

STUDENT ASSOCIATION CONSTITUTION

PREAMBLE

We the students of the South Dakota School of Mines and Technology, in order to define the Rights and Responsibilities of self-government, do hereby adopt this Constitution and its Bylaws.

ARTICLE I – Name and Purpose

The name of this organization shall be Student Association of the South Dakota School of Mines and Technology, hereafter referred to as Student Association. Its purpose shall be to govern in the best interest of the students, to direct student organizations within the South Dakota School of Mines and Technology, hereafter referred to as the University, and to represent the students before the citizens of South Dakota. The Student Association's power will be subject to the laws of South Dakota and the rules established by the *South Dakota Board of Regents*.

ARTICLE II – Membership

The membership of the Student Association shall consist of all registered students who have paid activity fees at the University. A registered student shall be defined as an enrolled student per South Dakota Board of Regents Policy section 2:8.3. All members are subject to the rules and regulations of the University and the Student Association. Membership of the Student Association shall not be restricted due to race, sex, religion, color, national or ethnic origin, age, disability, military service or sexual orientation, in compliance with Federal law, including the provisions of Title IX of the education Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

The Student Association Senate does not discriminate in membership selection, officer election or other appointments, or practices of organizational activities on the basis of race, color, national origin, military status, gender, religion, age, sexual orientation, political preference or disability.

ARTICLE III. – Executive Branch

Section 1- Officers

- A.** Elected Officers
The elected officers of the Executive Branch shall be the Student Association President and Vice President.
- B.** Eligibility
All elected or appointed officers of the Student Association must fulfill the following requirements:

1. Officers must be full-time students as defined by South Dakota Board of Regents Policy Manual section 2:29.1.C.7, at the University.
 2. Officers must be in good academic and disciplinary standing as defined by South Dakota Board of Regents and University policies.
 3. Candidates for the office of Student Association President or Vice President must have been full-time students for at least three semesters for undergraduate students, or two semesters for graduate students, including the semester of the election.
- C. Multiple Offices or Terms**
No officer shall hold more than one office concurrently. Any officer may serve more than one term if re-elected.
- D. Training of Successor**
All officers shall be responsible for training their successors at no cost to the Student Association.

Section 2- Duties and Powers of Officers

- A. Student Association President**
1. Chief Executive
The President shall be the Chief Executive of the Student Association and shall execute the provisions of this Constitution and any other regulations of the Student Senate.
 2. Chairperson
The President shall serve as the chairperson of the Student Senate. He/She shall be responsible for calling meetings and creating agendas and minutes.
 3. Voting Powers
The President shall only vote in case of a tie.
 4. Appointments
 - a. Following the President's election, he/she shall appoint with a two-thirds vote of the Student Senate, all committee persons, chairpersons, and salaried positions of the Student Association. With the advice and consent of the Student Senate, all salaried positions shall be appointed by the last Senate meeting of the spring semester.
 - b. The President shall appoint a secretary subject to the approval of the Student Senate, to perform administrative duties for the Student Senate. Preference will be given to students eligible for work study. However, if no qualified candidates can be found and money allows, a student(s) shall

be hired and added to the Student Association payroll to fulfill these duties; otherwise they will be delegated to a senator.

c. The President shall nominate a Chief Financial Officer subject to the approval of the Student Senate. Preference shall be given to those who have previously served on senate and participate in the SOAP committee. Once someone has been chosen, a new student must be appointed to fill the vacant position. This student must be of the same class standing as the new Chief Financial Officer. If the Chief Financial Officer gives up their duties, this process shall be repeated to fill the vacancy.

d. The President may appoint any task forces as he/she sees fit.

5. Budget

The President, along with the Student Association Finance Committee shall prepare and submit an annual Student Association budget for the consideration of the Student Senate.

6. Expenditures

The Executive Board with the help of the Finance Committee shall oversee all Student Association expenditures.

7. Special Senate Sessions

The President shall have the power to call the Senate to Special Sessions.

8. Veto

The President shall have full veto power over all legislation passed by the Student Senate. Should the President fail to notify the Student Senate with a written explanation of his/her veto within seven calendar days after the legislation has been passed, the legislation shall be considered passed. The Senate then has ten calendar days to attempt to override the veto. The Senate can override the veto by a two-thirds vote of the members present and voting at the meeting or special session.

B. Student Association Vice President

1. President's Office

The Vice President shall fill the office of President in the event the President is absent or the office becomes vacant. The Vice-President shall chair meetings during which the president is an advocate of a resolution.

2. Assignments

The Vice President shall carry out any duties deemed necessary by the President.

3. Voting Powers
The Vice President has no voting power.
4. Committees
The Vice President shall oversee continued contact between University standing committees, students, and the Student Association Senate. The Vice President shall supervise the activities of all standing committees of the Student Association Senate.

ARTICLE IV—Legislative Branch

Section 1- Student Association Senate Membership

A. Senator Positions

1. The governing body of the Student Association shall be the Student Association Senate, hereafter referred to as Senate.
2. The Senate shall consist of twenty elected members. Five Senators will represent each of the four undergraduate classes.
3. The Student Association President will appoint four Senators by the date of the Freshman Class Senator Elections. These appointments must be approved by two-thirds of the Senate.
 - a. One appointed Senator will be a full-time graduate student. A graduate student will be defined by South Dakota Board of Regents Policy section 2:29.2.
 - b. One appointed Senator will be a non-traditional student. According to the SDBOR policy, non-traditional students are defined as students over age 24 who had interrupted their studies earlier in life, or students of traditional age but attending colleges or programs that provide unconventional scheduling to allow for other responsibilities and pursuits concurrent with attaining a degree.
 - c. One appointed Senator will be an international student. International will be defined as any student who holds citizenship outside the United States.
 - d. One appointed senator will be a U.S. Military Veteran or a member of ROTC.
4. Eligibility
All members of the Senate must fulfill the following requirements:

- a. All Class senators must be registered with the number of credits required for full time status, as defined by South Dakota Board of Regents policy manual section 2:29.1.C.7, at the University. All other appointed senators are not required to have full time status, as defined by South Dakota Board of Regents policy manual section 2:29.1.C.7, at the University.
 - b. All Senators must be in good academic and disciplinary standing as per South Dakota Board of Regents and University Policy.
 - c. Candidates shall be considered members of the classes designated by total credit hours accumulated at the beginning of the fall semester, excluding incoming freshmen who will run as Freshmen Senator candidates. The University Registrar's Office shall define classes.
5. Multiple Offices or Terms
- a. No officer shall hold more than one Student Association office concurrently. Any officer may serve more than one term if re-elected.

B. Appointed Chief Financial Officer

1. Eligibility

- a. The Chief Financial Officer must be registered with the number of credits required for full time status, as defined by South Dakota Board of Regents policy manual section 2:29.1.C.7, at the University. All other appointed senators are not required to have full time status, as defined by South Dakota Board of Regents policy manual section 2:29.1.C.7, at the University.
- b. The Chief Financial Officer must be in good academic and disciplinary standing as per South Dakota Board of Regents and University Policy.
- c. All Senators serving after the transition meeting are eligible to be considered for the Chief Financial Officer. This includes all class senators, the International Senator, Veteran Senator, Non-Traditional Senator, and Graduate Senator.

2. Duties

The Chief Executive Officer will be in charge of the finance committee, the SOAP committee, any fundraising for the student Association Senate, the cash box, travel receipts, and other expenses.

3. Voting Powers

The Chief Financial Officer shall have no voting power.

Section 2- Duties and Powers of Student Senate

A. Duties

1. Student Activities

The Senate shall regulate all activities of the Student Association. This includes the construction of student organizations and the legislation to aid in planning, supervision, and coordination of said organizations.

2. Standing Committees

- a. The Senate will create standing committees that will aid in the implementation of the duties of the Student Association. These committees must be formed by the first meeting in the Fall semester.
- b. The Senate will approve the standing committees created by the Student Association President.
- c. The Standing committees of the Senate include:

1. Public Relations

The Public Relations Committee shall be responsible for educating the Student Body on current business within the Student Association Senate and University administration. It is also responsible for enforcing the posting policies set forth by the Student Activities & Leadership Center and for assessing fines for organizations not in compliance therein. The committee will be active in communicating with the Student Association on issues directly pertaining to them and relaying press releases to the news media when necessary. Public Relations shall be active in events that provide a positive image of the Senate on campus.

2. Constitution Committee

The Constitution Committee shall be responsible for maintaining and upholding the Student Association Constitution, along with current records of all registered student organizations and their constitutions. They shall also be the main resource for the President and Vice President regarding the activity reports, and will assist all student organizations with questions of policy. In addition, the Constitution Committee shall aid in the development of new student organizations.

3. Finance Committee

The Finance Committee shall record all financial transactions for the Senate and will aid the President in drafting the annual budget. In addition, the Finance Committee will monitor the spending of all Student Organizations in order to make sure policy is being followed. Also, the members will concurrently serve on the Student Organization

Appropriation Process (SOAP) Committee while assisting Student Organizations with the SOAP and Supplemental Funding Process. Finally, the Finance Committee will work to inform the students about funding issues directly affecting the quality and accessibility of their education.

4. Student Affairs Committee

The Student Affairs Committee shall be responsible for assessing student opinion and determining the concerns of the Student Association. The committee will use this information to help shape the policy and direction of the Student Association Senate. The Student Affairs Committee shall also serve as the intermediate between the Student Association and University administration for issues of student rights, student discounts, University planning, parking, and all other relevant issues.

5. Governmental Relations Committee

The Governmental Relations Committee shall be responsible for representing the Student Association to the city, state, and larger regions; lobbying various groups for higher education issues that directly impact the University; recruiting and retaining members of Senate while promoting morale within the organization; and conducting elections.

3. Budget

The Senate will approve the budget of the Student Association.

4. Office Hours

Senators are required to maintain office hours set forth by the President and Vice President.

B. Powers

1. The Senate will have the authority to decide policy and enact all legislation for the Student Association. This includes financial decisions and other authority delegated by the Student Association and/ or by the administration and faculty.
2. The Senate shall be responsible for the censure of its own members in all matters of unethical conduct.
3. The Senate has the power to call the Senate to Special Session by submitting a written claim signed by one-fourth of the total Senate membership.

C. Meetings

The Senate shall hold weekly meetings while school is in session. A quorum of at least two-thirds of the total Senate membership shall be needed to conduct business.

Robert's Rules of Order Revised shall be the parliamentary authority on all matters not specified in the Student Association Constitution.

D. Attendance

All members of the Senate, or their approved proxies, are required to attend all of the Senate meetings held each semester. The proxy must be a member of the same constituent group as the Senator they are representing. In the event that a member has missed three meetings total, or two meetings without a proxy during any semester he/she shall be removed from the Senate and replaced according to the guidelines of the Student Association Constitution, with the exception of outstanding circumstances, which must be approved by the Executive Board.

E. Removal of an Executive Officer or Senator from Office

1. The Senate, by a resolution adopted by a two-thirds majority vote of the Senate, may remove any Executive Officer or Senator from office.
2. Removal from office shall be based on one or both of the following grounds:
 - a. Committing any act that is illegal, improper, or wrongful in conjunction with any policies set forth by Federal, State, or Local Law, Board of Regents, the University, and Student Association Constitution.
 - b. Misrepresentation of the University and the Senate in front of any public entity.
3. Formal request for removal of an Executive Officer or Senator must be made to the Executive Branch of the Senate
 - a. The purpose for requests being made to the Executive Branch is to maintain an anonymous status of the originating party.
4. The President must present all resolutions requesting the removal of an Executive officer or Senator. The Executive branch must deem the grounds for removal valid.
 - a. In the event that the request is to remove the President from office, the Vice President will take his or her place as the Chair during the proceedings, and the chain of command defined in Article V Section 5 will assume a temporary role as an Executive Officer in order to deem the grounds for removal valid during the initial stage of the proceedings.
 - b. In the event that the request is to remove the Vice President from office, the President will retain his or her status as the ranking Executive Office, the chain of command defined in Article V Section 5 will assume a temporary role as an Executive Officer in order to deem the grounds for removal valid during the initial stage of the proceedings.

- c. The party to which the charges are being brought against must be informed of the charges at least two days prior to the senate meeting so that they may have proper time to prepare a defense. Only then will the resolution for the removal of the Executive Officer or Senator be made available to the entire Senate.
5. All discussions of removing an Executive Officer or Senator will be in accordance with the following:
 - a. Discussions will be closed session.
 - b. The defendant will be allowed a maximum of five minutes to state their reasons to repeal the proposed resolution.
 - c. The defendant will not be present during the remainder of the closed session.
6. Removal of an Executive Officer or Senator will take effect immediately after the vote has taken place.
 - a. Any vacancies left by the removal of an Executive Officer or Senator will be dealt with according to the procedures outlined in the constitution.

ARTICLE V—Elections

Section 1- Term of Office

- A.** Executive Branch
The Student Association President and Vice President shall hold office-beginning immediately after the swearing-in, which shall be held during the third meeting before the end of the spring semester.
- B.** Chief Financial Officer
The Chief Financial Officer must be nominated by the president and approved by two-thirds majority vote of the Senate by the last meeting in the spring semester.
- C.** Legislative Branch
The Student Association Senators shall hold office beginning two weeks after their respective elections, and continue until replaced in accordance with this constitution.
- D.** Appointed Positions
The appointed members to the Senate shall take office immediately following swearing-in and serve the duration of their term until resignation or removal due to the appointment of a predecessor. Appointed class senators' terms are from appointment to the date of the class senator elections, the following spring. Other

appointed senators' terms are from the appointment date to the date of the freshman elections, the following fall.

Section 2- Nominations

- A.** Executive Branch
The Senate shall open nominations for the office of Student Association President and Vice President no later than the fifth week preceding the Student Association elections. During the nomination period, nominations can be made by a petition signed by 5% of the Student Association and filed in the Student Association office no later than one week prior to the Student Association President and Vice President elections. Candidates for Student Association President and Vice President will run on one ticket and only one petition will be required per ticket.

- B.** Legislative Branch
Candidates for the positions of Senators shall be nominated by petitions. Nominations shall be open two weeks before the election. Twenty members of their constituent body shall sign these petitions. These petitions must be filed in the Student Association office no later than one week prior to the Student Association elections.

Section 3- Election Day

- A.** The Election Day of the Student Association President and Vice President of the University shall be the Wednesday after the second Monday in March.

- B.** The Election Day of the Sophomore, Junior, and Senior Class Senators shall be held no earlier than the Wednesday after the third Monday in March and no later than the Wednesday after the first Monday in April. Each year, the date will be set by the Student Association no later than the first meeting in April of the previous year.

- C.** The election of the Freshman Class Senators shall be held no later than the Wednesday after the last Monday in September. Ideally, Freshman Class Senator Elections will be held in conjunction with the voting for the M-Week Royalty. However, the election date shall be specified by the Student Association no later than the first meeting in April of the previous year.

- D.** If an election date, as herein specified, falls on a national, state, or school holiday, the Senate shall move the election date one week before the day specified.

Section 4- Write-In Votes

- A.** Write-In votes are allowed in Executive and Legislative elections.

- B.** Write-In candidates must be recognized when the total votes exceed the number of signatures needed on a petition.

Section 5- Withdrawal

- A.** Upon the absence of the president and vice president, the duties of the president of the senate shall follow this chain of command:
 - 1. Committee chairs, in the following order:
 - 1) Student Affairs
 - 2) Finance
 - 3) Constitution
 - 4) Governmental Relations
 - 5) Public Relations
 - 2. Senior senators, alphabetically by surname
 - 3. Junior senators, alphabetically by surname
 - 4. Sophomore senators, alphabetically by surname
 - 5. Freshman senators, alphabetically by surname
 - 6. Appointed senators, by date of installation.
 - 7. The respective senator shall hold the president's position until the office is filled according to the constitution.

Section 6- Tie Votes

- A.** In the case of a tie for a position to be filled, a run-off election shall be held between the tied candidates not later than fourteen days after the first election.

Section 7- Vacancies

- A.** In the event of a permanent vacancy of the Student Association President the Vice-President shall fill the position. If both executive officers are vacant simultaneously, the Senate shall appoint an eligible person to fill the vacant positions. Two-thirds majority of the Senate must approve of these appointments.
- B.** In the event of a vacancy in the Senate, the President will appoint an eligible replacement. These appointments must be approved by two-thirds of the Senate.

Section 8- Voter Eligibility

- A.** Only those members of the class, in accordance with credit hour requirements of the University, of which a candidate is a member, may cast votes for that candidate in Senator Elections.
- B.** All members of the Student Association are eligible to vote in student body President and Vice-President Elections.

Section 9- Notification of Elections and Petition Deadlines

Elections of any kind and petition deadlines must be publicized, at a minimum, in the following ways. Additional publicity is recommended.

- A. Announcements must be published on Mines Link a minimum of one week prior to the election or petition deadline.
- B. A minimum of one flier per location must be posted on campus (each residence hall wing, each academic building and the Surbeck Student Center) a minimum of one week prior to the election or petition deadline.

ARTICLE VI— Special Elections

Section 1- Recall Elections

- A. Upon presentation of the Senate of a petition of at least fifteen percent of the electorate for that particular office, the Governmental Relations Committee shall hold a special election. Only one officer shall be named on a petition recall; however, multiple petitions for recall may be submitted to the Senate.
- B. The recall election shall include only the officer(s) named in the petition(s).
- C. Any officer may be recalled by a majority of the votes cast at the recall election, provided that the total ballots cast constitute at least three-fourths of the total votes cast at the election in which the officer being recalled was elected. If an officer is recalled, his/her term of office shall terminate immediately, and the positions shall be filled in accordance with the constitution.

Section 2- Referendum Elections

- A. If a legislative action is deemed important enough to need a full vote of the Student Association, the Senate may refer any proposed legislation to the Student Association.
- B. Upon presentation of a petition to the Student Association President which bears the signatures of at least a two-thirds majority of the Senators and requests specific legislation on matters within the authority of this Constitution, the Governmental Relations Committee shall submit the same to a vote of the Student Association by means of a special election.
- C. If in the special election of the referendum, the legislation proposed is favored by a majority of those members of the Student Association voting in the election, the statement of the petition shall become a Student Association regulation, a resolution, or a memorial, whichever the petition proposes.

Section 3- Legal Initiative

- A. The right of legal initiative shall be granted to the Student Association.

- B.** Upon presentation of a petition to the Student Association President which bears the signatures of at least one hundred members of the Student Association and which requests specific legislation on matters within the authority of this Constitution, the Governmental Relations Committee shall submit the same to a vote of the Student Association by means of a special election.
- C.** If in the special election of the legal initiative, the legislation proposed is favored by a majority of those members of the Student Association voting in the election, the statement of the petition shall become a Student Association regulation, a resolution, or a memorial, whichever the petition proposes.

Section 4- Amendment Procedures Elections

- A.** Proposed Amendments to the Constitution must be submitted to the Senate. A minimum of one week must be allowed for Senators to review the proposed amendment before being called to a vote.
- B.** If the proposed amendment is favored by a majority of the Senate, then it shall be referred to the Student Association for approval. This election will take place at the next regularly scheduled election, or a special election may be called upon the joint recommendation of the Constitution and Governmental Relations Committees.
- C.** If in the certified election, the proposed amendment is favored by a majority of those members of the Student Association voting in the election, the amendment shall become effective one day after the Governmental Relations Committee has certified the results.
- D.** Amendments shall be included in consecutive numerical order of adoption under Article IX.

ARTICLE VII—University Policies

- A.** This organization, including all members, officers and advisors, agrees to abide by all SDSM&T regulations, policies and procedures of an academic, non-academic, legal or financial nature.
- B.** This organization does not participate in or encourage any unlawful activity.
- C.** This organization, including all members, does not allow hazing in any form. Hazing is defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in, a group or organization.
- D.** This organization requires the use of liability waivers for any high risk activity. "High risk activities" are defined by the South Dakota Office of Risk Management

as water recreational activities or athletic events, but in general are those which present the possibility of physical injury. In all cases in which there is doubt about risk, the Campus Environmental Health and Safety Manager (EHS Manager) shall be the final judge. All event participants are required to complete a waiver, especially those which do not receive credit hours. The templates for these waivers are available permanently at <http://sdmines.sdsmt.edu/studentrisk>. In the case of proposed alterations to these waivers, this organization shall first contact the EHS Manager for approval.

ARTICLE VIII—Registered Student Organizations

Section 1- Requirements for Registered Student Organization Status

- A.** All registered student organizations shall operate by a Constitution approved by the Senate and the Student Activities and Leadership Center.
- B.** Each organization must have two officers, including a total of 10 members as designated in the new organization packet. However, in order to be eligible to apply the SOAP funds and/or supplemental funding, the organization must have 3 officers being the third officer equivalent to position of treasurer. Also, the organization is allowed to have as many officers as stipulated by a National organization.
- C.** Each organization must designate a full-time permanent faculty or staff advisor.
- D.** Registered Student Organization status is maintained only as long as said organization continues to operate under the Constitution approved by the Senate and a signed roster of current officers and members supporting the organization is on file with both the Student Senate and the Student Activities and Leadership Center.
- E.** The Student Senate must approve substantial constitutional changes in an organization's constitution. Substantial will be defined as changing roles/purpose of officers, membership, and/or the purpose of the organization and other discretionary stipulations made by the Constitution Committee.
- F.** The Constitution Committee of the Senate shall be responsible for maintaining records of which student organizations have approved constitutions on file with the Senate.

Section 2- Student Organization Appropriation Process (SOAP)

- A.** Only Registered Student Organizations are eligible for funding by the Student Association. Policies, guidelines and funding criteria are contained with the SOAP Constitution.

ARTICLE IX—Constitution Approval

Approval of this Constitution shall require majority vote of those members of the Student Association voting in a special Constitution Election. This Constitution shall become effective one day after the Governmental Relations Committee has certified the results.

The present President, Vice President, and Senators of the Student Association shall serve in that capacity until the regular election of their successors, as provided for in this Constitution.

ARTICLE X—Amendments

Delete all references to Residence Hall Representatives – Fall, 2001

Add Article VII—University Policies – Spring, 2004

Miscellaneous Clarifications – Spring, 2004

Reference to Bylaws Section – Spring 2005

Presidential Term Change – Spring 2006

Change all *Tech Times* instances to student newspaper – Spring 2009

Change all instances of Elections Steering to Governmental Relations – Spring 2009

Clarify Non-Traditional Senator sections wording – Spring 2009

Add Liability Waiver Clause – Spring 2009

Wording Clarifications – Spring 2010

Class President Removal – Spring 2011

References to Class President Removed – Fall 2012

Defined substantial for Constitution Changes-Spring 2016

Addition of Chief Financial Officer – Fall 2016