

**THE CONSTITUTION OF THE STUDENT BODY OF
NORTH DAKOTA STATE UNIVERSITY OF AGRICULTURE AND
APPLIED SCIENCE**

MISSION

5 As students of North Dakota State University, we provide opportunities for engagement and enhancement
of university life. We boldly advocate for diverse student interests and are committed to maintaining
open channels of communication between students, faculty, administration and the Fargo-Moorhead
Community and the State of North Dakota. We serve with honor for the maintenance of tradition at
10 North Dakota State University.

PREAMBLE

15 We the students of North Dakota State University, in order to promote the well-being of the student body,
to guarantee freedom to ourselves and to our successors, and to uphold impartiality and justice, do ordain
and establish this Constitution as our authoritative system of collegiate government.

With pride, the student body of North Dakota State University pledges equal opportunity to all and
leadership free of discrimination.

ARTICLE I

THE STUDENT BODY

SECTION 1.

25 The name of the body shall be the Student Body of North Dakota State University of Agriculture and
Applied Science, Fargo Campus, hereinafter referred to as the Student Body.

SECTION 2.

All registered students at North Dakota State University shall be members of the Student Body and be
subject to the provisions within this Constitution.

SECTION 3.

30 All registered students of North Dakota State University have the right to vote and to be heard and
represented by the Student Government.

SECTION 4.

Powers

A. Initiative

- 35 1. The Student Body may request specific legislation concerning matters within the authority of the
Student Government by submitting a petition to the Student Senate.
a. Said petition must include the signatures of 10% of the Student Body and be validated by the
Student Court.
b. The Student Senate is constrained to either pass said legislation or submit the same to a vote
40 by the Student Body where a majority of the students voting shall be needed for approval.

B. Recall

- 45 1. The Student Body may request the recall of either the Student Body President or Vice President
by presenting a petition to the Student Court.
a. Said petition must include the signatures of 15% of the Student Body and be validated by the
Student Court.
b. Two-thirds of all votes cast by the Student Body shall constitute a recall.
2. Students in any given Senate district may request the recall of their senator by presenting a
petition to the Student Senate.

- a. Said petition must include the signatures of 15% of the students in the recalling district and be validated by the Student Court.
- b. Two-thirds of all votes cast by the students in the recalling district shall constitute a recall.

5 C. Referral

1. The Student Body may request the repeal of a specific action taken by the Student Government by presenting a petition to the Student Senate.

a. Said petition shall include the signatures of 10% of the Student Body and be validated by the Student Court.

10 b. A majority of all votes cast by the Student Body shall be needed to repeal the action.

D. The Student Senate shall call a special election concerning any recall, initiative, or referral within one month of receiving the validated petition.

SECTION 5.

15 Student Body Elections

A. Any member of the Student Body must meet requirements as defined by “Eligibility for Participation in Co-Curricular Activities” (University Policy) in order to be a candidate for and maintain an elected or appointed position within the Student Government.

20 B. A student may be a candidate for only one elective office within Student Government in each election year.

C. A student may hold only one position in the Student Government which is either elected or appointed.

D. The President of the Board of Campus Attractions, the President of the Board of Student Publications, and the Editors of the *Spectrum* cannot hold any Student Government position, either elective or appointed concurrently.

25 E. An undergraduate student is allowed one vote in his/her academic and residential district for every position open in those districts. Graduate students shall vote in the Graduate School academic district and current residential district.

30 F. The Student Body President, Vice President, Student Senators and members of the Board of Student Publications shall be elected in April. The exact dates shall be set by the Student Court with the consent and approval of the Student Senate.

SECTION 6.

Student Organizations

35 A. Students, both individually and collectively, are free to examine and discuss all questions of interest to them and to express opinions publicly and privately.

B. Student organizations shall gain official recognition from the Congress of Student Organizations commission under Student Government.

40 C. Student organizations may request Student Senate assistance and recommend matters of student concern to the Student Senate.

ARTICLE II
LEGISLATIVE BRANCH

SECTION 1.

45 All legislative powers herein granted shall be vested in the Student Senate.

SECTION 2.

Membership

- A. Election of Senators
1. Senate candidates shall file by district with the Student Court and campaign as a candidate from that district.
 2. The vote required for election to the Student Senate shall be a plurality of the votes cast for that seat. Where more than one seat is to be filled within a single district, seats shall be awarded to candidates in descending order, according to the number of votes received.
- B. The term of the Student Senators
1. Swearing in of new senators shall be within three weeks of the certification of the election results except in the instances of recall, expulsion, or appointment.
 2. The term of senators shall end upon the administration of the oath of office to the newly elected senate, except in the instance of recall and expulsion.
- C. Composition and Representation
1. The Student Senate shall be composed of Student Senators from two districts: Academic and Residential.
 - a. Academic Student Senators: each of the Undergraduate Colleges and the Graduate School may elect one student senator from its enrollment. One Student Senator may be elected for each additional seven hundred students or major fraction thereof enrolled (above the first seven hundred) in said college and graduate school.
 - b. Residential Student Senators: Each of the Residence areas may elect from its residents, one senator. One Student Senator may be elected for each additional seven hundred students or major fraction thereof enrolled (above the first seven hundred) residing in said residence area. The Student Court, with the approval of the Student Senate, shall establish the residential districts.
- SECTION 3.
Powers of the Senate
- A. The safeguarding of the student right to vote, the right to participate in all NDSU sponsored events and activities, and the right to a fair hearing of all grievances before any agency of appropriate jurisdiction.
 - B. The power to review all Student Senate committee action.
 - C. The power to approve any appointed Student Government official by a majority vote.
 - D. The power to recall any appointed Student Government official by a two-thirds vote.
 - E. The power to expel members by a two-thirds vote.
 - F. The power to submit any proposed legislation to a vote of the Student Body. A majority of senators is required to submit legislation to a vote of the entire student body. A majority of all votes cast of the student body shall be needed to pass such legislation. These measures apply to legislation not affecting the constitution.
 - G. All legislation shall be submitted to the Student Body President. The Senate may consider vetoed legislation after hearing the President's objections and may then override such a veto with a two-thirds vote.
 - H. The authority to budget, disburse, and withhold Student Activity Funds.
 - I. Approve the Finance Budget presented by the Finance Commission by a majority vote and change the budget by a majority vote.
 - J. The power to secure information from any board or official of the University as is deemed necessary and appropriate.
 - K. The Student Senate shall serve the individual and collective needs of the Student Body and initiate discussion and action on student problems.
 - L. Assist in providing a common ground for communication and the promotion of close cooperation between Students, Faculty, and Administration of the University and other appropriate governmental bodies, both inside and outside the University.

- M. Make recommendations to, and act upon recommendations from, other campus governing bodies.
- N. Investigate and make recommendations concerning matters and issues pertaining to student life.
- O. Take all necessary and proper actions for executing the foregoing powers and duties vested in this Constitution in the Senate or any of its officers.

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SECTION 4.

Officers of the Student Senate

- A. President: The Vice President of the Student Body shall serve as President of the Student Senate. The President shall have as his/her duties and powers:
 - 1. Preside over the meetings of the Student Senate.
 - 2. Vote at Student Senate meetings only to break ties.
 - 3. Call for and receive reports from various special committees of the Student Senate.
 - 4. Appoint, with advice and consent of the Senate, the members and the chairpersons of the various Senate special committees.
 - 5. Co-Chair the Constitutional and Code Review committee with the Vice Chair of the Senate and Chief Justice on even-numbered years and when necessary.
- B. Vice Chair: The Vice Chair shall be elected prior to the end of Spring Semester from among the members of the Student Senate by a majority vote. Nominations shall be open for two weeks, with elections held during the second week of nominations. The Vice Chair shall become the Student Body Vice President upon the resignation or recall of the current President or Vice President. The duties and powers of the Vice Chair shall be:
 - 1. Preside over the Student Senate in the absence of the President of the Senate or when gavel has been passed by President of the Senate.
 - 2. Serve as a liaison between the Legislative and Executive branches.
 - 3. Chair the appointments committee.
 - 4. Co-Chair the Constitutional and Code Review committee with the President of the Senate and Chief Justice on even-numbered years and when necessary.
 - 5. Has the privilege to attend weekly meetings of the Executive Team and to give reports when necessary or requested.
- C. Secretary: The Student Government Administrative Assistant shall be appointed by the Student Body President and Vice President. The duties and power of the Administrative Assistant as the Secretary of Senate shall be:
 - 1. Serve as secretary at all Senate meetings.
 - 2. Keep the minutes of the Senate meetings and be responsible for the publication and distribution of said minutes. The minutes should be posted prior to the next regularly scheduled Senate meeting.
 - 3. Hold responsibility for all records of the Student Government, excluding those of the Student Court.
 - 4. Maintain a file of all legislation passed or failed during a Senate term.
 - 5. Required to publish and distribute an agenda to senators not less than two days prior to each regularly scheduled Senate meeting. An electronic copy must also be sent to the Executive Commissioner of Technology.

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ARTICLE III
EXECUTIVE BRANCH

SECTION 1.

All the executive powers herein granted shall be vested in the Student Body President, Vice President, and Executive Branch Commissions.

SECTION 2.

Membership

- 5 A. The President and Vice President shall run on the same ticket and be elected by a plurality of all votes cast by the Student Body.
- B. Write-in candidates for President who receive more votes than all declared candidates shall be allowed to take office after choosing a Vice President, who shall be subject to the approval of Student Senate.
- 10 C. Write-in candidates shall be held to the same campaign guidelines as declared candidates.
- D. The term of the President and the Vice President shall be one academic year, beginning within three weeks of the certification of the election results except in the instances of recall, expulsion, or appointment. Their term shall end upon the administration of the oath of office to the newly elected President and Vice President, except in the instance of recall and expulsion.

15 SECTION 3.

Powers

- A. President: The powers of the Student Body President shall be:
- 20 1. Supervise the executive functions of the Student Government and serve in every capacity as Chief Executive Officer of the Student Government.
2. Work with the academic community of the University and governmental bodies affecting University life on all matters concerning student affairs.
3. Appoint with the Vice President and with advice and consent of the Senate all Executive Commissioners.
- 25 4. Give recommendations, with the approval of the Student Body Vice President, for all other appointed positions.
5. Appoint and withdraw administrative assistants, secretaries, members of and the chairperson of the Executive Branch Committees as deemed necessary and appropriate.
- 30 6. Sign and approve or veto and return legislation to the Senate with his/her objections by the next regularly scheduled meeting. Any legislation remaining unsigned by the following meeting shall automatically become law.
7. Hold all other powers that are necessary for carrying out the provisions of this Constitution.

SECTION 4

Duties and Responsibilities

- 35 A. President: The duties and responsibilities of the Student Body President shall be:
1. Serve as the official head of the Student Body and perform all official and social functions pertaining to this office.
2. See that the Constitution, Student Government Code, and senate legislation are faithfully executed.
- 40 3. Give the Senate information on the state of the campus and recommend for their consideration such measures judged necessary.
4. Present an oral report to the Student Senate at each Senate meeting on the operations of the Executive Branch.
5. Appoint replacements to the Student Court with the approval of the Student Senate.
- 45 6. Appoint Student Government representation to the Campus Attractions Selection Committee.
- B. Vice President: the duties and responsibilities of the Student Body Vice President shall be:
1. Serve as President of the Student Senate.

2. Assume the powers, duties, and responsibilities of the President in the event that the President cannot fulfill them.
3. Be general assistant to the President in all matters.

5 SECTION 5.

Executive Branch Commissions

The Executive Branch shall have the following as permanent Commissions with rules of operation specified in the Student Government Code and commission guidelines.

- A. Finance
- 10 B. Governmental Relations and Intercollegiate Affairs
- C. Congress of Student Organizations
- D. Academic and Student Affairs
- E. Public Relations
- F. Technology

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ARTICLE IV
JUDICIAL BRANCH

SECTION 1.

20 Judicial power of the Student Body of North Dakota State University shall be vested in the Student Court.

SECTION 2.

Membership

- A. The Student Court shall consist of five justices. Justices shall serve from the time of appointment to completion of studies, resignation from the court, or recall by the Student Senate.
- 25 B. For the spring semester, the President may appoint, with the advice and consent of the Student Senate, an assistant justice for the purpose of assisting the court during elections at the discretion of the Chief Justice. Also, the assistant justice may stand in as an associate justice if a current justice leaves during this time or cannot be present for an essential court function during elections.
- 30 C. Justices shall be appointed to the Student Court when vacancies arise during the regular school year.
- D. Justices may run for elected office without resigning their position on the Student Court. During the election the justice will resign his/her powers until the election is over. If the election is won by the justice, he/she will resign completely from the Student Court.

35 SECTION 3.

Powers

- A. Final jurisdiction on Constitutional interpretation.
- B. Final jurisdiction on constitutionality of Student Senate legislation.
- C. Final jurisdiction on cases involving Student Body elections.
- 40 D. Final jurisdiction in cases involving the violation of the Student Body Constitution, Student Government Code, or Student Senate legislation. The jurisdiction shall be original in cases not involving residential areas and appellate in cases involving residence areas.
- E. Final and original jurisdiction in cases involving conflict pertaining to any recognized Student Organization (other than Fraternities and Sororities).
- 45 F. A student organization which violates NDSU policy, including the NDSU Code of Behavior, may have their case heard by the Student Court, except in those cases in which the University

administrators decide that the case must be heard by the University administration. (See the NDSU Code of Behavior for specific information.)

G. The power to review or secure any information pertinent to any case before the Student Court.

H. The power to issue injunctions or impose monetary fines as deemed necessary and appropriate in cases within its jurisdiction.

I. All documents possessed by the Student Court of Justice must be open to inspection by any and all members of the public. Such documents include, but are not limited to, minutes, decisions, and items used as evidence. One court justice shall be present during any inspection.

J. Proper notice of a hearing must be given to all parties involved in a dispute which is to be heard by the Student Court of Justice. Such notice shall be written or via direct verbal contact. If the notice is received less than forty-eight (48) hours in advance of the hearing, either the petitioner or respondent can request, and shall be granted, a postponement.

K. All meetings of the Student Court of Justice including, but not limited to, hearings and regular meetings shall be open to the public and minutes shall be kept. This does not include deliberations and exceptions deemed necessary by the Chief Justice with the approval of all parties involved.

SECTION 4.

Election and Duties of the Chief Justice

A. The Chief Justice shall be chosen by and from the members of the Student Court.

B. The duties of the Chief Justice shall consist of:

1. Swearing in of newly elected persons to the Student Government.

2. Preside over Student Court meetings.

3. Serve as spokesperson for the Student Court at Student Senate meetings and any other necessary functions.

4. Co-Chair the Constitutional and Code Review committee with the President and Vice Chair of the Senate on even-numbered years and when necessary.

5. Serve as Parliamentarian during Senate meetings.

SECTION 5.

Student Rights

A. Students shall have the right to present a case before the Student Court.

B. Students who have a case decided against them shall have the right to an appeal within the same academic year of the first decision, except in cases where the Student Court determines extenuating circumstances are involved.

ARTICLE V
AMENDMENT AND ADOPTION

SECTION 1.

Amendment

Proposed amendments to this Constitution shall be given proper notice in the student newspaper prior to any vote taken. Proposed amendments shall also be presented to the Student Body either by approval of at least two-thirds of the Student Senate or by a petition certified by the Student Court including the signatures of at least ten percent of the Student Body. Approval of amendments shall require a two-thirds affirmative vote of the students voting in an open Student election.

SECTION 2.

Adoption

This Constitution shall become effective no later than two weeks after adoption by the Student body.

SECTION 3.

Other official documents

- 5 All other operations and procedures of Student Government shall be established in the document entitled "Student Government Code." All guidelines and changes thereof shall require two (2) readings and a two-thirds affirmative vote of the Student Senate.

10 **ARTICLE VI**
PARLIAMENTARY AUTHORITY

The parliamentary authority for the Student Body of North Dakota State University shall be "Robert's Rules of Order, Newly Revised."

15 REVIEWED by the Constitution and Code Review Committee Academic Year 07-08

20 _____
2007 - 2008 Student Body President
Josh Reimnitz

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2007 - 2008 Student Body Vice President
Clara Presser

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2007 - 2008 Student Court Chief Justice
Drew Espeseth

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University President
Dr. Joseph Chapman