the duties of their office or conduct unbecoming of a member of the Student Assembly.

### **Section 2: Impeachment and Removal**

- I. The Senate shall have the sole power of impeachment.
- II. When sitting on matters of impeachment, the Chair of the Review Board shall preside unless they are on trial.
  - A. If the Chair of the Review Board is unable to preside, the Chair of the Senate shall appoint another member of the Review Board to preside.
- III. Any official on trial for impeachment shall be given appropriate time to address the Senate. Meetings on impeachment and removal must be open and the roll of all votes of substance must be taken.
- IV. A vote of two-thirds of quorum is required to pass an Article of Impeachment.
  - A. If an Article of Impeachment is passed, a separate vote of three-fourths of quorum is required to vote for removal from office.

### **Section 3: Censure**

- I. The Senate may, by a simple majority vote of quorum, pass a Bill of Censure on a member of the Student Assembly.
- II. Any official under consideration for censure shall be given appropriate time to address the Senate.

## **ARTICLE 9: Amendment and Ratification**

### **Section 1: Amendment & Ratification Process**

- I. The Senate may amend the Constitution by a Bill of Amendment through a vote of three-fourths quorum.
- II. After it is introduced, a Bill of Amendment shall stand for two consecutive Senate meetings before it can be voted on.

III. Amendments to the Constitution become effective immediately upon their passage, excepting such times when the Bill shall contain stipulations to the date of its enactment.