

# THE CONSTITUTION

of the

## STUDENT ASSEMBLY

of the

### COLLEGE OF WILLIAM AND MARY IN VIRGINIA

*Ratified January 20 2003*

*Amended March 12, 2019*

#### **PREAMBLE**

We, the Students of the College of William and Mary in Virginia; In order to create a more effective student government, represent the students to the administration, faculty and staff of the College, and promote the views, further the welfare, and execute the will of the students, do hereby establish this Constitution of the Student Assembly.

#### **ARTICLE I: LEGISLATIVE BRANCH**

##### **Section I: Creation 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 members chosen in election every year by the students of the College. There shall be sixteen Undergraduate Senators. Chosen, four per Class, by the members of that Social Class. There shall be seven Senators from the Graduate Schools, provided every School is represented by at least one Senator. If a graduate representative is unable to fulfill their duties, the Graduate Council will have the ability to reapportion the representative to any graduate school.
- III. The Senate shall also be composed of Class Presidents chosen in every election year by students of the College. There shall be four Undergraduate Class Presidents, one for each social class. Class Presidents shall be elected in separate elections than class senators, but shall serve with senators in the legislative body of the Student Assembly. Class Presidents shall receive the same recognition as a "Senator" in both the Student Assembly Constitution and Code unless indicated otherwise.

##### **Section II: Requirements of the Senate**

- I. The Vice President of the Student Assembly shall be the Presiding Officer of the Senate, but shall have no vote on any matter unless they be equally divided. Attendance regulations for the Vice President may be established in the Bylaws of the Senate. The Vice President shall have no vote in the decision of the Agenda of the Senate.
- II. The Senate shall choose their other Officers, and also a Chairman 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. The Agenda of the Senate shall be decided by the Chairman of the Senate, or other Officer of the Senate or process as that body shall provide. Communications from the Executive and the Judicial shall be transmitted to the Chairman of the Senate.

III. The quorum of the Senate shall be two out of every three Senators currently holding Office. No votes on questions of substance may be made in the absence of quorum.

IV. The Senate shall meet once every seven days during the regular academic year, excepting those times when the College is not in session. They shall hold their first meeting of the academic year before September fourteen. 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. The Senate may enter Closed Session by vote of a majority of the Senators in office. The roll call of the vote to enter Closed Session shall be recorded. The Senate may not make any votes on substantive questions in Closed Session.

V. The Senate may create standing committees as it sees fit.

### **Section III: 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.

III. Every Bill which shall have passed the Senate, shall, before it becomes a Resolution, be presented to the President of the Student Assembly within seven days while the College is in session; if he approves he shall sign it and it shall become a Resolution, but if not, he shall return it within seven such days, with his objections, to the Senate, who shall proceed to reconsider it. If after such reconsideration three of every four members of the Senate present shall agree to pass the Bill, it shall become a Resolution.

IV. The Resolutions of the Student Assembly are to be maintained in an organized system of Titles of Code and made publicly available.

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

I. The Senate shall have the power: to provide for the Budget of the Student Assembly and disbursement of monies from the Treasury of the Student Assembly and of fees allocated for student activities; 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 normal process of legislation.

II. To express the need for the creation and conduction of events, in conjunction with the and Graduate Councils, for the students of the College.

III. To provide for the creation of Executive Agencies, Offices, and Departments to carry out the Resolutions.

IV. To require, without their consent or that of the President, the testimony and records of the Secretaries, Deputies, Officers and other staff members and assistants of the Executive before their body, excluding the members of the Executive Office of the President.

V. To express the will of the students of the College on matters concerning the College, its policies, practices, events, agents, administrators, bodies, decisions and all such other topics, issues and concerns.

VI. To create and appoint temporary committees and commissions comprised of any students they deem qualified to investigate and report on matters important to the Assembly.

VII. To make all Resolutions which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers herein granted by this Constitution to the Senate.

VIII. The Senate may pass Non-Binding Resolutions, which express the sense and opinion of the Senate only, without the requirement for Presidential approval.

IX. None of the above powers, unless specifically excepted, to make and pass Resolutions shall be considered free from the normal process of legislation.

X. The Senate may not pass any *ex post facto* bills.

#### **Section V: Creation of the Class and School Officers**

I. Each Graduate School shall elect a President, Vice President, Treasurer, Secretary and other such representatives and council members as they see fit. These School Officers, when in meeting, shall be known as the Graduate Council. This Council shall have legislative authority only on matters that are internal to the Graduate Schools. Legislation from the Graduate Council may not be inconsistent with that passed by the Senate. Subsequent legislation passed by the Senate may supersede that of the Graduate Council.

II. The Councils may pass resolutions, free from the consent of the President, that express the opinion of their members. The Councils shall elect a chairman and other officers as they see fit, and may require the presence of the President of the Student Assembly at their meetings as they request.

### **ARTICLE II: EXECUTIVE BRANCH**

#### **Section I: Creation of the Presidency and Vice-Presidency**

I. The executive power shall be vested in a President of the Student Assembly.

II. In such case as the Presidency shall be vacant, the Vice President shall assume the Office of President of the Student Assembly. If the Vice President shall be ineligible or unable to assume the Office, the Chairman of the Senate shall assume the Office. The Senate may provide for a further order of succession by legislation.

III. In such cases as the Vice Presidency shall be vacant, either by succession or other reason, the President shall, with the consent of three of every four members of the Senate in office, appoint a new Vice President within fourteen academic days.

IV. In such cases as the President is unable to carry out the duties of the Office, he may temporarily yield his authority to the Vice President, who shall exercise that Office and his own Office until such time as the President declares himself able to carry out his duties. In such extreme cases as the President is unable to yield his own authority, the Vice President may, in conjunction with the President of the College of William and Mary or his designee, temporarily transfer the powers of the President to himself until such time as the President declares himself able to carry out the Duties of the Office.

## **Section II: Requirements of the President**

I. The President must faithfully execute the Resolutions of the Student Assembly and enforce the decisions of the Review Board.

II. He shall, once a semester, address the Senate on the State of the College, and recommend for their consideration such measures as he shall judge necessary.

III. He shall conduct regular and scheduled meetings of a Cabinet, including the Secretaries of the Executive Departments, and any other advisors and members of the executive as he shall deem necessary.

IV. He shall prepare and present to the Senate for their approval, the Budget of the Student Assembly and the Budget for the allocation of fees for Student Activities.

V. Regulations by the Agencies, Departments and Offices of the Executive are superseded by Resolution and must be in accordance with such Resolutions.

VI. He shall represent the Students at such Ceremonies and Events as the Office shall require.

VII. He must attend all meetings of the Board of Visitors of the College which he is allowed by the laws of Virginia.

VIII. He must appoint an Executive representative to attend all meetings of the Graduate Council.

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

I. The President shall have the power to manage, by Executive Order, the Executive Departments, Agencies and Offices, which shall research and address issues of importance to the College, 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.

II. To, 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.

III. To appoint, with the advice and consent of Senate, the Secretaries of the Executive Departments and principle officers of Agencies and Offices, who may appoint the necessary assistants and deputy officers to assist in the execution of their duties.

- IV. To appoint and dismiss the deputy officers and members of the Executive Departments, Agencies and Offices.
- V. To dismiss the Secretaries and principle officers of the Executive Departments, Agencies and Offices.
- VI. To appoint and dismiss members of an Executive Office of the President which shall be limited to Assistants, Advisors, and Managers as he shall determine necessary.
- VII. To manage the external relations of the Assembly, and, with the consent of the Senate, appoint envoys to execute such relations and policy.
- VIII. To recommend students to sit on the College advisory committees.
- IX. To call the Senate into Special Session for the consideration of important matters.
- X. The President of the Student Assembly shall have all other powers as shall be necessary and proper for the execution of his duties as Chief Executive.

### **ARTICLE III: JUDICIAL BRANCH**

#### **Section I: Creation of the Review Board**

- I. The judicial powers of the Student Assembly shall be vested in a single Review Board. The Review Board shall be composed of six Board Members and one Chairman.
- II. The President shall appoint all members of the Review Board with the consent of the Senate. He must make all such appointments before the second Tuesday of September following his inauguration. If a vacancy shall occur, he must make such appointment within fourteen academic days. Board Members shall serve for a period of one year. The Senate may, by vote of simple majority, and with the consent of the President, keep a member of the Board in the Office beyond one year.

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

- I. The judicial power shall extend to all cases and controversies regarding interpretation of this Constitution and the implementation and adjudication of the Resolutions and Regulations regarding elections.
- II. The Board shall have the power of Judicial Review.
- III. The jurisdiction of the Board shall not be construed to extend to the Honor or Judicial Councils.
- IV. Deliberations of the Board may take place in private, however the Board must make a written and public opinion on the decision of the case.
- V. The President of the Student Assembly and the Chairman of the Senate shall have the ability to request advisory opinions from the Board.

## **ARTICLE IV: NON-SPECIFIC REQUIREMENTS**

### **Section I: 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 the College of William and Mary in Virginia and the delegation of authority by the President of the College. 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 College.
- IV. The use of masculine pronouns in this Constitution shall not be construed to prevent the equal participation of, discourage the involvement of, or otherwise disparage or insult members of either gender. The masculine pronoun may be construed to mean its corresponding gender opposite.
- V. A graduate representative selected by the Graduate Council shall attend Cabinet meeting.

### **Section II: Journals, Records, Bylaws, Communication and Carryover**

- I. All bodies and councils of the Student Assembly must transmit to the other bodies their Acts.
- II. All bodies of the Student Assembly must keep regular journals and records in both physical and electronic archives which shall be provided to a Chief Technology Officer of the Assembly and be open and publicly available to all students. All Acts of all bodies are to be recorded and saved in archive. Archive information must be kept for a period of at least five years, where after they shall be transferred to the Archives of the College of William and Mary.
- III. All bodies of the Student Assembly shall maintain By-Laws.
- IV. The Resolutions of the Student Assembly shall carry over and remain valid across academic years.

### **Section III: Separation of Powers Rule**

- I. No member of one Branch may be a member, elected or otherwise, of any other Branch.
- II. When not acting in accordance with or in the execution of a Resolution, passed with due process by the Student Assembly, any Officer, Secretary of Department, Deputy, Assistant, other member of the Executive, Senator, or member of the Review Board may only invoke the name of their Office, Board, or House rather than that of the Student Assembly.

### **Section IV: Vacancies**

- I. An office shall be considered vacant when the person holding that office resigns his seat or is removed from his office by proper procedure. Withdrawal, expulsion, study away or other action

that removes the student from the College shall be considered a resignation from the Office. A person must be an attending student at the College to hold Office.

II. All Letters of Resignation or Notices of Removal from Office must be provided to the Chairman of the Review Board or the next highest ranking member of the Board if the first shall be resigning or removed.

III. In the absence of a Letter of Resignation or Notice of Removal, the Chairman of the Review Board or the next highest ranking member of the Board if the first shall be resigning or removed, may, with the concurrence of the President of the College of William and Mary or his designee, infer the resignation of an Officer.

IV. Said member of the Review Board shall then immediately announce the existence of a vacancy, in writing, to all bodies of the Assembly.

## **ARTICLE V: ELECTIONS**

### **Section I: Franchise and Candidacy**

I. Every student enrolled at the College may cast one secret ballot in each race for which he is eligible to vote.

II. Any full-time, degree-seeking student at the College may run for or hold no more than one office. No student who is on Judicial or Honor Probation may seek election without the consent of the Executive Agency or Department charged with the administration of elections. Nor may anyone seek office with the knowledge that he will not be enrolled as a full-time student at the College during all or part of his expected tenure.

III. No student may seek to represent a constituency of which he is not a part.

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

I. General Elections shall be conducted on the second Thursday after Spring Break, or such date as the Senate shall determine by a three-fourths vote of Senators present taken prior to Thanksgiving Break, provided their determination shall fall after March first and before April first.

II. Freshman Elections shall be held on the fifth Thursday following the start of the fall semester of undergraduate academic classes at the College unless the Senate makes special exception by a vote of three of every four Senators then holding office.

III. If an Undergraduate Class Presidency is vacant, or if another class office or class Senate seat is vacant prior to that year's Freshman Elections, a Special Election shall be held to fill the seat in conjunction with said Elections. In all other cases, the President of the Class to which the vacancy belongs shall, within fourteen academic days, appoint a member of that Class to fill the seat.

IV. Vacancies on the Graduate Council may be filled as that Council shall determine.

V. In the case of technical failure of the provider of the eBallot service, or in the case of disruption of the academic calendar due to unforeseen emergencies, the Chairman of the Elections

Commission, with consent of the Chairman of the Senate and the Student Assembly President, may reschedule the date of the Freshman Election, or the General election, to any date before the next Senate meeting, with the exception of Saturdays and Sundays. If the Chairman of the Elections Commission, the Student Assembly President, and the Chairman of the Senate do not all consent to the rescheduling of the election, then the power to change the date of the election shall fall back to the procedure outlined in ARTICLE V:Section II:I. , or in ARTICLE V:Section II:II. . Consent by the Chairman of the Senate and Student Assembly President shall be submitted in writing to the Chairman of the Elections Commission and the Senate at least twelve hours before the ballots will open.

### **Section III: Senatorial, Class and School Officer Elections**

I. Senators and Class Presidents, excluding freshman Senators and Class Presidents, shall be elected in the General Election and shall take office upon their inauguration. Senators and Class Presidents, with the exception of Seniors, serve for a period of one year. Seniors shall serve until the Commencement of the Class they represent.

II. Freshman Senators and Officers shall be elected during Freshman Elections and shall take office on the first meeting of the Senate following their Election.

III. Undergraduate Senatorial Elections shall be by plurality, with each Class' candidates being chosen together on the same ballot. Class Presidents shall be elected on a separate ballot by the plurality system.

IV. Graduate Senators shall be sent, and Graduate School Officers chosen, as the Graduate Council shall designate, provided that Senators and Officers are selected no later than the last Tuesday of the following September.

### **Section IV: Presidential Elections**

I. The President and Vice President of the Student Assembly shall be elected by the students of the College during the General Election. They shall hold their offices for a term of one year.

II. Election of the President and Vice President shall be by the plurality system. The President and Vice President of the Student Assembly shall be elected together on a candidate ticket. The candidate ticket may not change less than seven days before the election.

### **Section V: Inauguration**

I. All Officers elected in the General Election shall be inaugurated during the third full week following their Election. All Freshman Officers shall be inaugurated at the first Senate meeting following their election. The agency charged with the administration of elections will be responsible for these ceremonies. The oath of office will be administered by the chair of the Review Board or his designee. Members shall take this oath before executing the duties of their office.

II. 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. All Officers shall be bound to this oath or affirmation.

## **ARTICLE VI: CENSURE, IMPEACHMENT AND REMOVAL**

### **Section I: Offenses**

All elected Officers and members of the Student Assembly appointed through nomination by the President and confirmation by the Senate may be brought to trial for impeachment for serious neglect of the duties of their Office. Elected Officers of the Assembly who have been convicted of an Honor Code violation or a College Judicial Code violation must be considered for removal. Any Official on Trial of Impeachment or under consideration for Censure shall be given appropriate time to address the Senate on the question. Meetings on questions of Impeachment and Removal must be open and the roll of all votes of substance must be taken.

### **Section II: Impeachment and Removal**

The Senate shall have the sole power of impeachment. When sitting on matters of Impeachment, the Chairman of the Review Board shall preside unless he is on trial. A vote of two of every three Senators in office is required to pass a Bill of Impeachment. A separate vote, in which three of every four Senators in office is required in the affirmative, shall then remove the Official on Trial from their Office.

### **Section III: Censure**

The Senate may, by a majority vote of those in office, pass a Bill of Censure on the elected member of the Assembly or Secretary of an Executive Department.

## **ARTICLE VII: AMENDMENT**

### **Section I: Amendment Process**

- I. The Senate, whenever three of every four Senators in office shall concur, may pass a Bill of Amendment.
- II. A Petition of Amendment, signed by ten percent of the student body, when presented to the Senate, may be passed as a Bill of Amendment with the consent of two of every three Senators in office.
- III. A Bill of Amendment shall stand for thirty academic days, during which time either the Undergraduate or Graduate Councils may veto the Bill by majority vote. If they fail to do so, or if they vote to support the Bill by majority vote, then it shall become an Amendment to the Constitution.
- IV. Amendments to the Constitution become effective immediately upon the passage of thirty days as described above, or upon the supporting vote of the Councils, excepting such times when the Bill shall contain stipulations to the date of its enactment.

## **ARTICLE VIII: CONSTITUTIONAL REVIEW COMMITTEE**

### **Section I: Creation of the Committee**

I. The Constitutional Review Committee is hereby empowered with the constitutional authority of the legislative branches of the Student Assembly to review the governing documents of the Assembly and produce a comprehensive set of recommendations on reform.

II. The Committee shall be composed of members chosen by their respective bodies or branches. There shall be eleven committee members. Chosen, three from the Senate, three from the Graduate Council and two from the Executive Branch. These members have already been established by The Constitutional Review Amendment.

III. The Committee shall meet once per week while the school is in session for the duration of time necessary for the completion of its work, but not to extend past February 27, 2007.

IV. The Committee will meet according to Robert's Rules of Order and will be publicly advertised by school-wide emails, with provisions accorded to allow all appropriate public input within the constraints of time and relevance.

V. The Committee will present a final document for revision and approval by two-thirds margin of all three bodies voting separately meeting in conjunction.