**Explanatory Memorandum – Constitution Act (2014)**

This Constitution Act reconstitutes the Wesleyan Council on Student Affairs by providing substantive and restorative operational and structural changes. This Act repeals the Constitution 1984 and all subsequent constitutional amendments and inserts this Act in their place. In effect, this is a new Constitution.

This Constitution provides a wide array of fixes to incomplete structural changes committed since 1984 to create a cohesive document that clearly outlines the functions and functioning of WCSA. Many conflicting passages were struck or reworked to provide a single point of reference for the issues described.

Importantly, this Constitution is a roadmap to the government. It does not include non-base structural items or incorporate minute procedures or committee compositions into its structure. The constitution of committees, the creation of divisions, departments, and agencies, and the delineation of procedural matters is not a matter for the Constitution except in places where ambiguity would become destructive.

This Constitution is modular. It simply defines the basics of the most basic structures of student government: executive functions, legislative functions, dispute resolution, elections, and alterations to the basic nature of the government. It is designed to allow for wide and narrow changes into the future and provide the greatest possible freedom to individual WCSAs to determine their operations via statute and resolution.

This Constitution also provides for reasonable fallbacks and continuities. While it divests much of the extended continuity planning to statute for the primary purpose of looping in non-Constitutionally enumerated persons into lines of succession, it provides for a way to resolve vacancies, be it one or twenty.

It also provides for continuity of governance in its administrative structures: the governance of WCSA will now be split into three effective documents:

1. Constitution – deals with basic structures and such as described
2. Rules of the Executive and Legislative, etc. – deals with operating procedures purely internal to the basic units of WCSA (excluding subsidiaries, etc.)
3. Statute – deals with the remainder of items needed to be expressed in written form, such as election guidelines, standard forms for bills and resolutions, budget guidelines, creation and administration of student government agencies like CPB, administration of records, etc.

This division will greatly streamline administrative processes and make continuity far more attainable than the simple system installed previously: the instatement of acts and resolutions in a manner that is not uniform.

It tasks the incorporation of all present precedents and acts effective, including any necessary modifications, to APC in order to ensure that this Constitution is executable in a smooth way. This includes any minor alterations to operating rules (standing orders).

The following substantive changes have been made in this document:

* Treasurer – no longer elected by the student body. It is now a position appointed by WCSA’s legislative. This post is one that carries a strong responsibility on members for vetting.
* Payment of members – expressly forbidden
* Changing the President to a voting member – this is an incompatibility with our present rules and procedures. Since the President is expected to be an active member of the legislative, he or she will receive a deliberative vote. The presiding officer of the legislative – that is, whoever is in the chair in that moment – has no vote except in a tie.
* Allowing the President to deliver, if he or she wishes, a “State of the Student Body” address as a constitutional duty, much like the State of the State or State of the Union on a governmental level. This will help to increase our visibility if done correctly.
* Clearly defines the Secretary’s position as the delineated head of records, property, and elections for WCSA and its Chief Administrative Officer. Note that this takes no responsibility away from Campus Relations committee: the reason for the elections provision to the Secretary is simply as a point of contact for ceremonial purposes.
* Re-creates an “Elections Commission”. In statute, this will be the Campus Relations committee because that is how it is at present. This just enumerates how to resolve election complaints.
* Gives our Full Body/Council/Legislature a name: “House of Assembly”. This was suggested in Committee but the Committee was completely open to changing it or taking a vote on a better name. It’s in name only. Possible alternatives: House of Councilors, Council of Representatives, Senate, House of Representatives, Council of Representatives, Legislative Assembly, Legislative Council…
* Splits recall and impeachment. Impeachment is for quasi-criminal or criminal offenses (it can happen). Recall is for poor performance. Impeachment can be brought by either the student body or WCSA, and goes through a student conduct panel to determine if the charges are substantial or not. This prevents abuse of this provision. Recall can similarly be brought on by either group: 25% of the member’s constituents or 2/3 of WCSA can force a special election. The member DOES NOT lose their seat unless they lose the election.
* The student body can now call for a vote on legislation WCSA has passed by petition, and can likewise legislate by a petition and a vote.
* Dates for elections are now fixed to prevent election abuse.
* Vacancies are now resolved in a uniform way.
* Amendments to the constitution can now be done by either a vote of the students or a vote of WCSA. A third option combines the two. 50% of the students with a petition, 2/3 of WCSA’s membership, or 50% of the students acting with 50% of WCSA can approve an amendment.
* The sections of the Constitution on the University review process and open meetings have been removed from the Constitution only. Open meetings goes into statute. University review is mandated by the board of trustees and is intended to go into statute.
* Executive Committee has now been named the Executive Cabinet. It sounds nicer, the committee believes. It also opens up Exec to appointments and nominations for people who are not committee chairs *officially*.
* An organizational meeting has been added. This is necessary because of the change to Treasury, and allows for committee assignments to be determined straight away. This WILL NOT terminate anyone’s current term early; attendees of the organizational meeting are still members-elect.
* The “geographical” representative group – fraternity, off-campus, SLU, and residence hall representatives have been merged into a single election. This is due to the effective atrophy of each of those positions. The off-campus post, for instance, has been virtually phased-out due to technical problems, and representation has become unintentionally mixed across these constituencies. It also sections off campus groups in an inequitable way; for instance, only up to 2 SLU members could be elected previously, and so on and so forth. This allows these communities to be more active members of WCSA by virtue of their representation.
* The defunct WCSA post of Senior Class President has been struck. This is because this stopped being used as an extension of WCSA in 2007.

Overall, these changes are not too radical. They mostly codify what has become practice, and straightens out some of the rough edges on our current procedure. It also allows WCSA to make more determinations for its own future where the previous Constitution mandated internal governance while allowing the student body more tangible input on WCSA operations.

**14F-06**2014 Fall

**The Wesleyan Council
on Student Affairs**

**Constitution Act (2014)**

**An Act to Constitute the Wesleyan Council on Student Affairs**

*(Administrative Policy Committee)*

*Presented – 27 October 2014
Agreed to –*

Signed,

Rep. Matthew McCord
Resolution Sponsor

Constitution Act

An Act to constitute the Wesleyan Council on Student Affairs

### Short title

This Act may be cited as the Constitution Act.

### Commencement of Act

The Constitution of the Wesleyan Council of Student Affairs shall take effect on and after 11 December 2014.

### Definitions

The Wesleyan Council on Student Affairs, hereinafter referred to as Wesleyan Council on Student Affairs or WCSA, shall mean the student government as established under this Act.

The Student Body shall mean all students being members of the Student Body by virtue of their registration at Ohio Wesleyan University.

### Operation of the Constitution and Statute

This Act, and all statutes and resolutions made by the Wesleyan Council on Student Affairs under the Constitution, shall be binding on the Wesleyan Council on Student Affairs, its constituent and subsidiary entities, and the Student Body.

### Repeal of Constitution Acts 1984

The Constitution Act 1984 and all subsequent Acts to amend are hereby repealed, but so as not to affect any continuing resolution or appropriation resolution passed by the Wesleyan Council on Student Affairs and in force at the commencement of this Act.

### Application of Previous Continuing Resolutions, Acts, and Regulations

After the passing of this Act the Administrative Policy Committee, or committee succeeding at the time of passage, shall ensure the incorporation, appropriate modification, and promulgation of any standing orders, continuing resolution, or appropriation resolution passed by the Wesleyan Council on Student Affairs and in force at the commencement of this Act.

### Constitution

The Constitution of the Wesleyan Council on Student Affairs shall be as follows:

**The Constitution**

The Constitution is divided as follows:

1. General
2. Legislature
3. Executive
4. Judicature
5. Elections
6. Alteration of the Constitution

# General

### General power

The power of the Wesleyan Council on Student Affairs shall be vested in a Legislative, an Executive, and a Judicature.

### Mission Statement

The Wesleyan Council of Student Affairs is committed to, and passionate about all aspects of student life. As an organization, The Wesleyan Council of Student Affairs aims to represent, advocate for, and provide services to the student body in a way that echoes the genuine concerns and wants of its constituency. The Wesleyan Council of Student Affairs welcomes its responsibility to lead for and be accountable to its constituency. It recognizes that Ohio Wesleyan University’s strength comes from the diversity of its student body, as well as the various passions of its students.

### Purpose

The Wesleyan Council on Student Affairs shall, subject to this Constitution, have the power to make resolutions and statutes and take actions with respect to:

1. ensuring the greatest participation by students in the immediate governance of and policy development for the Ohio Wesleyan University at all levels;
2. formulating basic policies on matters related to student life within the residential living units and student activity areas;
3. regulating, legislating for, and promoting student clubs, organizations, and programs;
4. attending to the general safety and security of the student body and University;
5. conducting and disseminating reports, studies, and opinions;
6. passing regulations, recommendations, and requests on any matter before the University community;
7. promoting scholarship, responsibility, and awareness;
8. appointing students to serve as members of and representatives to student committees, faculty committees, and University commissions;
9. appointing students to serve as members of and advisors to the university conduct system or its successor;
10. maintaining and disbursing the student activity fee;
11. developing policies in a fair and open manner;
12. informing all students of the activities of the Wesleyan Council on Student Affairs and encouraging active participation in them; and
13. presenting a report to the President of the University, Faculty, and Board of Trustees from time to time through the chief executive of the Wesleyan Council on Student Affairs.

# Legislative

### Legislative power

The legislative power of the student body shall be vested in the House of Assembly, hereinafter referred to as the Assembly.

### Voting composition

The House of Assembly shall be composed of a number of voting members as determined in the following manner:

1. one member shall be the President of the Student Body;
2. one member shall be the Vice-President of the Student Body;
3. one member shall be the Secretary of the Student Body;
4. two members for each of the freshman, sophomore, and junior classes shall be Representatives of their class, provided this number does not exceed six;
5. nineteen members shall be general Representatives; and
6. four members shall be appointed Representatives.

### Non-voting composition

The House of Assembly shall be composed of a number of non-voting members as determined in the following manner:

1. three members shall be Delegates of the Faculty;
2. two members shall be Delegates of the Administration; and
3. a number of members shall be Delegates of other constituencies, to be determined by statute.

### Determination of membership

The House of Assembly’s membership shall be determined in the following manner:

1. the President, Vice-President, and Secretary of the Student Body shall be chosen by the provisions of Chapter III of this Act;
2. the Representatives of the various classes shall be chosen by an election for those positions within each class;
3. the Representatives of a general nature shall be chosen by an election for those positions within the student body;
4. the Representatives of an appointed nature shall be chosen by the House of Assembly;
5. the Delegates appointed by the Faculty shall be chosen by the Faculty through their usual processes, provided that the appointment of such Delegates shall be made through notification in writing to the presiding officer of the House of Assembly;
6. the Delegates appointed by the Administration shall be chosen by the President of the University, one of whom shall be the Advisor to the Wesleyan Council on Student Affairs, provided that the appointment of such Delegates shall be made through notification in writing to the presiding officer of the House; and
7. the Delegates of any other constituency be appointed by that constituency through their usual processes, provided that the appointment of such Delegates shall be made through notification in writing to the presiding officer of the House of Assembly.

### Duration of the legislative

Every House of Assembly shall continue for one year from the first meeting of the Assembly, and no longer.

### Officers and legislation

The House of Assembly shall choose their principal and other officers, and have the sole power of legislation.

### Resignation of member

A member may by writing addressed to the presiding officer, or to the Secretary of the Student Body if there is no presiding officer, resign his or her place, which thereupon shall become vacant.

### Vacancy by absence

The place of a member shall become vacant if for one month of any session of the House of Assembly they, without the permission of the House, fails to attend the House.

### Resolution of vacancies

Shall the place of any member become vacant, the vacancy shall be resolved by:

1. if the member is the President, Vice-President, or Secretary of the Student Body, their vacancy shall be resolved by the provisions of Chapter III of this Act;
2. if the member is a Representative of any nature other than that of appointed, a special election shall occur for that position;
3. if the member is a Representative of an appointed nature, the House of Assembly shall choose a person to fill the place;
4. if the member is a Delegate of any constituency, that constituency shall choose a new person to fill the place.

### Quorum

Until the House otherwise provides, the presence of at least one more than one-half of the number of the voting members to which the House of Assembly is entitled shall be necessary to constitute a meeting of the House for the exercise of its powers.

### Voting

Questions arising in the House of Assembly shall be determined by a majority of the votes other than that of the presiding officer, who shall not vote unless either the numbers are equal or their vote would be decisive on certain types of question, and then they shall have a casting vote.

### Standing orders and administration

The House shall enact its own standing and temporary orders and provide for its own internal governance and administration, provided its provisions shall not contravene any other order of this Constitution or statute.

### Legislative sessions

The first session of the House shall begin on the first day of the spring semester and terminate at the end of the spring semester. The second session of the House shall begin on the first day of the fall semester and terminate at the end of the fall semester.

### Organizational meeting

At a time not after the week prior to the final week of the semester in which a general election has taken place, the House shall hold an organizational meeting for the purpose of determining its principal and other officers, standing orders, administration, and other matters of process and procedure.

### Payment of members

The legislative shall allocate no funds, nor the executive appropriate any funds, towards the maintenance or compensation of any officer or member of the Wesleyan Council on Student Affairs.

# Executive

### Executive power

All executive power of the student body shall be vested in an Executive Cabinet and extends to the execution and maintenance of this Act and statutes passed by the Wesleyan Council on Student Affairs.

### Principal Officers of the Student Body

There shall be a President of the Student Body (“President”), Vice-President of the Student Body (“Vice-President”), Secretary of the Student Body (“Secretary”), and Treasurer of the Student Body (“Treasurer”).

### President

1. The President shall be the chief executive of the student body and leader of the Executive Cabinet.
2. The President, together with the Vice-President, shall be chosen by the student body.
3. The President shall administer and enforce all statutes of the student body.
4. The President shall, with the advice and consent of the legislative, appoint Cabinet members and make appointments established by statute; but the legislative may vest by statute the appointment of such officers and members in the President alone as they think proper.
5. The President shall, with the advice and consent of the presiding officer of the legislative, convene the legislative to meet at a set time and place on twenty-four hours notice, provided that the purpose for such action shall be urgent.
6. The President shall, with the advice and consent of the Vice-President, prepare the legislative and executive program for their administration for the consideration of the legislative.
7. The President shall, from time to time, present a report on the state of the student body to the student body through the legislative.

### Vice-President

1. The Vice-President shall be the deputy to the President in all matters relating to that office.
2. The Vice-President shall execute all duties discharged to the office by statute.

### Secretary

1. The Secretary shall be the chief administrator of the student body.
2. The Secretary shall ensure the appropriate maintenance of all records and property of the student body, and ensure the proper administration of elections.
3. The secretary shall be chosen by the student body.

### Treasurer

1. The Treasurer shall be the chief financial officer of the student body.
2. The Treasurer shall, subject to statute, provide for the appropriation, disbursement, and maintenance of the student activity fee.
3. The Treasurer shall be appointed by the legislative.

### Ministers and Directors

The President shall, with the advice and consent of the legislative, appoint officers and members to administer such departments and divisions of government as may be established by statute.

### Composition of the Cabinet

The Executive Cabinet shall consist of a minimum of the President, Vice-President, Secretary, and Treasurer. The Cabinet shall, at its discretion or upon direction by statute, appoint other members, ministers, directors, and inferior officers of the Wesleyan Council on Student Affairs to be members.

### Vacancies in principal offices

1. In the event that the office of the President shall become vacant, the Vice-President shall become President.
2. In the event that any other principal office shall become vacant, the legislative shall elect a member to act as the principal officer for the remainder of the term of that office.
3. In the event that the office of the President and Vice-President shall become vacant, the following members will act in the principal offices in order of precedence:
4. Secretary
5. Treasurer
6. Any other officers prescribed by statute
7. In the event that a member shall fail to be appointed within ten days to act as a principal officer by the legislative, the position shall be elected through the special election process.

# Judicature

### Disqualification from selection

Any person who:

1. is not a full-time matriculating student in good standing with the registrar of the University; or
2. is convicted and is under sentence or subject to be sentenced by a court of the United States of America or any State for any offense punishable under the law by imprisonment for one month or longer;

shall be incapable of being chosen of or sitting as a member of the Wesleyan Council on Student Affairs.

### Impeachment

Any member, including a principal officer, of the Wesleyan Council on Student Affairs may be removed from office through the process of impeachment.

### Reasons for impeachment

A member may only be impeached on the following charges:

1. the member is not a full-time matriculating student in good standing with the registrar of the University;
2. the member is convicted and is under sentence or subject to be sentenced by a court of the United States of America or any State for any offense punishable under the law by imprisonment for one month or longer;
3. the member has violated this Act or statute; or
4. the member has been found responsible for a violation of a serious nature by the conduct system (or its successor) of the University.

### Initiation of impeachment

Any member of the student body may initiate impeachment by submission of a form, to be regulated by statute, to the presiding officer of the legislative, provided that this form bears the signatures of not fewer than four members of the Wesleyan Council on Student Affairs. In the event that the presiding officer is the subject of the petition, his or her deputy shall be the recipient of this form. The presiding officer or deputy shall then immediately transmit this form to the secretary of the conduct system (or its successor) of the University.

### Consideration by conduct system

The conduct system (or its successor) of the University shall convene a panel of not fewer than four unassociated students to determine the substantiation of the charge. In the event that the panel determines that the charge is likely to be based in substance, the panel shall communicate this fact to the presiding officer of the legislative or deputy.

### Commencement of impeachment proceedings

Upon receipt of the affirmative decision of the panel under the provisions of section 39 of this Act, the presiding officer or deputy shall inform the legislative of the charge and the member against whom the charge is directed. That officer shall set a time and place for a special hearing of the legislative on the impeachment proceedings, provided that that officer shall make all reasonable attempts to include the member against whom the charge is levied.

### Removal of member by impeachment

In the event that a member is declared both responsible and disqualified by not less than two-thirds of the membership of the legislative, his or her seat shall become vacant forthwith, provided that the provisions of each section of this Chapter have been adhered to.

# Elections

### Qualifications of candidates

All candidates shall be subject to the qualifications set out by Chapter IV of this Act.

### Qualifications of electors

All electors shall be eligible to vote in any election of the student body, provided that the elector is not intending to graduate within that academic year and that the elector is a full-time student at the University not subject to suspension or expulsion.

### Timing of elections

1. The regular elections for the elected principal executive officers shall occur on the first Friday of November.
2. The regular elections for the elected other members shall occur on the second Friday of November.
3. Special elections shall be held on the date not exceeding twenty-one regular academic days from the date of the place of any member becoming vacant.
4. Ballot initiatives and referenda shall be held on either the first Friday of November, the second Friday of November, the third Friday of March, or the third Friday of April.

### Administration of elections

Elections shall be administered by an Elections Commission, to be created by statute. No member of the Elections Commission may be seeking any office subject to the election or have any personal or vested interest in that election.

### Disputed elections

Elections in dispute shall have the conduct in dispute submitted to the Elections Commission.

### Recall of a member by student body

Any member shall, following the presentation of a petition bearing one-quarter of the total number of eligible electors for the constituency of that member being delivered to the presiding officer of the legislative, be thereupon subject to a special election for the purposes of recall.

### Recall of a member by the legislative

Any member shall, following the presentation of a petition bearing two-thirds of the total membership of the Wesleyan Council on Student Affairs being delivered to the presiding officer of the legislative, be thereupon subject to a special election for the purposes of recall.

### Special election for the purposes of recall

Upon a member being subject to a special election for the purposes of recall, a special election shall be called for the determination of that member’s seat. That member shall continue to retain his or her seat until superseded by the election of another person in that special election or in any general election.

### Ballot initiative

Any member of the student body may present a petition bearing the signatures of 15% of the total membership of the student body to the Secretary of the Student Body, demanding the enactment or rescindment of legislation therein contained. The Secretary shall then schedule an initiative election subject to the provisions of this Chapter.

# Alteration of the Constitution

### Constitution Act not to be altered except under special circumstances

This Act shall not be altered except in the following manners:

### Alteration by referendum

Any member of the student body may present a petition bearing the signatures of 25% of the total membership of the student body to the Secretary of the Student Body, demanding the alteration of this Act. The Secretary shall then schedule a referendum election subject to the provisions of the preceding Chapter. The alteration shall be made if agreed to by a majority of the voters casting ballots in that election.

### Alteration internally

The bill for the alteration thereof must be passed by two-thirds of the total number of voting members to which the legislative is entitled, provided that the bill has been heard in its final form for no fewer than two regular sitting days prior to its passage.

### Alteration jointly

The bill for the alteration thereof must be passed by a majority of the votes cast in the legislative, provided that the bill has been heard in its final form for no fewer than two regular sitting days prior to its passage. Immediately thereafter, the Secretary shall then schedule a referendum election subject to the provisions of the preceding Chapter. The alteration shall be made if agreed to by a majority of the voters casting ballots in that election.