

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

MISSION

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, staff, administration, alumni, the Fargo-Moorhead Community, and the State of North Dakota. We serve with honor for the maintenance of tradition at North Dakota State University and strive to leave the University better than when we arrived.

PREAMBLE

We the students of North Dakota State University, in order to promote the wellbeing of the student body, guarantee freedom to ourselves and to our successors, ensure equal opportunity for all, and uphold impartiality and justice do ordain and establish this Constitution as our authoritative system of collegiate government.

ARTICLE I

THE STUDENT BODY

SECTION 1.

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

SECTION 2.

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

SECTION 3.

With the exception of students primarily enrolled at another institution, taking courses through the Tri-College University or another collaborative education program, and dual-credit high school students, all enrolled students at North Dakota State University have the right to vote, to be heard, and to be represented by the Student Government.

SECTION 4.

Powers

A. Initiative

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.
1. Said petition must include the signatures of 5% of the Student Body and be validated by the Student Court.
 2. The Student Senate is constrained to either pass said legislation or submit the same to a vote by the Student Body where a majority of the students voting shall be needed for approval.

B. Recall

1. The Student Body may request the recall of the Student Body President, Vice President, or any other non-judicial student government official by presenting a petition to the Student Court.
 - a. Said petition must include the signatures of 5% 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 5% 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.
- 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.
 1. Said petition shall include the signatures of 5% of the Student Body and be validated by the Student Court.
 2. A majority of all votes cast by the Student Body shall be needed to repeal the action.
- D. All percentages in this section shall be based upon the most recent official enrollment provided by the Office of Registration and Records.
- E. The Student Court shall validate any recall, initiative, or referral within 10 business days of receiving the petition.
- F. The Student Senate shall call a special election concerning any recall, initiative, or referral within one month of receiving the validated petition. The special election shall occur on the final two business days of the one-month period if the Senate fails to set a date within one week of the conclusion of the aforementioned month, subject to provisions of the Student Body Election Code regarding emergency circumstances.

SECTION 5.

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.
- B. A student must be eligible to vote in order to run for office. With the exception of students primarily enrolled at another institution, taking courses through the Tri-College University or another collaborative education program, and dual-credit high school students, all enrolled students at North Dakota State University have the right to run for office.
- C. A student may appear on the ballot for only one elective office in each election year.
- D. A student may hold only one position in the Student Government that is either elected or appointed, excluding the Vice-Chair, Parliamentarian of the Senate, and executive commission members, unless otherwise stated
- E. The Editors or General Managers of any student media organizations may not hold any Student Government position, either elected or appointed concurrently.
- F. An undergraduate/professional student is allowed one vote in said student’s academic district for each position open in those districts. A graduate or undeclared student is allowed one vote in the Graduate and Interdisciplinary Studies academic district.
- G. The Student Body President, Vice President, and Student Senators shall be elected as per the dates and processes defined by the Student Body Election Code written by the Student Court and approved by the Student Senate.

SECTION 6.

Student Organizations

- 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, in accordance with the Student Code of Conduct.
- B. Student organizations shall gain official recognition from the Congress of Student Organizations commission under Student Government.
- C. Student organizations may request Student Senate assistance and/or recommend matters of student concern to the Student Senate.

SECTION 7

Student Fees

A. Of the votes cast, a majority vote in a Student Body election shall be required to approve a new student fee.

ARTICLE II LEGISLATIVE BRANCH

SECTION 1.

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. A district is an individual college of the University.
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 business 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, expulsion, graduation, discovery of ineligibility, or voluntary vacation of the seat held by the Senator.

C. Composition and Representation

1. One Student Senator may be elected for each additional 400 students or major fraction thereof enrolled (above the first 400) in said College and Graduate School.
2. The number of students in each district shall be based on the most recent fall fourth-week (4th) enrollment, as provided by the Office of Registration and Records.

SECTION 3.

Powers of the Senate

- A. The safeguarding of the student right to vote in NDSU student body elections, 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 replace Student Senators on committees with a two-thirds (2/3) majority vote.
- C. The power to approve any appointed Student Government official by a majority vote. (SSC-03-20)
- D. The power to recall any appointed Student Government official, with the exception of the Chief Justice, and to impose any other sanctions authorized in the Student Government Code by a two-thirds (2/3) vote.
- E. The power to expel members of the Senate and to impose any other sanctions authorized in the Student Government Code by a two-thirds (2/3) vote.
- F. The power to recall any student member of an external committee who was appointed by the Senate or a Student Government official and to impose any other sanctions authorized in the Student Government Code by a two-thirds (2/3) vote.
- G. The power to impose sanctions authorized in the Student Government Code other than removal of the Student Body President and/or Vice President by a two-thirds (2/3) vote.
- H. The Student Senate has the power to call for a vote of the Student Body for removal of the President, Vice President, or Chief Justice with a three-fourths (3/4) vote at two meetings no less than two calendar weeks apart. If both votes pass, it will be brought to a vote of the Student Body, in an

election run by the Student Court. This election must happen within two business weeks of the second affirmative Senate vote. The two-thirds (2/3) affirmative votes cast by the Student Body will constitute the removal of the officer in question.

- I. The power to submit any proposed legislation to a vote of the Student Body. The approval of 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.
- J. The power to amend any pending legislation or documents unless otherwise stated in this Constitution or the Student Government Code.
- K. 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 (2/3) vote. Senate actions not needing presidential approval include and are limited to appointments of Senators, appointments to senate-elected positions, sanctions, approval of minutes and agendas, and parliamentary motions used within Senate meetings.
- L. The authority to budget, disburse, and withhold Student Activity Funds.
- M. Approve the Student Activity Fee Budget presented by the Finance Commission by a majority vote and change the budget by a majority vote, subject to provisions stated in the Student Government Code.
- N. The power to secure information from any board or official of the University as is deemed necessary and appropriate.
- O. The Student Senate shall serve the individual and collective needs of the Student Body and initiate discussion and action on student interests and concerns.
- P. Assist in providing a common ground for communication and the promotion of close cooperation between Students, Faculty, Staff, and Administration of the University and other appropriate governmental bodies, both inside and outside the University.
- Q. Make recommendations to, and act upon recommendations from, other campus governing bodies.
- R. Investigate and make recommendations concerning matters and issues pertaining to student interests, in accordance with the Student Code of Conduct.
- S. 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.

SECTION 4.

Duties of Senators

- A. Attend all Senate meetings unless properly excused by the President of the Senate.
 - 1. The Student Government Code contains provisions determining the number of allowable absences and providing for sanctions when that limit is exceeded.
- B. Perform a minimum of two hours of Student Government service per week during the spring and fall semesters, excluding Senate meetings.
 - 1. The Vice Chair may, with consent of the Senate, raise the number of office hours required.
 - 2. The Vice Chair shall determine what constitutes Student Government office hours consistent with the Student Government Code.
 - 3. The President of the Senate or Vice Chair may waive the requirement of two office hours of Student Government service under extenuating circumstances, subject to guidelines established in the Student Government Code.
 - 4. The Student Government Code contains provisions determining the number of allowable absences and providing for sanctions when that limit is exceeded.
- C. Abide by the Student Government Code and/or Senate legislation as governing documents.
- D. Perform a mandatory senator outreach to organizations at a minimum of once (1) per semester and fill out the necessary documentation as outlined by the Vice Chair.
- E. Perform other duties outlined in the Student Government Code and/or Senate legislation.

SECTION 5.

Position in University Governance

- A. The Student Senate, as the legislative body representing students, has the power to review, recommend, and participate in the formulation of policy with regard to:
1. Student affairs
 2. The delivery of student services, including decisions to outsource services
 3. Academic affairs
 4. Institutional priorities
 5. The allocation of institutional resources
 6. Human resource policies affecting student employees
 7. Other matters deemed by the Student Senate to be of interest to students

SECTION 6.

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 the following 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. Temporarily assume the duties of the Vice Chair while that position is vacant.
 5. Fulfill any additional duties outlined in the Student Government Code and/or Senate legislation.
- 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 fulfill the duties of the Student Body Vice President upon the resignation or recall of the current President or Vice President until the approval of the new 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 the gavel has been passed by the President of the Senate.
 2. Serve as a liaison between the Legislative and Executive branches.
 3. Chair the appointments committee.
 4. At the request of the Student Body President, may attend weekly meetings of the Executive Team and give reports.
 5. Provide a transition as outlined by the Student Government Code.
 6. Fulfill any additional duties outlined in the Student Government Code and/or Senate legislation.
- C. Secretary: The Student Government Executive Administrator shall be appointed by the Student Body President and Vice President. The duties and power of the Executive Administrator 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. Publish and distribute an agenda no less than 48 hours prior to each regularly scheduled Senate meeting.
 6. Provide a transition, as outlined by the Student Government Code.
 7. Fulfill any additional duties as assigned by the President of the Senate.
 8. Fulfill any additional duties outlined in the Student Government Code and/or Senate legislation.

- D. **Parliamentarian:** The Parliamentarian shall be appointed prior to the end of spring semester by the President of the Senate and with the consent of the Senate. In the event of a vacancy of the office of Parliamentarian, the President of the Senate shall make an appointment within two weeks. The Parliamentarian shall have debate and voting privileges during Senate meetings only if the Parliamentarian is a member of the Senate, as defined by Article II of the NDSU Student Body Constitution. The duties of the Parliamentarian shall be:
1. Attend weekly Senate meetings and serve as the Parliamentarian.
 2. Maintain a current copy of Robert's Rules of Order, which is the parliamentary authority adopted for use by Student Government.
 3. Maintain a current copy of the NDSU Student Body Constitution and Code.
 4. Advise the President of the Senate on any issues regarding Parliamentary Procedure.
 5. Fulfill any additional duties relating to Parliamentary Procedure as assigned by the President of the Senate.
 6. Provide a transition, as outlined by the Student Government Code.
 7. Fulfill any additional duties outlined in the Student Government Code and/or Senate legislation.

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 Commissioners.

SECTION 2.

Membership

- 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. 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, expulsion, discovery of ineligibility, or voluntary resignation.

SECTION 3.

Powers

- A. **President:** The powers of the Student Body President shall be:
 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 advice and consent of the Student Senate, the Vice President when a vacancy occurs.
 4. Appoint, with the Vice President and with advice and consent of the Student Senate, all Executive Commissioners.
 5. Appoint, with the advice and consent of the Student Senate and the Chief Justice, Justices to the Student Court when a vacancy occurs.
 6. Appoint, with the advice and consent of the Student Senate Vice President, all other appointed positions, except in cases as provisioned in the Student Government Code.

7. Withdraw the Executive Administrator and Executive Commissioners as deemed necessary and appropriate.
8. 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 enacted. Legislation passed by the Student Body through an initiative, referral, or a referendum may not be vetoed.
9. Hold all other powers that are necessary for carrying out the provisions of this Constitution. (SSC-01-20)

SECTION 4

Duties and Responsibilities

- 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, Finance Code, and Senate legislation are faithfully executed.
 3. Give the Senate information on the state of the campus and recommend for their consideration such measures judged necessary.
 4. Provide a transition, as outlined by the Student Government Code.
- 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. Perform other duties as assigned by the Student Body President.
 4. Provide a transition, outlined by the Student Government Code.

SECTION 5.

Executive Branch Commissioners

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
- B. External Affairs
- C. Congress of Student Organizations
- D. Academic and Student Affairs
- E. Public Relations
- F. Technology
- G. Diversity Education

ARTICLE IV JUDICIAL BRANCH

SECTION 1.

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

SECTION 2.

Membership

- A. The Student Court of Justice shall consist of seven Associate Justices, an Assistant Justice, and a Chief Justice. Justices shall serve from the time of appointment to completion of studies, resignation from the Court, recall by the Student Senate, discovery of ineligibility, or removal as outlined in the Student Government Code.

- B. Justices shall be appointed to the Student Court of Justice when vacancies arise during the regular school year.
- C. As impartial bodies, Justices must resign from their positions upon filing an application for, or expressing intent to run for, any other elected position.

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.
- D. Final jurisdiction in cases involving the violation of the Student Body Constitution, Student Government Code, Finance Code, Student Senate legislation, and Executive Commission Guidelines. 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).
- F. A student organization which violates NDSU policy, including the NDSU Code of Student Conduct, 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 Student Conduct 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. Except as provided by law, 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.
- 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 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.
- L. The Student Court may, at its discretion, add into any document which it formally interprets, a citation relating to the formal interpretation. This is to be done by putting the reference number of the interpretation (e.g SSC-01-01) in parenthesis as a superscript at the end of the most relevant line in the document. Any interpretation which is to be cited this way must include full length, verbatim quotations of all sections relevant to the interpretation and be accurately dated. Should the language interpreted be changed, the citation must be removed. In the event that a portion of a document is reinterpreted, only the most recent interpretation will be cited. Cases may not be cited as described above.

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 of Justice by the following method:
 - 1. The Court will open nominations for the position of Chief Justice. Any Justice may nominate another Justice or themself.
 - 2. Each candidate will give a speech to the Court lasting no longer than 4 minutes while no other candidate is in the room. After each speech, and still while no other candidate is present, Justices may ask the candidate up to 5 questions.

3. Once all speeches and question-and-answer sessions are complete, all Justices will return to the room to cast their vote by secret ballot. If there are exactly two candidates, each Justice will receive one vote. If there are more than two candidates, each Justice will receive two votes. Justices may not vote for the same candidate twice.
 4. A simple majority of the votes cast is required to win. If a simple majority is not achieved after the first vote, then the candidate with the lowest vote total will be dropped from the race and another vote will be taken. This process will continue until a candidate receives a simple majority.
 5. The sitting Chief Justice will be responsible for counting the votes cast, dropping candidates from the race in the case of a runoff election, and determining the winner. In the event that the Chief Justice is not able to carry out the aforementioned duties, the Court will select, by unanimous vote, an individual to count votes, declare a winner, etc.
- B. The Chief Justice will assume his/her title, powers, and duties within two weeks of being chosen -- regardless of having not been sworn in. However, the Chief Justice should be sworn in at the first feasible opportunity.
- C. The duties of the Chief Justice shall consist of:
1. Swear in the President, Vice President, Executive Commissioners, Assistant Executive Commissioners, Executive Administrator, Senators, and Justices to the Student Government. In the absence of the Chief Justice, the senior-most court member can swear in all appointed and elected officials.
 2. Preside over Student Court of Justice hearings and meetings.
 3. Serve as a voting member of the Student Court of Justice.
 4. Serve as spokesperson for the Student Court of Justice at Student Senate meetings and any other necessary functions.
 5. Provide a transition, outlined by the Student Government Code.

SECTION 5.

Student Rights

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

ARTICLE V AMENDMENT, ADOPTION, AND REVIEW

SECTION 1.

Amendment

Proposed amendments to this Constitution shall be given proper notice, with a minimum of 10 business days, over the Student Official Listserv prior to any vote taken. Proposed amendments shall also be presented to the Student Body either by approval of at least two-thirds (2/3) of the Student Senate or by a petition certified by the Student Court including the signatures of at least 5% of the Student Body. Approval of amendments shall require a two-thirds (2/3) affirmative vote of the students voting in an open Student Body election and approval by the President of the University. The Executive Administrator may adjust clause numbering after certification of passage and prior to presentation to the President of the University in order to maintain proper alphabetical and numerical order.

SECTION 2.

Adoption

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

SECTION 3.

Review

This Constitution shall be reviewed by the Constitution and Code Review Committee annually during fall semesters, and when necessary. The Student Government Code shall be reviewed by the Constitution and Code Review Committee annually during fall semesters, and when necessary. Said committee shall submit any proposed amendments to the Student Senate. The composition and rules of operation for said committee shall be established in the Student Government Code and/or Senate legislation.

ARTICLE VI

OFFICIAL DOCUMENTS

SECTION 1.

Student Government Code

All operations and procedures of Student Government shall be established in the document entitled "Student Government Code," with the exception of executive commission guidelines and certain accessory documents such as the Election Code. All changes shall require two readings and a two-thirds (2/3) affirmative vote of the Student Senate.

SECTION 2.

Student Body Election Code

All guidelines pertaining to Student Body elections shall be established in the document entitled "Student Body Election Code," to be prepared by the Student Court of Justice annually. All changes shall require two readings and a majority affirmative vote of the Student Senate. The text of the Election Code may not be amended on the Senate floor without Court approval.

SECTION 3.

Student Government Finance Code

All operations and procedures relevant to the allocation of funds from Student Government shall be established in the document titled "Student Government Finance Code." All changes shall require two readings and a two-thirds (2/3) affirmative vote of the Student Senate. Once passed, these changes must be submitted to and approved by the Student Government Finance Commission.

SECTION 4.

Congress of Student Organizations (CSO) Guidelines

All operations and procedures relevant to the operation, establishment, and oversight of student organizations shall be established in the document titled "Congress of Student Organizations Guidelines." All changes shall require two readings and a two-thirds (2/3) affirmative vote of the Student Senate. Once passed, these changes must be submitted to and approved by the CSO Commission.

2022-2023 Student Body Vice President
Alexander Duerr

2022-2023 Chief Justice of the Student Court
Grace McCulloch

Approved by the President of the University

University President
Dr. David Cook