

Spring 2021

FAIRMONT STATE UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION

CONSTITUTION AND BY-LAWS

PREAMBLE

We, the members of Fairmont State University Student Government Association, to fully realize our purpose, do hereby adopt and establish this constitution as the guiding instrument of our organization.

ARTICLE I

Purpose

The purpose of this organization shall be to regulate all matters pertaining to the student life of its members which do not fall under jurisdiction of the faculty and administration; to promote general activities and develop a sense of collegiate community; to train its members in the principles and practices of democracy; to constitute a medium for expressing the opinion of the student body on matters of general interest; as well as promoting those opinions on relevant matters to strengthen the professional and academic relationships existing between the faculty, staff, students, and alumni.

ARTICLE II

Executive Officers

Section 1. Student Government Association Executive Officers: The executive officers of this organization shall be a President, Vice-President, Treasurer, and Secretary.

Section 2. Term of Office: Student Government Association Officers shall serve from May 1 to April 31 unless unforeseen circumstances prevent the term from ending at the prescribed time.

Section 3. Qualifications of Student Government Association Executive Officers: The Student Government Association Officers shall be:

A. At the time of their nomination the nominee must be carrying no less than 12 semester hours. If elected, the nominee must carry no less than 12 semester hours during their full term of office. No Student Government Association Executive Officer shall be a candidate for Winter graduation during their term of office.

B. They must have a cumulative 2.75 GPA or above at the end of the semester immediately preceding the election and must maintain a cumulative 2.75 GPA or above while in office.

C. A candidate must have completed no less than two full semesters, or one semester and one summer session of college work as a full-time student at Fairmont State University. In order to serve as a member of the Executive Board, an individual must have served a previous term in Student Government at Fairmont State University

D. All members of Executive Board will be limited to two consecutive elected terms in that office, at which point, upon completion of the second term, the officers who have served in said office will be required to be ineligible for that position for the following term. After that term is over, the individual may file for election for their previously held position.

Section 4. Duties and Responsibilities of the Student Government Association Executive Officers:

A. President: 1) Shall preside over all regular meetings of the student body; 2) Shall preside over all Student Government Association meetings; 3) Shall have power to call special meetings; 4) Shall have power to appoint special committees and special positions; 5) Shall perform such other duties as usually belong to this office; 6) Shall review a contract of these and other designated duties; 7) Shall maintain regular communication with all student organizations.

B. Vice-President: - 1) Shall assume the duties of the President when absent or by request; 2) Shall handle press relations for the Student Government Association in conjunction with the Director of Public Relations; 3) Shall assist the President in implementing policy; 4) Shall serve as an advisor to the President on all matters; 5) Shall review a contract of these and other designated duties;

C. Treasurer: - 1) Shall assume the duties of the President in case of the absence of the President and Vice-President; 2) Shall present to the Student Government Association,

bi-monthly, a statement of all expenditures during the semester; 3) Shall requisition the Business Office of the college for funds to be used for student organization funding requests; 4) Shall review a contract of these and other designated duties;

D. Secretary: - 1) Shall assume the duties of the President, Vice- President, and Treasurer, in case of absence; 2) Shall keep minutes of Student Government Association meetings and shall read the same at the next regular meeting; 3) Shall keep all records in permanent form; 4) Shall post minutes of the Student Government Association meetings and shall read the same at the next regular meeting; 5) Shall maintain communication with all student organizations; 6) Shall review a contract of these and other designated duties.

ARTICLE III

Appointed Positions

Section 1. Parliamentarian: The President of the Student Government Association must appoint an individual of the Student Government Association to advise the President on Parliamentary procedure. The Parliamentarian shall also serve as interpreter of the Student Government Association Constitution and shall issue final clarifications on matters of procedure.

Section 2. Staff Council: The Student Government Association shall nominate, vote, and appoint an individual of the Fairmont State University student body to be the representative to the Staff Council. The Staff Council representative shall attend all Staff Council and Student Government Association meetings, serve on all assigned committees, report on developments to SGA, present proposals to Staff Council and report to Staff Council President any developments from Student Government Association.

Section 3. Public Relations Director: The President of the Student Government Association shall appoint an individual of the Fairmont State University student body to be the position of Public Relations Director. The Public Relations Director shall control, monitor, and manage the Fairmont State University Student Government Association's social media and any and all mediums of public relations that pertain to Fairmont State University Student Government Association.

ARTICLE IV

Voting Members

Definition: Members of the body who are eligible to cast a vote are those duly elected and those expressly stated in the Constitution.

Section 1. Composition of the Body: The non-executive elected body shall consist of two Senators from the Freshman, Sophomore, Junior, and Senior, classes, respectively, ten-at-large Representatives, one Representative to the Fairmont State University Board of Governors, and two Representatives to the Fairmont State University Faculty Senate.

Section 2. Duties and Qualifications of Class Senators:

- A. These senators shall: 1) attend all Student Government Association meetings; 2) serve on all assigned committees; 3) vote on necessary matters at meetings.
- B. These class senators shall be students who, at the time of their elections, are carrying not less than 12 semester hours and must have a cumulative 2.75 GPA or above, while in office. Academic standing is not required of freshmen. These senators must be present at meetings of the Student Government Association and must serve on all designated committees.
- C. A class senator must have the required number of hours for qualification as a member of that class.

Section 3: Duties and Qualifications of Representatives at large:

- A. These representatives shall: 1) attend all Student Government Association meetings; 2) serve on all assigned committees; 3) vote on necessary matters at meetings.
- B. These representatives shall be students who, at the time of their election, are carrying not less than 12 semester hours and must have a cumulative 2.75 GPA or above and must maintain a cumulative 2.75 GPA or above while in office.

Section 4. Duties and Qualifications of Student Representatives to the Faculty Senate:

- A. These representatives shall: 1) attend all Student Government Association meetings; 2) serve on all assigned committees; 3) vote on necessary matters at meetings; 4) report on developments of the Senate to SGA; 5) present proposals on the Senate Floor; 5) report to the President of the Faculty Senate any developments from SGA.
- B. The Student Representatives to the Faculty Senate must have completed 24 credit hours.
- C. These representatives shall be students who, at the time of their election, are carrying not less than 12 semester hours and must have a cumulative 2.75 GPA or above and must maintain a cumulative 2.75 GPA or above while in office.

Section 5. Student Representative to the Board of Governors:

- A. This representative shall: 1) attend all Student Government Association meetings; 2) serve on all assigned committees; 3) vote on necessary matters at meetings; 4) report on developments to SGA; 5) present proposals to the BOG; 6) report to the Board and Board of Governors Chair any new developments within SGA.
- B. The Student Representative to the BOG must have completed 24 credit hours.

C. These representatives shall be students who, at the time of their election, are carrying not less than 12 semester hours and must have a cumulative 2.75 GPA or above and must maintain a cumulative 2.75 GPA or above while in office.

ARTICLE V

Committees

Section 1. Permanent Standing Committees

A. The Committee on Rules, Legislative Affairs, and Civic Engagement:

This committee shall be responsible for reviewing, revising, and amending the Constitution as well as ensuring adherence to bylaws and Robert's Rules of Order. This committee shall also be responsible for informing both the deliberative and student body as a whole on matters of legislation that pertain to Fairmont State and public higher education as a whole. It will also be the responsibility of this committee to encourage nonpartisan civil activity such as voting in primary and general elections. This committee will be chaired by the SGA Parliamentarian.

B. The Committee on Finance:

This committee shall be responsible for the oversight of all financial and budgetary matters of FSU Student Government as well as the consideration and approval of student activities and organization funding requests. This committee will be chaired by the SGA Treasurer.

C. The Committee on Senior Campaign:

This committee shall be responsible for the creation of original ideas for that year's Senior Campaign. If the committee sees fit, ideas will be taken to the Fairmont State Foundation to assist in fundraising for the campaign, ensuring its success. This committee will be chaired by the SGA Vice President.

D. The Committee on Events/Design:

This committee shall be responsible for organizing and scheduling events that target either campus-wide or Student Government involvement. It will also be the responsibility of this committee to aid the Public Relations Director of Fairmont State Student Government in the creation of content for Fairmont State Student Government's social media accounts across all platforms and mediums. This committee will be chaired by the Secretary and vice-chaired by the Public Relations Director.

E. The Committee on Elections:

This committee shall be responsible for planning, scheduling, and organizing the elections for the following term. This committee will be organized at the beginning of the Spring Semester and will meet as needed to ensure a fair and democratic election process.

F. The Committee on Technology:

This committee shall function as a liaison to the technology department. This committee will recommend new ideas and modifications of the University's technological services to the technology department head when needed. This committee shall be chaired by the SGA Vice President.

Section 2. Provisional Committees: The President shall have the right to create and disband temporary provisional committees for one term, as he/she sees fit. These committees will serve independently of the permanent committees and MUST not pertain to any matters of said committees.

Section 3. Presidential Limitations: As clearly prescribed by Robert's Rules of Order, the President will not have the authority or right to serve as chair of a committee as he/she is the chair of the deliberative body.

Section 4. Yielding the Committee Chair: If the prescribed chairs of any of the aforementioned committees does not feel qualified to serve in this capacity then they are obligated to yield their position at which point the President shall choose a new chair to head the said committee.

ARTICLE VI

Elections

Section 1. Eligibility for Office: In order to be eligible for an office of Student Government Association, a prospective member must be a full-time student of Fairmont State University. A prospective member shall fill out an Election Packet with the Student Government Association Advisor and have all relevant information included and turned in. To run for an office of a specific class, a prospective member must have the appropriate number of credit hours.

Section 2: General Election:

A. The general election shall be held at a two-day designated time in the spring semester prior to the first Student Government Association meeting in May. All ballots shall contain all nominated or filed candidates in alphabetical order. All elections shall be conducted by secret ballot and electronic format.

B. No write in votes shall be counted or accepted.

C. Should a candidate feel that the contest is close enough to warrant, a request for an audit of the voting may be made within 72 hours after the results have been announced. Such an audit shall be made by a counting committee comprised of persons agreeable to all candidates for the office in question. This audit committee shall then work in complete privacy, under the supervision of a faculty or administration member acceptable to all parties. The report of the audit committee shall be accepted as final unless the audit indicates a change in the declared winner. In such case, another audit shall be mandatory, with a new auditing committee designated. The findings of the second audit committee shall be accepted as final.

D. All students of Fairmont State University shall be eligible to vote for all candidates running for office in Student Government Association.

E. If circumstances exist where elections are not favorable or conducive to the overall student body, then a decision by the members of Executive board and the faculty adviser to postpone will be decided.

Section 3. Class Senators:

A. Fairmont State University students from any class rank can hold a senatorial office. All Freshmen elections will be held in the fall. The election for class senators will be held on the same days as the election for the student body executive officers with the name of the class candidates appearing on separate ballots. The procedure for class senator election will be identical to that of the executive officers.

B. Any position not filled in the Spring will be made available for occupation the following Fall. Any remaining vacant posts can be voted upon within Student Government Association throughout the academic year.

Section 4. Campaign Expenditures:

A. All expenditures and donations of personal use for all candidates for Student Government Association election combined shall not exceed \$200.00, with the exception of the positions of President and Vice-President, who may spend up to \$500.00 as a ticket.

B. Any material donated to a candidate shall be valued at fair market value. The said candidate shall provide an affidavit stating the amount and nature of the donation, signed by the donor, to the Student Government Association via the Student Government Association Advisor in his or her financial report.

Section 5. Reporting Expenses:

A. Each candidate, regardless of success, shall file with the Student Government Association Advisor a detailed account of his or her campaign finances, said Expenditure Report is to include:

1. Candidate's name, address, and phone number.
2. A detailed report of campaign expenditures and donations listing each item or campaign expense incurred and the total amount of their campaign.
3. Complete set of receipts and affidavits for donated items.

B. It shall be the duty of the outgoing Student Government Association to meet with the newly inaugurated members of the Student Government Association within two weeks after the new Student Government Association takes office. The purpose of this meeting shall be for the outgoing members to familiarize the new Student Government Association members with their duties and general activities. At this time the minutes of the meetings of the outgoing Government shall be turned over to the new Government.

C. In the event of an uncontested election, the Reporting Expense protocol shall be waived, and there will be no requirement to file subsequent paperwork.

Section 6. Violation of Election Rules & Procedure: Any candidate who has been accused of a violation of any election procedure shall remain on the ballot during the election; immediately upon the completion of the election an in-depth investigation shall be made by the election committee, Student Government Association and Advisor. This investigation shall begin by the accused candidate, the poll clerks, and administration serving at the time of the alleged violation meeting with Advisor. The investigation committee shall determine the validity of the accusation. If the candidate is found to be in infraction of the rules said candidate is disqualified.

Section 7. Appeal Process: The Election Packets of the Student Government Association shall contain all other specific matters not included in the Student Government Association Constitution and shall serve as reference for enforcement of proper procedure.

A. Election packets and procedures, excluding the change of dates, shall be continuous and in line with the Student Government Association Constitution and all changes made shall first be approved by the majority of the Student Government Association Election Committee members present.

ARTICLE VII

Vacancies

Section 1. Student Government Association Presidential Vacancy: In case of a vacancy in the office of the President of the Student Government Association, the Vice-President shall assume the full duties of that office upon being properly sworn in. The vacancy thus created in the office of the Vice- President shall be fulfilled by nominations from the floor at a Student Government Association meeting. A vote shall be taken, and when a candidate receives a majority of those present and voting, that candidate shall be confirmed to his or her new role.

Section 2. Vacancy on the Executive Board or of Elected Officials: In the event of a vacancy on the Executive Board or of an elected official, nominations will be taken on the floor of a regular Student Government Association meeting. The body shall deliberate, and a vote shall be taken. If a candidate receives a majority of those present and voting, that candidate shall be confirmed to his or her new role.

ARTICLE VIII

Assuming Office

Section 1. Inauguration of Officers: The inauguration of all officers will take place after the elections at the discretion of the former Executive Board. This transition shall take place no later than April 30. The retiring officers shall constitute a committee for properly carrying out the inaugural ceremony. If the Executive Board and faculty advisor determine the election to be delayed, it will be the responsibility of the mentioned parties to alter the transition date to a more conducive date as well.

Section 2. Oath of Office: "I (name of officer), do solemnly swear (or affirm) to support the Constitution of the United States, of West Virginia, and of Fairmont State University. I furthermore agree to discharge faithfully the duties and obligations of my office to the best of my skill, judgment, and ability.

ARTICLE IX

Budget and Compensation

Section 1. Student Government Association Financial System: The Student Government Association will be entitled to a portion of the student activity fee to use as operating funds. The President and the Executive Officers of Student Government Association will make a recommendation to the Assistant to the President of Fairmont State University concerning the amount of such activity fee. Shortly before financial decisions are enacted, Student Government Association shall approve or vote requests by student organizations for co- sponsorship funding appropriations. The President will be free to consult with other officers, the Student Government Association, as a body, other organizations, or any other advisor when formulating recommendations.

Section 2. Requirements of the West Virginia Department of Finance and Administration will be met when making any purchases or expenditures. All Student Government Association records are to be filed with the Advisor of Student Government Association.

Section 3. It shall be the duty of the Treasurer of the Student Government Association to keep abreast of funds expended and balances remaining by consulting with personnel in the business office who keep the appropriate records. It shall be the responsibility of the Student Government Association Treasurer to see that any accounts kept internally by the organization are reconciled with those in the Business Office.

Section 4. The Treasurer of the Student Government Association shall require reports from all organizations expending Student Government Association funds. Upon receipt of such reports, the Treasurer shall make them known to the entire body of Student Government Association. It shall be the duty of the Treasurer to maintain and update all reports.

Section 5. Compensation of Members: All officers and senior ranking positions shall receive a stipend for the tenure of their term. All other positions shall receive a stipend if the budget permits. Stipend limit and availability is to be determined by the SGA Budget Manager.

ARTICLE X

Amendments to the Constitution

Section 1. Proposing an Amendment: At any regular Student Government Association meeting where two-thirds of the active members are present, any voting member of the body may present an amendment to the constitution. This amendment shall be presented in writing, and the member shall speak to the importance of adopting the amendment. The Secretary shall make the written amendment available to the entire body, and it shall be printed in the meeting minutes.

Section 2. Adopting an Amendment: No less than one week later, the voting members of the body shall deliberate the merit of the amendment. A vote shall be taken, and if two-thirds of the members present vote in the affirmative, the amendment shall be declared adopted.

Section 3. Effective: Any amendment to the Student Government Association Constitution adopted by the body shall be effective immediately upon adoption.

ARTICLE XI

Impeachment

Section 1. Filing Articles of Impeachment: A member wishing to file article(s) of impeachment must do so in writing at any regular meeting. The member must address the entire body and explain the article(s) in detail. The article(s) shall be made available to the entire body and entered into the meeting minutes. No less than one week following the introduction of the article(s), the accused member will submit a written response to the article(s), and he or she may present the case to the entire body.

Section 2. Proceeding with Articles of Impeachment: Immediately following the defense of the accused, the entire voting body shall vote on the merit of the case; if a majority of those present vote in the affirmative, the impeachment case shall move to an impeachment committee.

Section 3. Impeachment Committee: The impeachment committee shall be comprised of two members of the executive board (the accused is removed from consideration), two members of the House of Representatives, and two members of the Senate that are chosen by the faculty advisor based on their impartiality and knowledge of the issues. It will be the responsibility of this committee to serve only as a fact-finding body and will present their findings to the entirety of the body following the conclusion of the investigation. This committee shall be chaired by the faculty advisor and vice chaired by the Student Government Association Parliamentarian.

*Clarification note-- if the President is the member being impeached, he or she shall be recused from the committee, the Vice President shall assume the role of presiding officer, and a member shall be appointed to fill the vacant seat.

Section 4. Impeachment: The accused member and the accusing member shall both present their arguments, facts, and relative information related to the case to the Impeachment Committee, and then briefly to the body. The Impeachment Committee will then present to the entirety of the body the findings of their investigation. The body will then take a vote, and if the accused party is found to be guilty of the charges of impeachment by two-thirds of the body, the member is then dismissed from Fairmont State Student Government Association for the remainder of their tenure at said establishment.

ARTICLE XII

The Student Government Association at Fairmont State University reserves the right to review and confirm the advisor for the organization each academic year by a simple majority vote of the Student Government voting body. If no candidates are available to serve as the advisor, then a Career Services Counselor will fill the position, per his or her job description.

ARTICLE XIII

Oversite of Student Organizations

The Student Government Association shall exercise oversight of the various Registered Student Organizations on campus. The Student Government Association shall prescribe the manner for which an organization may be registered on campus. By a majority vote, the members of the Student Government Association shall deem which new organizations may be registered on campus in compliance with all other superseding Fairmont State University policies and directives.

ARTICLE XIV

Effectiveness

Section 1. Date: This Constitution shall become effective immediately.

Section 2. Supremacy: All policies of Student Government Association shall be subordinate in accordance with this constitution.

Section 3. University Policies: In the event that decisions for the good of the student body and the University are deemed necessary, University policies will supersede SGA policies.

BY-LAWS

I. Quorum-Student Council Meeting

Voting in the Student Government Association shall be by means of majority vote unless there is provision in the Constitution to the contrary on the question at issue. A simple majority of the Student Government Association shall constitute a quorum. If a quorum is believed to be absent, the present members shall not call a vote.

II. Parliamentary Procedure

Procedures at the meetings shall be in accordance with Robert's Rules of Order.

III. Substitutes

No substitutes for Student Government Association representatives will be permitted at meetings of the Student Government Association.

IV. Absence Policy

Members of the Student Government Association shall be allowed 3 unexcused absences. In the event of an absence, the member must submit a written excuse at least one day before the SGA meeting. The Executive Board shall determine the validity of submitted excuses. When a member passes the permitted 3 unexcused absence limit, they become subject to immediate expulsion.

V. Amendments of By-Laws

The By-Laws of the Student Government Association shall be amended by two-thirds (2/3) vote of the entire Student Government Association