

The Constitution of Student Government

Article I – Bill of Rights

SECTION 1 – Only duly enrolled members of the undergraduate student body of Wake Forest University shall be citizens of the Student Government with the right to vote in general elections and the right to be represented in the various branches of the Student Government.

SECTION 2 – No student shall be denied their rights for reasons of race, religion, sex, class, beliefs, disability, or sexual orientation.

SECTION 3 – No student shall be denied the right to peaceably assemble or the right to establish organizations and groups unless they conflict with the regulations set forth by University.

SECTION 4 – The judicial branch of the Student Government shall not take disciplinary actions against any student without prior notice of the alleged violation, subsequent investigations, and a fair hearing or trial by the Honor and Ethics Council.¹

SECTION 5 – Rights of the Accused Student

(A) The student has the right to counsel. The Judicial Co-Chairs will assign an advisor from the Board of Investigators and Advisors. If the student wishes, the student may instead choose any one currently enrolled Wake Forest undergraduate student to work as the advisor. Students may always choose to represent themselves. The Judicial Council strongly recommends that accused students utilize their assigned advisors, though the decision to do otherwise will not be considered during the deliberative process.

(B) The student shall not be compelled to testify and the failure to testify shall not be held against him/her/they. The investigator shall not comment on the student's failure to testify.

(C) The student shall be informed of the investigation after the appointment of the investigator and advisor from the Board of Investigators and Advisors.

(D) The student shall be informed of the results of an investigation of which the student is the subject.

(E) No hearing shall take place sooner than five (5) school days after the student is notified of the charges. The student may waive this right for purposes of expediency. If a student wishes to waive this right, they must submit a written request to either the investigator or the chairperson and sign a waiver statement.

(F) The student has the right to choose between an open and a closed hearing.²

(G) The student has the right to be present at all times and at all phases of the hearing except deliberations.

(H) The student has the right to request that the hearing be reopened upon the written presentation of germane new evidence. The members of the Judicial Conference shall determine whether the hearing will be reopened. During the interim judicial process, the presiding dean shall determine whether the hearing will be reopened.

(I) The student has the right to appeal any decision to the Judicial Council.

Article II – Executive Branch

SECTION 1 – Executive Officers

(A) **The President** must be an undergraduate student elected by a majority of the voting student body and meet the qualifications standards set forth in the Student Government Statutes. The President must:

(1) Call and preside over meetings of the student body.

¹ According to the trustee bylaws, matters pertaining to student life, including all student organizations, are under the jurisdiction of the administration and the faculty of Wake Forest College acting jointly. The principal agency through which action is exercised is the Joint Committee on Student Life, which is composed of three members each of the administration, the faculty, and the student body.

² The Judicial Council has defined "open hearing" as: a hearing at which all necessary parties for a decision are present: one or two undergraduate student staff members of the Old Gold and Black, the chair of the Student Government Judiciary Committee, any member of the Judicial Council, and up to twelve Wake Forest undergraduate students, six of whom may be designated by the accused and six of whom by the complaining party(ies). The request for an open hearing must be presented in writing to the appropriate chairperson no less than three (3) school days before the scheduled meeting.

- (2) Appoint such Executive Committees as are necessary for the implementation of Student Government actions.
- (3) Seek information about University decisions concerning students and assist in its distribution.
- (4) Upon invitation, attend meetings of the Board of Trustees as a non-voting participant.
- (5) Appoint students to University Committees with the advice and consent of the executive officers of the Student Government.
- (6) Serve as a chairperson of the Elections Committee.
- (7) Serve as a non-voting member of the Student Budget Advisory Committee and appoint its five non-elected members with the consent and recommendation of the Treasurer.
- (8) Have representation, membership, and voting rights as a part of the Council of Student Presidents and shall be among the duties charged to the office of the President in collaboration with the University's other schools.

(B) **The Speaker of the House** must be an undergraduate student elected by a majority of the voting student body and meet the qualifications standards set forth in the Student Government Statutes. The Speaker must:

- (1) Call and preside over meetings of the Student Government Senate.
- (2) Appoint committees within the Senate as necessary for the implementation of legislative actions.
- (3) Serve as chairperson of the cabinet.
- (4) Serve as a voting officer of the Senate only in the event of a tie.

(C) **The Secretary** must be an undergraduate student elected by a majority of the voting student body and meet the qualifications standards set forth in the Student Government Statutes. The Secretary must:

- (1) Keep the records of the Senate.
- (2) Be responsible for Student Government correspondence.
- (3) Appoint a secretariat committee consisting of office volunteers as necessary for handling the clerical work for the various branches of Student Government. The student may serve as chairperson of this committee.
- (4) Serve as a non-voting officer of the Senate.

(D) **The Treasurer** must be an undergraduate student elected by a majority of the voting student body and meet the qualifications standards set forth in the Student Government Statutes. The Treasurer must:

- (1) Govern all Student Government money and disburse it at the discretion of the Senate.
- (2) Serve as chairperson and head of the Student Budget Advisory Committee.
- (3) Serve as a non-voting officer of the Senate.

SECTION 2 – Auxiliary Executive Positions

(A) **The Chief of Staff** is any undergraduate student appointed by the President of Student Government with the advice and consent of the executive officers of Student Government. The Chief of Staff can:

- (1) Serve as the assistant and personal advisor to the Office of the President.
- (2) Serve as chairperson of the Senatorial Appointment Committee.
- (3) Relay information and relevant actions between Student Government and student members of University and Executive Committees.

SECTION 3 – Executive Committees

(A) **The Cabinet** is chaired by the Speaker and consists of each of the chairs of the standing committees as well as the executive officers of Student Government and the Chief of Staff. The Cabinet is responsible for coordinating all Student Government Senate business and advising the executives of the Student Government.

(B) The chairperson(s) of the committees shall be appointed by the Speaker, along with the advice and consent of the Executive officers.

(C) **The Elections Committee** is responsible for coordinating the selection process for the executive officers, the Student Budget Advisory Committee and the Senate. The Elections Committee shall consist of the President, Speaker, Secretary, Treasurer, Chief of Staff, Judicial Co-Chairs, and the two appointed co-chairs of the

Judiciary Committee. A member of the faculty or staff, nominated and selected by majority vote of the Elections Committee during its first meeting, shall serve on the committee in conjunction with the Student Trustee as non-voting members of the Committee. Non-voting members are permitted but are not required to attend meetings. They are to be included in any and all correspondence and consulted on decisions and sanctions. If any of these members is unable to serve, they will first be replaced according to the established order.³ If this is insufficient to find replacements, the Elections Committee shall nominate one or more students to fill the vacancies. The ultimate appointment must be voted in by a majority of elections committee members; a second vote will be held with the top two candidates if this does not occur the first time. No candidate can serve on the Committee who has been disqualified from or has outstanding fines from a previous election. The chair may appoint persons as necessary to effectively manage the clerical and public relations duties of the Elections Committee.

- (D) **Student Budget Advisory Committee** is chaired by the Treasurer of Student Government and consists of the following voting members: one elected budget representative from each class, and, based on the Treasurer's recommendations, a specified number of additional members appointed by the President of Student Government. The President serves as a non-voting member. The SBAC shall:
- (1) Examine and publish the appropriations of the funds which apply to student activities.
 - (2) Distribute its proposed budget to the Senate one week prior to its vote for approval, and present the approved budget for dispensation of the funds to the University Vice President and Treasurer.
- (E) **The Senatorial Appointment Committee** is chaired by the Chief of Staff of Student Government in a voting role and consists of the two appointed co-chairs of the Judiciary Committee. The Senatorial Appointment Committee shall:
- (1) Publicize and explain the functions of available senator positions.
 - (2) Solicit, interview, and recommend prospective senators to the Senate.
- (E) **Executive Advisory Committees** shall be implemented by the executive officers as deemed necessary to address constituent issues. Members of the Executive Advisory Committees shall consist of volunteer members, either from Student Government or outside, appointed by the President of Student Government with the majority consent of the Senate. Each committee shall advise an executive officer who is responsible for communicating the committee's progress to the Senate.

Article III – Legislative Branch

SECTION 1 – The Senate

- (A) **The Senate** shall:
- (1) Represent the interests of students in social and academic matters.
 - (2) Promote, organize, and approve the funding of beneficial programs for the student body.
 - (3) Censure student organizations which violate their constitutions.
 - (4) Articulate student wishes for the expenditure of funds that apply to student activities.
 - (5) Supervise the selection of student nominees for membership on faculty committees consistent with the faculty bylaws, item F5.
 - (6) Be presided over by the Speaker of the House, who will serve as a voting officer only in the case of a tie.
 - (7) Have each first-year student residence hall elect, from among its residents, one senator for every one hundred occupants of that unit. Upperclassmen shall elect one senator for every one hundred members per class. Where there are twenty-five or more additional students, an additional senator shall be chosen. Living units with fewer than fifty and at least twenty-five residents shall elect one senator. The first-year student residence halls are as follows: Babcock, Bostwick, Collins, Johnson, Luter, and South.

³ The Speaker will be replaced by the Speaker Pro Tempore. The Judiciary co-chair(s) will be replaced by a member(s) of the Judiciary Committee. The Judicial co-chair(s) will be replaced by a member of his respective organization (HEC or BIA). The member of the Judicial Council will be replaced by another member of the Judicial Council.

- (8) Have the President, Secretary, Treasurer and Chief of Staff of Student Government serve as non-voting officers.
- (9) Allow the chair(s) of each standing committee to serve as both voting members and officers.
- (10) Allow one student member of the Joint Committee on Student Life to serve as a regular member.
- (11) Allow representatives from any University-recognized student organization to engage in discussion during Senate.

SECTION 2 – Standing Committees

- (A) **Academic Committee:** The Academic Committee is responsible for addressing issues pertaining to the academic realm of student life.
- (B) **Campus Life Committee:** The Campus Life Committee is responsible for the improvement of the quality of life on campus in terms of student services and social concerns.
- (C) **Judiciary Committee:** The Judiciary Committee is responsible for considering and heightening the awareness of honor and social regulations that govern students and the judicial procedures that surround them. Further, the committee is responsible for government and constitutional oversight including impeachment proceedings.
- (D) **Physical Planning Committee:** The Physical Planning Committee is responsible for considering matters relating to the physical facilities and security of campus.
- (E) **Public Relations Committee:** The Public Relations Committee is responsible for discovering student concerns and directing them to the appropriate committees of Student Government. Additionally, the Public Relations Committee will publicize all Student Government events and official business.
- (F) **Student Organizations Council:** The Student Organizations Council is responsible for assisting the Treasurer of Student Government by allocating funds to organizations not currently funded by the Student Budget Advisory Committee. The committee will review potential organizations' constitutions and by-laws to determine if they are in accordance with the mission of the University. Additionally, the committee is responsible for evaluating all chartered organizations. Two voting positions on the committee are held by administrators from the Student Life Committee, to whom the Student Life Committee has delegated its voting and chartering power.
- (G) The Speaker of the House, with the advice and consent of the other Executive Officers after their inaugurations in the spring, shall appoint a committee chair(s) for each standing committee. A committee chair must have at least one semester of experience in the Student Government Senate and shall become a full member of the Senate upon appointment to the chair position.
- (H) The Speaker of the House assembles each committee from the membership of the Senate. Each senator shall serve on one standing committee with the advice and consent of the Executive officers.

Article IV – Judicial Branch

SECTION 1 – Function

Wake Forest University is firmly committed to principles of honor and ethical conduct. The Honor Code embodies a spirit of trust that pervades all aspects of student life. Each student's word should be worthy of trust. A violation of this trust is an offense against the community. Membership in the student body signifies a student's commitment to the Honor Code and the judicial system. It is the responsibility of every student to act honorably in all phases of student life, to understand student rights and responsibilities, and to preserve the integrity of the honor code. The function of the judicial branch is to provide a fair determination of whether a student has violated a College rule and to assess penalties, pursuant to the *Constitution of the Judicial Council*.

- (A) **The Honor and Ethics Council.** The Honor and Ethics Council is the central deliberative body in the conduct system for academic cases. It hears all cases involving academic misconduct, except those handled by the interim process. Its task is to find the truth and render fair judgments.
- (B) **The Board of Investigators and Advisors.** The Board of Investigators and Advisors has two functions: 1. Members of this board investigate academic cases and present the cases before the Honor and Ethics Council; 2. Members advise and represent accused students in all phases of an investigation, hearing, and appeal, in academic and nonacademic cases. For each academic case, one member of the Board is assigned as investigator and one as advisor. In non-academic cases, members may be assigned to advise and represent accused students in administrative hearings. In both academic and non-academic cases, the accused may

decline the assistance of an advisor and may speak for himself or herself⁴ during the hearing. At times when BIA members are not available, the BIA advisor may work with accused students to secure appropriate representation.

- (C) **The Judicial Co-Chairs.** The Judicial Co-Chairs, in conjunction with the Judicial Officer, are responsible for the operation of the judicial system. They attend the weekly Judicial Conference, coordinate investigations and advising, arrange hearings, constitute the hearing panels from the pools of the Honor and Ethics Council, and preside over hearings.

SECTION 2 – Composition⁵

- (A) **The Honor and Ethics Council.** For any given hearing, the Honor and Ethics Council is composed of five persons: the Dean of the College (or his/her designate), two faculty members, and two students. The faculty and student members are drawn from larger pools. Each pool consists of ten persons.
- (B) **The Board of Investigators and Advisors.** The Board of Investigators and Advisors is composed of sixteen undergraduate students. The Associate Dean for Student Conduct will serve as advisor to the Board.
- (C) **The Judicial Co-Chairs.** There are two Judicial Co-Chairs, one with previous experience on the Honor and Ethics Council, and one with previous experience on the Board of Investigators and Advisors. Both Judicial Co-Chairs are undergraduate students.

SECTION 3 – Interim Judicial Process

- (A) During the time period beginning with the last day of classes in the spring semester and ending with the beginning of registration in the fall semester, and at any other time during which the normal Honor and Ethics Council is unavailable, the interim judicial process shall be presented as an option to any accused student to provide hearing and judgment.
- (B) If the student chooses the normal procedure rather than the interim judicial process, he/she/they thereby agrees to be available for a hearing at the next time the normal procedure is available.
- (C) The interim judicial process will provide a hearing before the Dean of the College or his/her/their designate in honor cases and the Dean of Student Services or his/her/their designate in community responsibility cases. In cases where the dean chooses not to act alone due to the complexity or the severity of the cases, he/she/they may choose to convene a panel composed of himself/herself/themself, a student, and a faculty member. Students should be chosen from a list of qualified students identified by the Honor and Ethics Council as being available during the interim. Should none of these students be available, the dean may choose any available student that he/she/they feels is qualified. Cases involving students electing the interim process will be investigated by a member of the Board of Investigators and Advisors if available, or another student appointed by the dean.

Article V – Students in University Government

Applications for appointment, as well as student nominations submitted by the faculty, to University Committees shall be made available to all undergraduate students during the spring semester of each academic year. The Student Government President will review all applications and conduct interviews of selected candidates at his/her/their discretion. The President, with the advice and consent of the executive officers, shall then forward to the Office of the Dean of the College two nominees per committee (to be designated first and second choice, in the event that one student cannot serve his/her/their term of appointment). Upon approval by the Dean of the College, the same nominees will be forwarded to the University President, who will give final approval for student appointments. Notification of appointment(s) will be made by either the office of the Dean of the College or the University President.

The process by which the Student Trustee is selected is outlined in the Statutes that follow this Constitution.

⁴ The Constitution quotes the Wake Forest University Code of Conduct, 2015-2016, verbatim and has chosen not to amend the gendered language in this instance to more accurately reflect the policy of the University.

⁵ Wake Forest University Code of Conduct 2015-2016.

Article VI – Statutes

The statutes that follow this Constitution shall be established to regulate the specific functions of Student Government. In order that the changing needs of the student body of Wake Forest may be met, these statutes shall be subject to addition, amendment, or abolition by a two-thirds majority of the Senate provided the Senate has published the proposed change one week before the official vote.

Article VII – Amendment

The Constitution of Student Government shall be amended or revised only with the consent of two-thirds of the Senate's approval as expressed by secret ballot.

Article VIII – Ratification

The articles and statutes of this Constitution shall become immediately effective upon the two-thirds approval of the undergraduate student body as expressed by secret ballot. Any specific sections of the Constitution in conflict with faculty bylaws will not be enforced unless the faculty bylaws are changed to accommodate the student provisions.