

The Minnesota State Student Association Constitution

Preamble

The Minnesota State Student Association (MSSA) is hereby established and its membership shall consist of all individuals who are enrolled through this University for credit and/or audit. The University shall respect the rights guaranteed to MSSA members by the U.S. Constitution and laws of the United States and the State of Minnesota, and by Minnesota State Colleges and University (MnSCU) rules. The MSSA accepts its responsibility to ensure equal opportunity in all aspects of its programs for all qualified persons regardless of race, creed, religion, color, national origin, age, physical disability, reliance on public assistance, sex, marital status, sexual orientation/affectional preference, or any other class or group distinction as set forth by state or federal anti-discrimination laws. The members of MSSA shall be called students for the purpose of this Constitution and its Bylaws.

Article I

Legislative Authority

Section 1

The legislative and administrative authority of MSSA shall be vested in its Senate. All authority and actions of the MSSA, of the Senate, and of every body established pursuant to the authority of the Senate or by the authority of this constitution shall be consistent with the provisions of this Constitution and its Bylaws, Minnesota State University policies and procedures, MnSCU rules and regulations, and local, state, and federal laws.

Section 2

The Senate may propose regulations, create services, initiate activity or policy, enforce compliance, petition particular action by appropriate authority and adopt resolutions. Additionally, the Senate shall establish procedures for the recognition of campus organizations and shall recognize those campus student organizations complying with the established procedures.

Section 3

The Senate may use standing, cabinet or ad hoc committees to develop proposals or recommend modifications to University regulations pertaining to, but not limited to, housing, conduct, student mass media, the student union, the assessment of activity fees, and the expenditure guidelines and budgets for activity fee-support operations.

The Senate shall further have an opportunity to make recommendations prior to final action on or implementation of University policy decisions and procedures concerning,

but not limited to, a judicial process, academic appeal procedures, academic calendar, curriculum and academic standards, general education requirements, faculty evaluation procedures, University planning, annual resource allocations, facility use and regulation, financial aid regulations, admission policies, graduation requirements, and procedures for personnel selection or removal including, but not limited to, University vice presidents, college deans, faculty, and such other personnel as may be specified in this Constitution. It is recognized that this section does not in any manner limit or alter the procedures to be followed when system-wide policies are adopted.

Nothing herein shall be construed to limit the power of the Senate to delegate its authority to Meet and Confer groups as determined in Article VI, Section 3.

Section 4

Any Senate action requiring University response shall be forwarded to the University President within five business days.

Section 5

The Senate or a body acting pursuant to its grant of authority shall, as need arises, make recommendations to the MnSCU Board of Trustees relative to the selection of the MnSCU Chancellor and the University President.

Article II

Senate Structure and Operations

Section 1

The membership of the Senate shall consist of the MSSA President, the MSSA Vice President and the Senators as follows:

- a. One Senator representing the residents living in each of the Residence Hall Centers or Towers.
- b. 8 Senators representing the students who live off-campus.
- c. 15 Senators representing the students with declared majors (according to Registrar's records) within a college organized under the Academic Affairs Division. For academic Senate seats, graduate students may only hold a Senate seat assigned to the College of Graduate Studies. Each college shall have at least one Senate seat.
- d. Two Senators representing undergraduate students who have not declared a major.

Section 2

An administrative reorganization of the University, occurring between May general elections and influencing Senator constituencies, shall not mean the removal of a seated Senator or the Senate seat until that term has expired.

Section 3

Special meetings of the Senate may be called by the University President, the President, or by a petition of 20 percent of the Senate members. Special meetings shall consider only those items stated in the call and shall not count for attendance purposes.

Section 4

The business of the Senate and of every body established pursuant to its authority or the authority of the Constitution shall be conducted according to Robert's Rules of Order, Newly Revised. Each member shall have one vote and a simple majority of the membership shall constitute a quorum. Upon the request of two members, the Senate shall record a roll call vote on any matter. In no case shall the Senate meet fewer than seven times in an academic term.

Section 5

During summer sessions and interim periods, the President may act instead of the Senate. Within two business days following the exercise of such power, the President shall report in writing to the Senators. If within eight business days following such exercise, three Senators shall demand of the President a special meeting of the Senate, the President shall notify the Senators of the special meeting. The meeting shall be held by the tenth business day following the notification but in no case sooner than the fifth business day. If there should be no quorum, the action of the President shall stand.

Section 6

A Senator unable to attend a Senate meeting may appoint a proxy, but at no time shall any one proxy for the President or Vice President. The appointment of proxies shall follow the guidelines in the Bylaws of this Constitution. A proxy who is a candidate shall not be allowed to vote in an election to fill a vacancy in which the proxy is a candidate.

Article III

Elections and Vacancies in the Senate

Section 1

The Elections Committee shall have the sole authority to develop and enforce any and all rules and regulations regarding the May and October Vacancy Elections, as well as any special elections. However, all Elections Committee recommendations must be

forwarded to the Senate for approval, modification, or disapproval, prior to their implementation.

Section 2

The annual elections of the MSSA shall be held on the second Tuesday in May for the purpose of electing the President, the Vice President, and the Senators. The President and Vice President shall be elected at-large and the Senators shall be elected as indicated in Article II, section 1, with the two exceptions outlined in Section 3 of this article. For election purposes each spring quarter the Elections Committee shall apportion the 15 available college affiliated seats on the basis of the number of students within a particular college. Two of the Student Union Board members shall also be elected in the May Election. Students elected in the May Election shall satisfy the requirements of their constituency before the first meeting after the start of fall classes or forfeit their seat, except Senators representing students who have not declared an undergraduate major, and their term shall expire the day of ratification of the following year's May Election results.

Section 3

The October Vacancy Election shall take place on the second Tuesday in October for the purpose of filling any vacancies that are created between the time of the ratification of the May election results and October 1, as declared by the Speaker. One of the undeclared Senators and the Maverick Hall Senator shall also be elected in the October Vacancy Election and shall have their term expire the day of ratification of the following year's October Election results.

Section 4

Limited voting shall be used if there is more than one position to be filled from a constituency. Under limited voting, each person may cast one vote for every two positions to be filled. When the number of seats to be filled is not evenly divisible by two each voter shall be entitled to one additional vote.

Section 5

A vacancy in the Senate shall be declared when it is announced by the Speaker of the Senate and appears in the Senate minutes. Announcement of a vacancy in the Senate shall appear at least twice in the student newspaper before the vacancy is filled. Except as indicated in Article IV, a vacancy in the Senate shall be filled by the Senate who shall elect a successor from those individuals who meet the requirements of the respective constituency and who appear before the Senate at the designated time. The election shall be held during the second regular Senate meeting following the declaration of the vacancy and shall not be subject to veto. If the vacancy is not filled during this meeting, it may be filled during any subsequent regular meeting. An individual shall be deemed elected to fill a vacancy when receiving a majority of the votes cast. Limited voting, as

defined in section 4 of this article, will not be used in filling mid-year vacancies. This section does not apply to vacancies as described in Section 3 of this article.

Article IV

Officers

Section 1

The President shall be the chief administrative officer of MSSA. Subject to the advice and approval of a majority of the Senate and subject to further provisions of this Constitution and its Bylaws, the President shall appoint the President's Cabinet, the Meet and Confer team, the membership of boards, commissions, and committees, and may establish MSSA staff positions. All presidential appointments shall be confirmed by the Senate, must be MSSA members at the time of their appointment, and shall remain so until their term expires the day of spring commencement. Cabinet, board, commission, and committee vacancies shall be filled by appointment only for the duration of the original term. The President shall be a non-voting, ex-officio member of any such body without leave of the Senate.

Within five business days of any final Senate action, the President may veto such action. No later than the second regular meeting following the veto, the Senate by a two-thirds vote may override the veto. However, the President may not vote in the event that the Senate may attempt to override a veto.

Section 2

The Vice President shall assume the duties of the President in the event of the permanent or temporary inability of the office due to injury, illness, resignation, recall, or death; shall conduct Senate meetings in the absence of the Speaker of the Senate; shall be a non-voting, ex-officio member of any Senate committee without leave of the Senate; shall advertise, recruit, and monitor cabinet, board, commission and committee vacancies; and shall perform other such duties as the President may direct. A permanent vacancy in the office of Vice President shall be filled by a 60 percent vote of the Senate. After October 1, a temporary vacancy in the office of the Vice President due to injury or illness shall be filled upon recommendation of the Vice President, appointment of the President, and confirmation by a majority vote of the Senate.

Section 3

The Speaker of the Senate shall be elected by a 60 percent vote of the Senate at the second regular meeting following May elections and shall be a member of the MSSA. The Speaker shall not be a voting member of the Senate, a member of the Constitution Commission, or hold any other MSSA staff position. The Speaker shall be the chief administrative officer of the Senate; shall preside over the Senate meetings; set the agenda, make recommendations to the Senate regarding recognition of individual

organizations; with the assistance of the secretary, keep the records of all minutes; and perform other duties as the Senate may direct. The Speaker shall be responsible for all administrative correspondence which results from Senate action, and shall forward to the University President any Senate action requiring University response and request the University President to respond in writing to the Senate within a specified time.

The Speaker may recommend amendments to the Constitution and Bylaws. The Speaker shall have the sole authority during Senate meetings to interpret this Constitution and its Bylaws. The Speaker's interpretations are subject to subsequent appeal to the Constitution Commission.

In the event of simultaneous permanent vacancies in the office of the President and Vice President, the Speaker of the Senate shall assume the duties of the President until a special election is held.

Section 4

The Treasurer shall initiate transactions on the Senate account, monitor the Senate payroll, chair the Budget Committee, report to the Senate the exact financial position of the Senate at least twice each academic term and perform other duties as the Senate may direct.

Article V

Judicial Authority

Section 1

The Constitution Commission shall have ultimate authority for the interpretation of this Constitution and its Bylaws, and the internal articles of operations and procedures of the Student Senate and its committees. Rulings of the Constitution Commission are final and not subject to appeal. The Commission is external to the Senate. The Senate can make recommendations and refer a dispute to the Commission but cannot force its will on the Commission. The Commission shall, when necessary, consider and draft amendments to this Constitution for the consideration by students, consider and draft amendments to the Bylaws for consideration by the Student Senate, hear appeals concerning their interpretation, and render interpretations as requested. The Commission shall be notified of proposed Bylaw amendments prior to any consideration by the Senate.

Subsection A: Any MSSA member may request an interpretation from the Commission. The Commission shall take a separate vote on whether to accept jurisdiction before proceeding to deal with the Constitutional ramifications of a disputed action or request for interpretation. Under no circumstances shall a member of the Commission be asked to provide, nor shall any Commission member volunteer, an interpretation during a Senate meeting, prior to the Commission making a ruling on

the issue.

Subsection B: Voting membership of the Commission shall consist of six students appointed by the President and two representatives appointed by the University President. The chairperson shall be elected by the entire membership and from among its student representatives.

Section 2

The Commission on Ethics and Standards shall hear all complaints concerning the ethical behavior and/or fitness of an elected or appointed official of the MSSA. The Commission is external to the Senate.

Subsection A: Any MSSA member may submit a complaint to the Commission. The Commission has the right to refuse jurisdiction of any complaint referred to it. If the Commission accepts jurisdiction, then the MSSA official in question shall be notified by the Commission of all allegations made against them as well as their right to present evidence and witnesses. The official in question shall also have the right to question witnesses presented in support of the allegations. The Commission may dismiss the complaint or declare the official in violation, in which the case the Commission must decide an appropriate sanction. The Commission's ruling shall be communicated to the Senate within five business days.

Subsection B: Membership of the Commission shall consist of five student members appointed by the President. Only one member may be a Senator and shall be the non-voting chairperson of the Commission.

Article VI

Committees

Section 1

Committees of the Senate shall include standing committees, internal committees, cabinet committees, and other committees as are necessary or desirable. Committee membership may be specified in the Bylaws. Except for the Treasurer, the chairperson of all Senate committees shall be elected by the entire membership of the committee from the student approved membership. Committees shall submit an account of their proceedings at the first regularly scheduled Senate meeting following the committee meeting. Committees shall have the opportunity to develop their own internal operating procedures, which shall be filed with the Speaker of the Senate.

Section 2

The President shall establish a Meet and Confer team which shall be accountable to the Senate in its consultation with the University President and any designees. The Meet and Confer team shall consist of members of MSSA and shall meet with the University President and any designees at least once every six weeks or more frequently upon request of the Senate, the President or the University President.

Section 3

Sub-Meet and Confer teams shall be accountable to the Senate in their consultation with other University administrators and any designees, shall consist of members of MSSA, and shall meet with the appropriate University administrator and any designees at least once every six weeks or more frequently upon request of the Senate, the President or the administrator.

Prior to any Sub-Meet and Confer session at which a committee shall present a major policy statement, the Senate shall be advised of the content of the proposal and be empowered to ratify, reject, or amend the proposal. Committees shall thereafter within five business days of such session submit a written record of such session to the Speaker of the Senate.

Article VII

Residential Governance

Section 1

The Residence Hall Association (RHA) is established to represent the interests of Residence Hall students, insofar as those interests relate to the administration of the University's Residence Halls. At any time the Senate may call upon the RHA to explain a decision and the Senate reserves the right to overrule RHA action.

The RHA shall develop operating policies detailing its mission and organizational structure including any subordinate student representative units necessary to ensure adequate representation. Residence Hall Senators shall be ex-officio, non-voting members of RHA. Only students living in the Residence Halls may be members of RHA.

The RHA may seek approval from the Senate to be the principal agency for student participation in University governance on issues concerning the operation of the halls. Such approval shall be granted by a majority vote of the Senate and shall be on such terms and for such duration as the Senate may direct. No such approval shall extend beyond the date of spring commencement.

Section 2

The Tenants' Association (TA) is established to represent the interests of off-campus students, insofar as those interests relate to tenant/landlord issues. At any time the Senate

may call upon the TA to explain a decision and the Senate reserves the right to overrule TA action.

The TA shall develop operating policies detailing its mission and organizational structure including any subordinate student representative units necessary to ensure adequate representation. Off-Campus Senators shall be ex-officio, non-voting members of TA. Only students living off-campus may be members of TA.

The TA may seek approval from the Senate to be the principal agency for student participation in governance concerning off-campus issues. Such approval shall be granted by a majority vote of the Senate and shall be on such terms and for such duration as the Senate may direct. If approval is granted, the TA shall represent all students living off-campus. No such approval shall extend beyond the date of spring commencement.

Article VIII

Academic and Student Organizations

Section 1

Students shall have the right to organize within academic departments as Departmental Student Associations. The membership of such an association shall include all students who have declared a major or minor in the department. The School of Nursing and the College of Graduate Studies shall be considered as departments and shall follow the procedures of this Article.

Subsection A: A Departmental Student Association shall be certified as the principal agency for student participation in the respective department by filing with the Speaker of the Senate a petition signed by 50 percent of the Departmental Student Association membership. Upon certification, the appropriate dean and department chairperson shall be informed. Certification shall not extend beyond the day of spring commencement. Percentages shall be based upon the most recent non-summer session enrollment figures.

Subsection B: Departmental Student Associations have the authority to represent students only on issues that affect the respective department, such as major and minor requirements, course content, procedures for faculty selection and removal, new courses, and course scheduling.

Subsection C: The Departmental Student Association chairperson and not more than four designees may meet with the department chairperson and selected designees and shall within ten days of such meeting report in writing to the Speaker of the Senate.

Section 2

Organizations seeking University recognition shall submit to the Senate a statement containing such information as is required by the Senate. Affiliation with a non-University organization shall not disqualify an organization from recognition. Recognized organizations shall have access to University facilities in accordance with University policy.

Organizations shall clearly state, whenever engaged in public activity that is not specifically authorized by the Senate or the University, that their programs and activities do not necessarily reflect the views of the University or the student body.

Article IX

Professional Staff

Section 1

The MSSA shall employ an attorney to provide free legal advice to its members and to provide assistance to the Senate, the President and the Cabinet. The Students' Attorney may represent a client in court only if directed by a majority vote of the Senate.

Section 2

The MSSA may employ a professional secretary who, if employed, shall report to the President.

Article X

Initiative, Referendum and Recall

Section 1

Initiatives may be proposed by the University or MSSA President; by a vote of sixty percent of the Senate, not subject to veto; or by a petition with the name and address of 250 students and must be submitted to the Elections Committee. The Elections Committee shall validate the signatures.

The Elections Committee shall hold at least one public hearing concerning the proposal and shall thereafter submit the initiative to a vote at the next regular or special MSSA election, unless the initiative is withdrawn pursuant to the provisions of this section or Article I, Section 1.

An initiative by the University or MSSA President may be withdrawn upon written request by the author. An initiative by the Senate may be withdrawn by a vote of sixty percent of the Senate, not subject to veto. An initiative by petition may be withdrawn by a

written request of enough petition signers so that fewer than 250 names remain on the initiative petition.

If a majority accepts the initiative, it shall be binding upon the Senate and cannot be vetoed. However, the vote shall not be valid unless the number of ballots cast is at least fifty percent of the number cast in the last MSSA annual election.

Section 2

The President, Vice President, Senators, and presidential appointees shall be subject to recall. No elected official shall be recalled within the first three months of the tenure. A presidential appointee may be recalled at any time. A petition to recall shall specify the grounds on which the recall is predicated and shall include the name and address of the petition signers. A petition to recall shall be submitted to the Speaker of the Senate. A petition to recall the Speaker of the Senate shall be submitted to the Vice President. The official receiving the petition shall validate the signatures. An official shall not be removed from any other position than the one stated in the petition.

A petition to recall an elected official shall be signed only by members of the official's constituency. The petition shall be signed by 750 students if the President or Vice President is subject; 300 students if an off-campus Senator is subject; 25 percent of the residents of a tower or residence hall if a residence hall Senator is subject; 25 percent of the non-extended campus students with a major in the college or school if a college or school Senator is subject; 25 percent of the non-extended campus students who have not declared an undergraduate major if a Senator representing undeclared majors is subject; 60 percent of the Senate if the Speaker of the Senate is subject; 60 percent of the Senate if any presidential appointee is subject. All percentages shall be based upon the most recent non-summer session enrollment figures.

Persons subject to recall shall be notified within two days after the appropriate officer has received the petition. A special election shall be held to allow the official's constituents to retain by a majority vote. In a case in which the petition is brought forth by the Senate, a two-thirds vote shall be required to remove the person from office. If an official is removed from office, they shall not be allowed to represent that constituency until the next regularly scheduled MSSA election.

Article XI

Amendments

Section 1

This Constitution may be amended upon the initiative of the Constitution Commission, the University President, or a petition signed by at least 250 students. The Constitution Commission shall hold at least one public hearing on the proposed amendment, write the proposed amendment in final form and present it to the Elections Committee for

placement on the ballot at the next regular or special MSSA election. The initiator of an amendment which violates the provisions of Article I, Section 1 shall be so informed and the proposed amendment shall be withdrawn.

Section 2

The amendment shall be subject to ratification at election by a simple majority of a number equivalent to at least ten percent of the non-extended campus students and to approval, modification, or disapproval by the University President. The simple majority is to be calculated from the most recent non-summer session enrollment figures. The President shall deliver the student-approved amendment to the University President and shall request the University President to respond in writing within a specified time.

Section 3

If the University President rejects the amendment, or recommends modification, or if the amendment is not ratified, then the Constitution Commission shall reconsider the amendment. Following a minimum of one public hearing, the amendment may be resubmitted to the Elections Committee who shall place it on the ballot at the next regular or special MSSA election. Upon approval of the University President, the amendment shall take effect immediately and shall supplant and repeal the Senate Operating Policies and its subordinate agencies whose provisions are inconsistent with this Constitution.