

# The Constitution of the Morehead State University Student Government Association

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## **PREAMBLE**

We, the students of Morehead State University, cognizant of our rights and responsibilities as citizens of the University community, do hereby establish a system of self-government whereby our convictions and actions may be fully represented in a forum, our rights protected by adjudication, and our desires executed into reality, in the constitution of the Morehead State University Student Government Association.

## **ARTICLE I – THE STUDENT ASSOCIATION**

Section 1. Definition: Any person enrolled as a full-time student of Morehead State University is a member of the Student Association and is entitled to all the privileges and protections granted within this constitution.

## **ARTICLE II – BRANCHES OF GOVERNMENT**

Section 1. Delegation of Powers: The Student Association of Morehead State University shall be governed by three branches: executive, legislative, and judicial. These branches shall be separate but interrelated.

Section 2. Title of the Branches: These aforementioned branches shall have the powers of student self-government. They shall be named: the Executive Board, the Student Congress, and the Student Court, respectively.

## **ARTICLE III – BILL OF RIGHTS**

Section 1. Rights of Students: The rights of students of the Morehead State University Student Association, as citizens of the University, shall not be infringed upon by any person, organization, association, or group affecting this University.

Section 2. Inalienable Rights: All citizens are by nature free and equal, and have certain inherent and inalienable rights, among which are:

A. The right of enjoying and defending their privileges and liberties granted in the Constitution of the United States.

- B. The right of students to freely communicate their thoughts and opinions.
- C. The right of students to assemble together in a peaceable manner for their common good, and to apply to those invested with the power of government for re-dress of grievances or other just causes by petition, address, or remonstrance.
- D. The right of students to be protected from discrimination because of sex, race, nationality, birthplace, disabilities, sexual orientation, or association.
- E. The right of students to free elections. Students appointed to office are to be appointed by freely elected officials.
- F. The right of students to alter, reform, or abolish their government, conditioned by the Board of Regents.
- G. The right of students to a speedy, judicial remedy. Protection from double jeopardy, self-incrimination, and excessive or cruel punishment shall be guaranteed.

Section 3. University Reserved Right: The administration may, in those cases where there is a strong indication that a student's misconduct will be repeated or continue, or where the administration believes disciplinary action is necessary to permit the University to carry on its function, impose immediate suspension with resultant loss of all student rights and privileges, pending hearing, if the student desires, before the Student Disciplinary Committee. The student has a right to a speedy hearing on the limited question of whether suspension should remain in effect until the regular hearing is completed.

#### **ARTICLE IV – THE EXECUTIVE BRANCH**

Section 1. Officers: The executive branch shall consist of the following: President, Executive Vice President, Vice President for Administration, Vice President for Finance, Vice President for Public Relations, and Vice President for Campus Involvement.

Section 2. Qualifications:

- A. Any Candidate for the executive branch must:
  - 1. Be a member of the Student Association.
  - 2. Have a 3.0 cumulative grade point average.
  - 3. Not be on academic warning.
  - 4. Not be on disciplinary probation.
- B. Any Candidate for the office of President must also have successfully completed a minimum of 45 hours of full-time study at Morehead State University.
- C. Any elected member of the executive branch must:
  - 1. Be a member of the Student Association.

2. Maintain a minimum 3.0 cumulative grade point average during their term in office.
3. Not be on disciplinary probation.

Section 3. Executive Board Responsibilities: The Executive Board shall be responsible for the execution of all Student Senatorial acts. It shall assist the President; advise the Executive Vice President of his or her selection of chairmen for the standing committees; meet prior to each general Student Senate session to set an agenda; meet in emergency sessions; select members of the clerical staff; and perform all duties granted it by the Student Senate.

Section 4. Duties of Officers:

- A. The President of the Student Government Association is the chief officer of the executive branch.
  1. The major duties are as follows: to make all appointments granted to the executive branch; to preside at all the meetings of Student Senate; to preside at all the Executive Board meetings; to perform such other duties as are necessary to serve the student(s) of the association to the best of his or her ability.
  2. His or her presidential-legislative power shall be limited to: introduction of legislation, debate as granted in the latest edition of *Robert's Rules of Order*, messages, and power to initiate impeachment charges.
  3. His or her presidential-judicial power shall be limited to the authority to bring charges against violators of laws set by the Student Association, and to appoint, with the approval of Student Senate, judges to the court.
- B. The Executive Vice President shall be vested with the powers of the President in the absence of, or at the request of the President. He or she shall be an ex-officio member of all Student Senate committees. He or she is charged with reporting their progress to the President. The Executive Vice President shall preside during the impeachment and/or removal proceedings of the Chief Justice of the Student Court. The Executive Vice President must attend each standing committee's meeting once a month. He or she shall conduct an evaluation of the effectiveness of all standing committees each semester to be submitted to the President.
- C. The Vice President for Administration shall be responsible for all clerical assistance and the maintenance of all records of Student Senate meetings and the Executive Board meetings. He or she shall handle all correspondence and send written notification of Student Senate meetings at least three days in advance of the respective meetings dates. The Vice President for Administration shall have a copy of the constitution, standing rules, the book

of parliamentary procedure, and a list of all members of Student Senate at all Student Senate meetings upon the request of the President. He or she shall file an official copy of the Student Senate minutes with the advisor and whomever Student Senate designates within three days after the Student Senate meetings. The Vice President for Administration shall be the presiding official over the Student Life Committee.

- D. The Vice President for Finance shall have the power to conduct all financial transactions of the association. He or she is entrusted with the keeping of all financial records and the collection and distribution of all monies as directed by Student Senate, and/or the President, when granted the power by Student Senate. All monies must be kept in accordance with the policies of Morehead State University. The Vice President for Finance shall present to Student Senate a breakdown of the budget and disbursements of funds at least once per month. The Vice President for Finance shall be the presiding official over the Funding and Awards Committee.
- E. The Vice President for Public Relations shall be responsible for the public affairs of the Student Senate. He or she shall act as the public relations director of the Student Senate and shall direct all notifications and announcements of Student Senate sponsored events to the Student Association. He or she shall keep a record of all the Student Government Association's promotional activities on a thumb drive specifically designated for that purpose. The Vice President for Public Relations shall be responsible for maintaining the Student Government Association's online presence. He or she is also responsible for advertising openings on Student Senate and the Student Court. The Vice President for Public Relations shall be the presiding official over the Public Relations Committee.
- F. The Vice President for Campus Involvement shall be responsible for the administration and proposition of all sponsored programs and/or events to the Executive Board and Student Senate. He or she shall keep a record of all the Student Government Association's related programs and sponsored events on a thumb drive specifically designated for that purpose. The Vice President for Campus Involvement shall be responsible for the administration of special programs related to student issues or concerns as directed by the Executive Board and Student Senate. The Vice President for Public Relations shall be the presiding official over the Campus Involvement Committee.
- G. The individual members of the Executive Board will be responsible for other duties as assigned by the President.

## ARTICLE V – THE STUDENT SENATE

Section 1. Membership: The membership of the Student Government Association shall be composed of:

- A. The Executive Board.
- B. The **class representatives** will be elected from the following classifications: freshman (2), sophomore (2), junior (2), senior (2), and graduate (1)

- C. The **residence halls** will be represented by one (1) at-large position.
- D. One (1) **commuter representative** shall be elected from that constituency. Commuters are defined as students not living in University housing.
- E. One (1) representative **per college** shall be elected by their constituents. There shall be one (1) representative from the College of Business and Technology, one (1) representative from the College of Education, one representative from the College of Science, and one (1) representative from the Caudill College of Arts, Humanities and Social Sciences. These representatives will also serve as student members on committees within their colleges.
- F. There shall be fourteen (14) **at-large representatives** elected. Those elected shall be a member of the Student Association, as defined in Article I, Section 1.
- G. One (1) **International Student Representative** shall be elected by their constituents. International Student is defined as a non-American student of this university.
- H. One (1) **Student Athlete Representative** shall be elected by their constituents. Student Athlete is defined as a member of a Morehead, NCAA sanctioned sport.
- I. **One (1) RHA/RA Representative** shall be elected by their constituents. The holder of this position/candidate must be either a member of the Executive Board of the Residence Hall Association, or be a Resident Advisor
- J. Each representative will be a member of a standing committee of Student Senate.

Section 2. Qualifications: All representatives must be full-time students and in good social and academic standing with a 2.5 overall grade point average on a 4.0 scale. A representative must be a member of the class that he or she represents during the first semester of his or her term of office, or a member of the student segment that he or she represents for the entire term of his or her office. Qualifications of all candidates shall be verified and recorded by the Vice President for Administration of the Student Senate before names will be placed on the ballot. If a Student Senate member drops below a full-time status or a 2.5 GPA during a semester, he or she may not remain on Student Senate. The Vice President for Administration shall ensure that all Student Senate members remain eligible for their positions throughout their term of office.

Section 3. Parliamentary Procedure: The Student Senate shall use *Robert's Rules of Order*, latest edition, to govern the parliamentary procedure when not in conflict with this constitution.

- Section 4. Vacancies: If a vacancy occurs in Student Senate, a new representative from the same constituency shall be appointed by the President of the Student Government Association and approved by the Student Senate.
- Section 5. Appointments: The Student Senate shall, by a majority vote, ratify all appointments made by the President, unless otherwise provided for in this constitution. Any person appointed by the President shall be entitled to exercise all powers of the appointed office upon ratification by the Student Senate.
- Section 6. Advisor: The advisor of the Student Senate shall be the Vice President for Student Life or his or her delegated representative. He or she shall have deliberate power but no voting power in Student Senate. He or she must be notified in advance by the Vice President for Administration of all Student Senate sessions.
- Section 7. Minutes: The Student Senate must keep minutes of its proceedings.
- Section 8. Committees: All special and standing committees of the Student Government Association shall be established by the executive branch upon Student Senate approval. The Executive Vice President shall regulate them. Committees shall be given direction through purposes and guidelines when established by Student Senate and report to the Executive Vice President.
- Section 9. Quorum: A majority of the voting members of the Student Senate shall form a quorum for the transaction of business.
- Section 10. Committee Reports: Committee representatives shall be asked to report weekly on the action of their respective committees.

## **ARTICLE VI – THE STUDENT COURT**

- Section 1. Authority and Purpose: The Student Court established by the Student Government Association and approved by the Student Life Committee receives its authority from the Board of Regents through the President of Morehead State University. The Student Court will hear cases of members of the Student Association and student organizations charged by the Attorney General of the Student Court with violating provisions of the Student Government Association constitution, the

Association's election procedures, or other stated policies of the Association, and will recommend action to the appropriate University committee.

## Section 2. Composition and Duties:

### A. Composition:

1. The Student Court shall consist of a Chief Justice and four Associate Justices.
2. There shall be an Attorney General.
3. There shall be an Assistant Attorney General.
4. There shall be a Chief Defense Counsel.
5. There shall be a Clerk of Court.

### B. Duties:

1. Chief Justice:
  - a. He or she will preside over all hearing and meetings.
  - b. He or she will call special meetings and hearings.
  - c. He or she may discuss each case with the court.
  - d. He or she will cast a vote only in case of a tie.
  - e. In cases in which the Chief Justice is unable to preside, an acting Chief Justice shall be selected by lot of the Associate Justices.
2. Associate Justices:
  - a. Each Associate Justice may discuss each case with the Court.
  - b. Each Associate Justice may cast one vote on all issues.
3. Attorney General:
  - a. He or she is to act as a prosecutor for the court.
  - b. He or she is to gather all pertinent and relevant information concerning the case.
  - c. He or she shall prepare a writs of summons on individual or chief executive officers of organizations, ordering them to appear before the court. The summons must be delivered at least forty-eight (48) hours before the date of appearance to allow the defendant to consult with his or her Chief Defense Counsel. The server of summons shall be the Vice President for Student Life or his or her designee.
4. Assistant Attorney General:
  - a. He or she is to assist the Attorney General as prosecutor for the court.
  - b. He or she is to assist the Attorney General in gathering all relevant information concerning the case.
  - c. In cases in which the Attorney General feels he or she cannot prosecute a case fairly, he or she may disqualify himself or herself and the Assistant Attorney General will assume the prosecution of the case.
5. Chief Defense Counsel:

- a. He or she shall gather evidence relevant to the case, and shall have access to the information of the Attorney General concerning the case.
  - b. He or she shall conduct the defense for the case unless the defendant requests another Counsel. (Refer to Article VI, Section 2. A1).
6. Clerk of Court:
- a. He or she shall keep transcripts of all hearings for the court.
  - b. He or she shall forward each decision and a copy of the transcript of all proceedings to the President of the Student Government Association and the Vice President for Student Life.

Section 3. Method of Selection, Terms of Office, and Vacancies:

A. Method of Selection:

- 1. The President of the Student Government Association, with the approval of Student Senate, shall appoint Justices to the court and designate a Chief Justice. No Justice may be a member of Student Senate while serving on the court. Appointments shall be made in the spring semester by the newly elected President prior to the final Student Senate meeting.
- 2. The Attorney General, Assistant Attorney General, Chief Defense Counsel, and Clerk of Court shall be appointed by the President of the Student Government Association with the approval of Student Senate. They may not be members of Student Senate during their respective terms of service. Appointments shall be made in the spring semester by the newly elected President prior to the final Student Senate meeting.

B. Terms of Office: All Justices, the Attorney General, Assistant Attorney General, the Chief Defense Counsel, and the Clerk of Court shall serve from the date of their approval by Student Senate until the newly appointed members have been sworn in, unless otherwise stated in this constitution. All court officers must be full-time students with a minimum of 30 credit hours, a minimum of a 3.0 GPA on a 4.0 scale, and must not be on social or academic probation at the time of appointment or during their term of office.

C. Vacancies: In the event of vacancies, the President of the Student Government Association, with the approval of Student Senate, shall appoint officers to serve the remainder of the term.

Section 4. Impeachment and Punishments: Any member of the Student Court may be removed from their respected office through the procedure defined in Article X, Section 1.



Section 5. Jurisdiction: Any member of the Student Association or any student organization charged by the Attorney General may be subject to the jurisdiction of the court.

Section 6. Authority and Appeal:

- A. The establishment of the court and the derivation of its authority are contingent upon statutory restrictions of the Commonwealth of Kentucky and delegation of power from the Board of Regents and the President of the University.
- B. The court may recommend any action, which it considers fair and equitable to the appropriate University committee and may be modified.
- C. Decisions resulting from the recommendation of the Student Court may be appealed to the appropriate University committee and may be modified.

Section 7. General Punishments:

- A. A Justice will be disqualified in any case in which proof of conflict of interest is established in the preliminary motions or any Justice may freely disqualify himself or herself from voting on a case, which he or she feels he or she cannot, without prejudice, pass judgment. A disqualified judge may not attend court hearings. He or she may not discuss the case and cannot vote.
- B. A decision is reached by a majority of justices voting on the case.
- C. The Student Senate may develop lower courts, as they are deemed necessary, with the approval of the Student Life Committee and the Board of Regents.

Section 8. Advisor: The Advisor of the Student Court shall be the Vice President for Student Life or his or her designee. He or she shall have deliberate power but no voting power in court. He or she must be notified in advance by the Clerk of the Student Court of all hearings.

Section 9. Meeting Time:

- A. The court shall meet once a semester as well as anytime that may arise.
- B. The Chief Justice shall have the power to call special meetings, providing a forty-eight (48) hour notice of all such meetings is given to all officials of the court.

Section 10. Hearings:

- A. The Chief Justice shall have the power to call special hearings. The Defendant, Chief Defense Counsel, Attorney General, Assistant Attorney General, Clerk of Court, Advisor, and all Justices must be notified of such hearings forty-eight (48) hours in advance.
- B. For regular hearings, the following procedures will be observed:
  - 1. Call of cases on docket.

2. Enter plea.
3. Opening statements from prosecution and defense counsels, respectively.
4. Presentation of case for prosecution, including evidence and witnesses through direct examination.
5. Cross-examination.
6. Any re-direct or re-cross examinations.
7. After prosecution rests its case, defense will pursue its case in the same order.
8. Summation by prosecution.
9. Summation by defense.
10. Verdict of the court.

Section 11. Enumerated Rights of the Defendant: A person appearing before the court is to be advised of the following rights which he or she enjoys as an American Citizen or as a full-time student of Morehead State University. These rights shall be enumerated in the writ of summons.

- A. He or she may act as own counsel, utilize the assistance of the Chief Defense Counsel's office, or have Counsel of own choice. Such Counsel must be a full-time Morehead State University student.
- B. He or she may have witnesses testify on his or her behalf.
- C. He or she must be informed of the charges brought against him or her.
- D. He or she may not be forced to testify against himself or herself, or be forced to otherwise incriminate himself or herself.
- E. He or she may change his or her plea.
- F. He or she may request an open or closed hearing.
- G. He or she has the right to request of the court that the courtroom be cleared of all spectators. The Chief Justice reserves the right to clear the courtroom of spectators who violate the dignity of the court by unruly action during proceedings.
- H. He or she has the right to testify in his or her own defense.

## **ARTICLE VII – STUDENT INITIATIVE, REFERENDUM, AND RECALL**

Section 1. Initiative: Any election deemed appropriate may be initiated by a resolution approved by a majority of the Student Senate at a regular meeting or by a petition directed to the Student Senate stating the proposed matter in full and signed by at least 10 percent of the Student Association.

Section 2. Referendum: The Student Senate shall, within 15 days of receipt, verify the initiative and shall refer the referendum to the President of the Association to

begin ratification within twenty-four (24) hours of its verification. Ratification shall be accomplished in the following manner:

- A. The President of the Student Government Association shall, within 60 days and not less than 15 days from the date of receipt cause a special election to be held, wherein the Student Association shall be entitled to vote on the matter submitted.
- B. The election will be held, provided that notice of such election setting forth the proposed referendum, in full, be made public by the Vice President for Public Relations not less than six days prior to the date set for the election.
- C. If the referendum is approved by a majority of those voting it shall be binding upon all branches of the Student Government Association.

Section 3. Recall: If by a petition of not less than 25 percent plus one of the official's constituency calls into question the qualification record or if the loyalty of the elected official is disputed, Student Senate shall call a special election demanding a majority vote of the total constituency to declare a vacancy in that office. If a vacancy is declared it shall be filled by special election or as otherwise stated in Article V, Section 4., of this constitution.

## **ARTICLE VIII – ELECTIONS AND TERMS OF OFFICE**

Section 1. Executive Branch: The Student Association shall elect all members of the Executive Branch each year mid-term in the spring semester of the academic year. All dates, procedures, and rules pertaining to the elections and installations will be established by an Election Committee created by the Executive Vice President. All newly elected officials shall be installed before the end of the spring semester at a time and in a fashion set by the Election Committee. The term of office, unless otherwise stated in this constitution, is to be no longer than 12 months and no less than 10 months after installation.

Section 2. Student Senate: All members of Student Senate listed in Article V, Section 1., subsections B, C, D, E, and F, shall be elected from their respective constituencies during the first five weeks in the fall semester of the academic year. All dates, procedures, and rules pertaining to elections and installations will be established by an Election Committee created by the Executive Vice President. All newly elected officials shall be installed after the election date at a time and in a fashion set by the Election Committee. The term of office is not to extend beyond the closing of the spring semester.

Section 3. Miscellaneous Student Elections: The Student Association shall elect all other elected representatives of the Student Association created by the Student Government Association or the University. All dates, procedures, and rules pertaining to elections and installations will be established by an Election committee created by the Executive Vice President. All newly elected officials shall be installed at a time and in a fashion set by the Election Committee. The term of office shall be no more than 12 months and no less than 10 months after installation. All elected representatives of the Student Association are subject to the qualifications, fulfillment of vacancies, recall, and responsibilities as set for the members of Student Senate.

#### **ARTICLE IX – SUCCESSION**

Section 1. Order of Succession: The order of succession to the presidency shall be: Executive Vice President, Vice President for Administration, Vice President for Finance, Vice President for Public Relations, Vice President for Campus Involvement, and an elected member of Student Senate, respectively. It shall require a two-thirds vote of Student Senate and a written letter of vacancy by the outgoing President to declare a vacancy in the presidency. If for some reason a letter cannot be obtained, a second vote of Student Senate will serve to declare the vacancy. Upon the fulfillment of the office of President, the vacated position may be filled by appointment of the President and the approval of Student Senate.

#### **ARTICLE X – IMPEACHMENT**

Section 1. Definition of Impeachment: Any member of the Student Senate or the Executive Board may be impeached by a majority vote of Student Senate for any act, which is detrimental to the best interests of the Student Association and/or the University. A trial shall be held by the Student Court not sooner than one week, and not more than three weeks, from the act of impeachment. If a defendant is found guilty by the Student Court, the position shall be declared vacant, and shall be filled by appointment by the President.

#### **ARTICLE XI – MEETINGS**

Section 1. Schedule of Meetings: Student Senate shall meet weekly during the regular academic year at a time, place, and date set by the Executive Branch.

#### **ARTICLE XII – AMENDMENTS**

Section 1. Procedure: Amendments and changes to this constitution may be proposed by a member of Student Senate in which an Ad Hoc Committee is assembled. The Ad

Hoc Committee shall be chaired by the Executive Vice President. Amendments and changes to this constitution may also arise by means of a petition signed by not less than 10 percent of the Student Association. An Amendment shall become effective when ratified by two-thirds majority of Student Senate, and when approved by the Student Life Committee and the Board of Regents.

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