

THE CONSTITUTION OF THE STUDENT GOVERNMENT  
ASSOCIATION OF APPALACHIAN STATE UNIVERSITY

Previous Date of Ratification: *The Thirteenth Day of August, Year Two Thousand and Twenty One*

## **PREAMBLE**

We, the undergraduate students of Appalachian State University, affirm the fundamental right of all students to fair and equal representation through Student Government. Thus, the chief purposes of the Student Government Association of Appalachian State University shall be to communicate the concerns of students to the university administration and to promote the universal well-being of the undergraduate student body and community. The Student Government Association shall additionally ensure and protect the rights of individual students and student organizations to openly voice their opinions and, furthermore, shall ensure the integrity of the Student Bill of Rights cited herein. To these terms, we do hereby ordain and establish this Constitution of the Student Government Association of Appalachian State University.

## **ARTICLE I - ESTABLISHMENT**

### **Section 1.** Name And Membership.

- A. The name of the organization shall be the “Student Government Association of Appalachian State University,” hereafter referred to as “ASU-SGA.”
- B. Every undergraduate student registered at Appalachian State University shall be a member of this organization.
- C. The ASU-SGA shall not discriminate in membership or participation on the basis of race, color, religious status or historic religious affiliation, sex, national origin, age, political affiliation, veteran status, disability, sexual orientation, gender identity and expression, or gender.

### **Section 2.** Authority.

- A. The ASU-SGA shall be empowered to govern those individuals, groups, and organizations it represents.
- B. This Constitution shall be the supreme governing document of the ASU-SGA.
- C. The ASU-SGA shall adhere to all state and federal laws.
- D. The ASU-SGA shall be governed exclusively by the undergraduate student body of Appalachian State University.

### **Section 3.** The Establishment Of Governing Powers.

- A. The Student Body of Appalachian State University shall be governed by two distinct branches: the legislative branch and the executive branch.
- B. No one shall hold office in more than one branch of the ASU-SGA concurrently.

## ARTICLE II - THE LEGISLATIVE BRANCH

**Section 1.** The legislative branch shall consist of the Student Senate and its constituent bodies. All legislative power of the ASU-SGA shall be vested in the Senate.

**Section 2.** The Student Senate.

A. The Student Senate shall be composed of these Senators elected by and from the students they represent:

1. Eight Senators who will be in their first academic year as an Appalachian State University student during the legislative session in which they serve.
2. Eight Senators who will be in their second academic year as an Appalachian State University student during the legislative session in which they serve.
3. Eight Senators who will be in their third academic year as an Appalachian State University student during the legislative session in which they serve.
4. Eight Senators who will be in their fourth or subsequent academic year as an Appalachian State University student during the legislative session in which they serve. Current students in their fourth or subsequent academic year shall be part of this electorate, even if they graduate before the term of office.
5. Two Senators each from the College of Arts and Sciences, the College of Business, the College of Education, the College of Fine and Applied Arts, the College of Health Sciences, the Honors College, the School of Music, and the University College.
6. Four Senators who are nontraditional students, which shall include transfer students and any other students specified by the Senate.
7. Up to twelve Senators appointed by and from organizations the ASU-SGA maintains consistent working relationships with. The specific organizations shall be established by the Senate.
  - i. If any Senate seat dedicated to an organization remains vacant for four consecutive weeks during the legislative session, all eligible students shall be allowed to seek office via the petition process as a "General Senator" whose constituency shall be the entire undergraduate student body. If a valid General Senator petition is submitted before an organizational Senate seat is filled, the petitioner shall be seated as a General Senator and the organizational seat shall be forfeited for the duration of the General Senator's term of office.

B. Senators shall have the power and duty to:

1. Attend all meetings of the Senate.
2. Attend all meetings of their respective committee(s).
3. Complete one office hour per week.
4. Introduce any legislation they deem necessary.

C. The Senate shall have the power and duty to:

1. Pass any legislation deemed necessary and proper to further the mission of the ASU-SGA and to protect and improve the freedoms and welfare of the student body.
2. Confirm any appointments to the executive cabinet, Senate leadership team, and Rules Committee with the concurrence of  $\frac{2}{3}$  of voting members, and all other appointments with the concurrence of a majority of voting members.
3. Override a presidential veto with the concurrence of  $\frac{2}{3}$  of voting members.
4. Have the sole authority to establish constitutionally acceptable bylaws with the approval of the majority of its membership, in order to govern Senate procedure(s) and ensure the orderly conduct of business.
5. Conduct oversight over the actions of all ASU-SGA officials and require reports from the same, investigate possible misconduct, and remove ASU-SGA officers when necessary, pursuant to this constitution.
6. All powers of the ASU-SGA not otherwise delegated by this constitution shall be reserved by the Senate.

**Section 3.** The Senate President.

- A. The Senate shall elect from its ranks a President, who shall be the chief legislative official of the ASU-SGA. No one may be elected senate president who does not have twelve consecutive weeks of Senate service or who is not at least a sophomore in standing.
- B. The senate president shall have the power and duty to:
  1. Serve as the president and chairperson of the Senate, and convene the Senate in emergency meetings and emergency sessions when necessary.
  2. Assign and remove Senators to and from Senate committees.
  3. Establish any special committees deemed appropriate and dissolve committees established in this fashion.
  4. Carry all out all actions and decisions of the Senate, including but not limited to forwarding passed legislation to the student body president and receiving signatures or vetoes from the same.
  5. Appoint all officers within the Senate leadership team with the consent of the Senate, and direct the operations thereof.
  6. Temporary re-delegate duties of Senate leadership team members in the event of temporary absence or incapacitation.
  7. Dismiss any officer within the Senate leadership team with just cause. The recruitment and retention officer and the Rules Committee Chair shall not be dismissed without the consent of the Senate.
  8. Establish additional unpaid positions within the Senate leadership team, with the consent of the Senate. Additional positions shall last until the conclusion of the session or until dissolved by the President.

9. Appoint and dismiss students to university committees and other representative boards jointly with the student body president.

**Section 4.** The Senate President Pro-Tempore.

- A. The Senate President Pro-Tempore shall be responsible for overseeing the logistical operations of the Senate, and shall be the secondary legislative officer of the ASU-SGA. No one may be appointed senate president pro-tempore who does not have twelve consecutive weeks of Senate service or who is not at least a sophomore in standing.
- B. The senate president pro-tempore shall have the power and duty to:
  1. Oversee all financial transactions made by the Senate.
  2. Co-sign all expenditures and expenditure recommendations of the ASU-SGA.
  3. Maintain meeting minutes, voting records, and records of all actions taken by the Senate.
  4. Maintain the official copy of all business under consideration by the Senate.
  5. Retain full membership on the Rules Committee.
  6. Assist the senate president, when requested, in the execution of their constitutionally prescribed duties.

**Section 5.** The Recruitment And Retention Officer.

- A. The recruitment and retention officer shall be responsible for the security and success of the student body elections and the guidance of the Senate membership.
- B. The recruitment and retention officer shall have the power and duty to:
  1. Administer all student body elections.
  2. Administer all student body referendums.
  3. Maintain order and decorum in the Senate chambers at the request of the presiding officer.
  4. Keep the time during reports, debates, addresses, and any other timed matters.
  5. Ensure compliance with the terms of office and constitutional responsibilities for Senators.
  6. Investigate instances of unethical conduct and address violations appropriately.
  7. Maintain full membership on the Rules Committee.
  8. Maintain complete and accurate records of the membership of both branches of the ASU-SGA.

**Section 6.** Committee chairs.

- A. Committee chairs shall facilitate the successful drafting of legislation within their respective committee.
- B. Committee chairs shall have the power and duty to:
  1. Answer directly to the Senate President in the execution of their duties.
  2. Serve as the chairperson of their respective committees

3. Appoint committee officers to assist in the facilitation and operation of their respective committees.
4. Represent the Senate to external organizations within their committee's areas of focus.

**Section 7.** The Senate Leadership Team

- A. The Senate leadership team shall consist of the senate president, the senate president pro-tempore, the recruitment and retention officer, the chairs of standing committees, and any other Senators appointed by the senate president.

**Section 8.** The Rules Committee.

- A. The Rules Committee shall be a permanent standing committee of the Senate tasked with facilitating the legislative process.
- B. The Rules Committee shall have the power and duty to:
  1. Ensure the constitutionality of legislation being considered by the Senate.
  2. Maintain and preserve the Student Body Archives and make necessary additions at the conclusion of each session of the ASU-SGA and at other times deemed appropriate. The Student Body Archives shall contain, at minimum, these records:
    - i. Each official version of the ASU-SGA constitution and governing documents, as amended.
    - ii. Official copies of enacted legislation and judicial rulings.
    - iii. Complete records of the membership of the executive cabinet and Senate leadership team, including temporary or permanent invocation of the lines of succession.

### **ARTICLE III - THE EXECUTIVE BRANCH**

**Section 1.** The Executive Branch shall consist of the student body president, the student body vice-president, and the executive cabinet.

**Section 2.** The Student Body President shall be the chief executive officer of the ASU-SGA.

- A. No one shall file for candidacy for student body president who is not at least a sophomore by standing or who has not been enrolled as a full-time student at Appalachian State University during the most recent two consecutive academic years.
- B. The student body president shall have the power and duty to:
  1. Sign or veto legislation by notifying the Senate president in writing, provided that they exercise such power within six calendar days after its passage by the ASU-SGA Senate. If the President does not exercise their power to veto legislation within the aforementioned period of time, the legislation shall automatically take effect without their signature at the conclusion of the sixth day. Any passed legislation awaiting the president's signature at the conclusion of the legislative term shall be enacted.
  2. Ensure the implementation of all enacted legislation to the fullest extent possible.

3. Serve as a member of the Appalachian State University Board of Trustees pursuant to North Carolina law.
4. Represent the Student Body of Appalachian State University to external organizations.
5. Keep the Senate informed in regards to the business of the Board of Trustees, the chancellor, or any other external organization considering actions relevant to the student body.
6. Appoint all officers within the Executive Cabinet with the advice and consent of the Senate, and direct the operations thereof.
7. Dismiss with just cause any executive officers, with the exception of the vice president.
8. Deliver a "State of the University" address to the Senate at least once per academic semester.
9. Appoint and dismiss students to university committees and other representative boards jointly with the Student Senate president.

**Section 3.** The Student Body Vice President shall be elected along with the student body president and shall be the secondary executive officer of the ASU-SGA.

- A. No one shall file for candidacy for student body vice-president who is not at least a sophomore by standing or who has not been enrolled as a full-time student at Appalachian State University during two consecutive academic years.
- B. The student body vice president shall have the power and duty to
  1. Serve as a nonvoting liaison to the Rules Committee, ex-officio.
  2. Deliver a progress report to the Student Senate on each piece of enacted legislation within a timely manner.
  3. Keep abreast of issues and concerns of interest to students at the local, state, and national levels of government, as well as upholding and enhancing the relationship between the Student Government Association and other clubs, organizations, and the Town of Boone.
  4. Serve as ASU-SGA's liaison to the Town of Boone.
  5. Attend meetings of the Boone Town Council.
  6. Serve as the senior advisor to the Student Body President on all governmental and external issues.

**Section 4.** The Chief of Staff.

- A. The chief of staff shall have the power and duty to:
  1. Manage all operations of the executive branch.
  2. Assist and advise the President and Vice President in the execution of their duties.
  3. Keep complete and accurate notes and minutes of executive meetings and arrange a permanent compilation of all said materials.
  4. Be responsible for carrying out all clerical duties deemed necessary by the President or the Vice President.

**Section 5.** The Student Body Treasurer.

A. The treasurer shall have the power and duty to:

1. Receive and disburse all ASU-SGA funds with the consent and co-signature of the Senate President Pro-Tempore and ensure that no accounts are overdrawn.
2. Ensure that no ASU-SGA funds are misappropriated or otherwise misused.
3. Maintain permanent records of all financial transactions of the ASU-SGA.
4. Keep all records and files in working order so that they may be presented for audit upon request by authorized individuals.
5. Be responsible to the Student Senate for all actions and records regarding finances.

**Section 6.** The Press Director.

A. The press director shall have the power and duty to:

1. Publicize enacted legislation and ASU-SGA events to the student body.
2. Keep the press informed of ASU-SGA business.
3. Manage ASU-SGA social media pages.
4. Keep the ASU-SGA website organized and up-to-date.

**Section 7.** Executive Directors.

- A. The student body president shall appoint one director for each Senate standing committee with the exception of the Rules Committee, who shall be responsible for the implementation of enacted legislation within the purview of the committee.
- B. Executive directors shall have the power and duty to:
1. Serve as a liaison to their respective committee with the permission of the Senate President.
  2. Advise their associated committee on the logistics of implementing legislation being considered by the committee.
  3. Implement enacted legislation within their associated committee's purview.

**ARTICLE IV - JUDICIAL AUTHORITY**

**Section 1.** The judicial Power of the ASU-SGA shall be vested in the Rules Committee, and in any inferior courts as the Senate may ordain and establish, such as an elections court.

**Section 2.** The Rules Committee's judicial power shall extend to all cases arising under this constitution.

**Section 3.** The Rules Committee shall have original jurisdiction in all cases concerning this constitution, and all cases not delegated to an inferior court. In all other cases, the Rules Committee shall have final appellate jurisdiction, both as to procedure and fact.

**Section 4.** All parties to judicial cases shall be guaranteed the right to a fundamentally fair process, including due process.

## **ARTICLE V - OVERSIGHT AND REMOVAL OF OFFICERS**

- Section 1.** The Senate shall be responsible for the oversight of all elected and appointed officials within the ASU-SGA, and shall be responsible for removing any officer for reasons including but not limited to: Failure to perform the functions and duties of their office, malfeasance in office, and refusal to comply with a judicial verdict.
- Section 2.** The Senate may open an inquiry into the actions or inactions of any officer within the ASU-SGA related to their duties. Inquiries must specify the officer(s) to be investigated. Opening an inquiry shall task the Rules Committee with investigating the matter and delivering a report on the facts to the Senate. Upon the receipt of the Rules Committee's report, the Senate shall be empowered to take any actions it deems necessary with the concurrence of  $\frac{2}{3}$  of voting members, including censure, removal from office, and temporary or permanent disqualification of future office.
- Section 3.** Any officer into which an inquiry is opened shall be entitled to respond to the Rules Committee report and speak on their own behalf at the Senate meeting in which it is presented.
- Section 4.** No action shall be taken on an inquiry sooner than six calendar days after opening the inquiry or later than twenty-one calendar days after receipt of the Rules Committee's report, except to close the inquiry.

## **ARTICLE VI - ELECTORAL PROCEDURES AND TERMS OF OFFICE**

- Section 1.** The Senate may establish constitutionally acceptable bylaws to govern elections.
- Section 2.** Electoral procedures
- A. The student body president and student body vice president shall be elected as one ticket and each Senator shall be elected as a separate ticket for a term of one year, to begin and end on the Saturday following the last day of classes, not including exams.
  - B. The election of the Student Body President and Student Body Vice President shall be conducted concurrently with elections for Senators during the Spring semester preceding the term of office. A special election for vacant Senatorial seats shall be started within the first twenty-one calendar days of the Fall semester. The exact time, place, and manner of elections shall be established by the Senate.
  - C. The method for counting ballots shall be determined by the Senate, but no candidate shall be elected who does not have the preference of at least one-half of the voters in a two-way race, or one-third for a three-way race, or one-fourth for a four-way race, and so forth.

- D. Senators who leave the constituency they represent during the term of office due to a change of major or other reason shall continue to represent their original constituency for the duration of their term, so long as they remain eligible for Senatorial office.
- E. When vacancies happen in the senate representation from any constituency, members of the constituency shall be permitted to solicit signatures from other members of the constituency for a petition to seat them as a Senator for that constituency, the required number of signatures being determined by the Senate but not less than twenty-five.

**Section 3. Interim Office**

- A. Any appointee whose appointment must be considered by the Senate may, with the consent of the appointing officer, assume “Interim Office” immediately following their appointment.
- B. The appointing officer shall be responsible for any and all actions taken by an appointee who assumes “interim office”.
- C. All terms of interim office shall expire upon either
  - 1. The Senate’s taking final action on the appointment.
  - 2. the conclusion of the third Senate meeting following their appointment unless extended by the Senate with the concurrence of  $\frac{2}{3}$  of voting members.

**Section 4. The Oath of Office**

- A. The student body president, the student body vice president, the senate president, the senate president pro-tempore, the Rules Committee chair, all Rules Committee members, and all senators shall take this oath before assuming office. Officers serving in temporary “acting” or “interim” capacities shall not be sworn in.
  - 1. “I do solemnly affirm I will faithfully execute the Office of [position to be assumed] of the Student Government Association of Appalachian State University and will, to the best of my ability, preserve, protect, and defend the Constitution of the Student Government Association of Appalachian State University.”
- B. The chancellor of Appalachian State University or their designee shall swear in the officers specified herein. If the chancellor or their designee is unable or unwilling to do so, the acting Rules Committee chair shall swear in the officers specified herein.

**Section 5. Lines of Succession.**

- A. In the event of temporary or permanent incapacitation of the student body president, the line of succession shall be as follows:
  - 1. The student body vice-president
  - 2. The student senate president
  - 3. The student senate president pro-tempore
  - 4. The treasurer
  - 5. Other members of the executive cabinet, in order of their confirmation.
- B. In the event of temporary or permanent incapacitation of the student senate president, the line of succession shall be as follows:

1. The student senate president pro-tempore
  2. The student senate recruitment and retention officer
  3. The Rules Committee chair
  4. Other committee chairs, in order of their confirmation.
- C. In the event of temporary or permanent incapacitation of the Rules Committee chair, the Rules Committee ranking member shall assume the duties of acting Rules Committee chair until the position can be filled.
- D. Determination of “incapacitation”.
1. Incapacitation may be voluntary or involuntary, may arise from injury, illness, death, resignation, removal, or any other event that renders the official unable to discharge the duties of the office.
  2. The student body president, student body vice-president, student senate president, student senate president pro-tempore, and the Rules Committee chair may notify the Rules Committee chair in writing of their own temporary or permanent incapacitation.
  3. In the event that one of the above officers is incapacitated and unable to notify the Rules Committee chair, the attestation of three of the remaining officers to the fact, in writing to the Rules Committee chair, shall be sufficient.
  4. If the Rules Committee chair is incapacitated, notifications shall be made in accordance with the line of succession prescribed herein.
  5. Upon receipt of a valid notification of incapacitation or cessation of incapacitation, the Rules Committee chair shall inform all officers of the ASU-SGA and the ASU-SGA advisors. If the notification concerns the student body president, the Rules Committee chair shall additionally notify the Chancellor of Appalachian State University and the chair of the Appalachian State University Board of Trustees.
  6. When an officer previously declared incapacitated by either method notifies the Rules Committee chair in writing that they are able to discharge the duties of their office, they shall immediately regain their office.

**Section 6.** Compensation.

- A. The ASU-SGA may compensate officials for their labor. Compensation shall observe a tier system, in which all officials within the same tier are compensated equally. The compensation of officers within a tier shall not be greater than that of a higher tier. The exact compensation for each tier shall be determined by the fiscal year budget.
1. Tier 1 - The student body president and senate president.
  2. Tier 2 - The student body vice president and the senate president pro-tempore.
  3. Tier 3 - The recruitment and retention officer, chief of staff, treasurer, press director, and all standing committee chairs and corresponding executive directors.

## **ARTICLE VIII - INITIATIVE AND REFERENDUM**

- Section 1.** The student body shall be empowered to introduce legislation via petition delivered to the Senate President and Rules Committee chair. In order to be valid, any petition from the student body must contain the exact text of the legislation to be introduced, the signatures of five percent of the student body, and verification of each signatory's student status.
- Section 2.** The Senate may refer legislation to the student body for decision by referendum. Legislation that earns the support of a majority of voting students shall be forwarded to the student body president for consideration in the same manner as other legislation. Should the president veto legislation passed by referendum, the legislation shall be returned to the Senate and the Senate may consider overriding the veto as it would any legislation. Legislation that earns the support of  $\frac{2}{3}$  or more of voting students shall not be subject to veto and shall be enacted immediately upon verification of the referendum.
- Section 3.** In all cases of initiative and referendum, it shall be the responsibility of the Rules Committee chair to confirm the validity of the actions.

## **ARTICLE IX - CONSTITUTIONAL AMENDMENT PROCEDURE**

- Section 1.** Constitutional Amendments shall be introduced and considered as legislation.
- Section 2.** The criteria for the passage of constitutional amendments shall be the following:
- A. The Senate has passed the amendments by a  $\frac{2}{3}$  vote and after no fewer than two readings, which shall occur no fewer than seven calendar days apart.
  - B. The Senate has approved the wording for the description of the amendments on the referendum by a  $\frac{2}{3}$  vote no fewer than seven days after the passage of the amendments.
  - C. The student body has ratified the amendments via referendum earning the support of at least 60% of voting students.
    1. The exact amendment must be included in the referendum, in addition to the description.
    2. The referendum must be held concurrently with student body elections.