

**STUDENT GOVERNMENT ASSOCIATION
CONSTITUTION Current as of November 6, 2019**

We, the students of the University of South Dakota, establish this self-governing Student Government Association dedicated to communication, understanding, and cooperation between the student body, administration, faculty, and the Board of Regents. We strive for academic, social, and physical development to promote the best interests of the University.

Article I.) NAME AND PURPOSE

Section 1.) Name

- A.) The name of this organization shall be the University of South Dakota Student Government Association, hereafter referred to as SGA.

Section 2.) Purpose

- A.) Its purpose shall be to govern the students in their best interests, to direct student organizations within the University, and to represent the students before the University community and the citizens of South Dakota, subject to the limitations imposed by the laws of the State of South Dakota and the rules of the Board of Regents.
- B.) SGA shall not discriminate against any student, regardless of race, color, religion, nationality, sex, national origin, age, disability, sexual orientation, economic status, marital status, veteran status, or parenthood.

Article II.) JURISDICTION

- A.) SGA shall represent all fee-paying (registered) students of the University of South Dakota.

Article III.) LEGISLATIVE BRANCH

Section 1.) Composition

- A.) The SGA Senate shall be composed of a single chamber of twenty-five (25) voting senators.
- 1.) Liaisons shall be observers with speaking privileges.
- B.) Constituencies:
- 1.) There shall be academic constituencies consisting of the College of Arts and Sciences, the School of Business including registered pre-business, the School of Education including pre-education majors, the College of Fine Arts, the School of Health Sciences and the Graduate School. The School of Medicine, the School of Law, and the Graduate School will each only have one (1) seat on SGA.
- 2.) Each constituency shall be allowed a proportionate number of voting seats based upon the number of full-time and part-time students within it. All seats shall be reapportioned each year by the Election Steering Committee based upon the official, duplicate registration numbers of the previous academic semester as provided by the USD Department of Institutional Research, Planning, & Assessment. Each constituency shall be guaranteed at least one seat.
- C.) Qualifications:
- 1.) Each member of the SGA Senate must be in good judicial and academic standing.
- 2.) If a senator's major changes during their term of office, that senator shall continue to represent the constituency from which they were originally elected.
- 3.) The advisor will check for judicial and academic standing at the end of each semester.
- D.) President Pro-Tempore
- 1.) President Pro-Tempore: In the absence of the Vice-President, the President Pro-Tempore shall preside at SGA meetings and may vote on all matters. Thereafter, the SGA President shall select a senator to preside at the meeting.
- 2.) The President Pro-Tempore shall be responsible for answering any questions related to, and ensure the adherence of, parliamentary procedure.
- 3.) The Senator serving as President Pro-Tempore shall serve as an ex-officio member of the Internal Review Committee.
- 4.) The President Pro-Tempore must be a student senator and shall be elected by a majority vote at the first meeting of each new SGA term.
- 5.) If the President Pro-Tempore is no longer able to fulfill their duties, due to resignation, an appointment to another position within SGA, or other circumstances, the Senate shall hold an immediate vote to replace the previous member.

Section 2.) Meetings

- A.) Regular Sessions: SGA shall meet in regular session on every Tuesday of the academic year. Meetings may be cancelled by a majority vote of the SGA Senate, or, in the case of an emergency, by the SGA President. Meetings must be open to the public and the public shall have the ability to record the meeting through the use of audio and visual recording, as well as through note taking and photography, so long as the method of recording used is reasonable and not disruptive.
- B.) Special Sessions: Special sessions may be called by the SGA President or may be called by the Vice President upon petition of one-third (1/3) of the student senators. The President must give twenty- four-hours-notice of special sessions to all SGA members, and the notice must be made public. Special sessions must be open to the public and the public shall have the ability to record the meeting through the use of audio and visual recording, as well as through note taking and photography, so long as the method of recording used is reasonable and not disruptive. Discussion will be limited to the topic disclosed in the notice.
- C.) Executive Sessions: Any SGA meeting or committee meeting may retire into executive session by a majority three-fourths (3/4) vote of the members present. The reason for going into executive session must be stated and can be initiated for only issues related to personnel and internal issues. Senators, SGA executive officers, liaisons, and the SGA advisor shall be the only people allowed in the room during executive sessions.
- D.) Speaking Privileges: During any meeting, any person may speak when recognized by the chair unless the gallery is closed by a majority vote.
- E.) Quorum: 51 percent of the SGA Senate must be present for any business to be transacted. Proxies shall not be counted in determining a quorum.
- F.) Agenda: The SGA Senate shall approve the agenda provided by the Student Government Association Director of Operations with a majority vote. Following approval, the agenda may be changed by a two-thirds (2/3) vote of the SGA Senate.
- G.) Parliamentary Procedure: All meetings shall be conducted in accordance with the most recent edition of *Robert's Rules of Order Newly Revised*.

Section 3.) Committees

- A.) Standing Committees:
 - 1.) The standing committees of SGA shall be the Finance Committee, the State and Local Government Committee, the Student Affairs Committee, and the Internal Review Committee.
 - 2.) Senators shall be evenly distributed among the committees.
 - 3.) All standing committee appointments shall be made by the SGA Vice President and shall be approved by the SGA Senate.
 - 4.) Only senators may vote in standing committees.
 - 5.) The duties of the officers of each committee are specified in the By-Laws of the Student Government Association.
- B.) Ad-Hoc Committees: The SGA Vice President, or the SGA Senate by majority vote, shall have the power to create ad-hoc committees.

Section 4.) Proxies

- A.) Senators may proxy their vote to another senator. The proxied senator will then have multiple votes. The proxied senator must vote as instructed by the absent senator for whom they are voting if instructions are given. Senators can proxy a vote in committee.
- B.) Proxy forms must be filled out and turned into the Director of Operations before the beginning of each SGA meeting.

Article IV.) EXECUTIVE BRANCH

Section 1.) Executive Powers

- A.) The executive power shall be vested in the President of the Student Government Association
- B.) Other executive officers shall be the Vice-President, the Director of Finance, the Director of Operations, and the Director of Communications.

Section 2.) Qualifications

- A.) SGA executive officers must meet the qualifications enumerated in By-Law IX.

Section 3.) Powers and Duties of the Student Government Association President

- A.) The President shall be the Chief Executive Officer of SGA and shall execute the provisions of the Constitution and By-Laws and any other regulations of SGA.

- B.) The President shall make all appointments of student officials, with the exception of standing committee appointments. The President shall appoint the SGA Director of Finance, SGA Director of Communications, and the SGA Director of Operations. All appointments must be made public 48 hours prior to the meeting they are to be voted upon, posted in the agenda for said meeting, and approved by a majority vote of the SGA Senate.
 - C.) The President may call SGA into special session.
 - D.) The President, with recommendations from the Budget Committee, will prepare and submit an annual General Activity Fee (“GAF”) request on behalf of SGA to the GAF committee. The proposed GAF request shall be presented to Senate for feedback before final submission. After receiving the amount SGA’s GAF allocation from the GAF committee, the President shall present an SGA budget to the SGA Senate for approval.
 - 1.) Nothing in this provision shall interfere with Finance committee’s SGA budget reduction tasking as pursuant to Fiscal Guideline Sections 5 (G):1
 - E.) The President shall oversee all SGA expenditures to be sure no organization exceeds their budgeted amounts.
 - F.) The President shall serve as the official representative of the students before the faculty, administration, Student Federation, Board of Regents, governor, and legislature.
 - G.) The President shall have full veto power over all legislation passed by the SGA Senate pursuant to By-Law VII
- Section 4.) Powers and Duties of the Vice-President
- A.) The Vice-President shall preside at all SGA meetings, preserve decorum, and vote when the Senate is equally divided.
 - B.) The Vice-President shall make all standing committee appointments. All appointments must be attached to the agenda of the next meeting and are subject to approval by the SGA Senate.
 - C.) The Vice-President shall fill the office of the President should that office become vacant.
 - D.) The Vice-President shall serve as a representative of the students before the faculty, administration, Student Federation, Board of Regents, governor, and legislature.
 - E.) The Vice-President shall carry out any duties deemed necessary by the SGA President.
- Section 5.) Powers and Duties of the Director of Finance
- A.) The Director of Finance shall keep accurate records of all SGA funds.
 - B.) The Director of Finance shall oversee all expenditures from SGA accounts to ensure the expenditures fall within the previously Senate-approved budgets.
 - C.) The Director of Finance shall be a non-voting member of the Finance Committee.
 - D.) The Director of Finance shall be responsible for developing and presenting budget seminars and any other funding-related organizational development workshops for student organizations with assistance from the Finance Committee and the Director of Communications.
 - E.) The Director of Finance shall be responsible for communicating fund balances to student organizations based upon receipt of the monthly organizational expenditure report from Student Services.
 - F.) The Director of Finance shall serve as the non-voting chair of the Budget Committee.
 - G.) The Director of Finance shall carry out any duties as deemed necessary by the SGA President.
- Section 6.) Powers and Duties of the Director of Operations
- A.) The Director of Operations shall record the minutes of the Student Government Association and keep a copy of all official documents. It is the duty of the Director of Operations to publish all regular session, special session, and committee meeting minutes so they can be viewed by the public. It is the duty of Senators to provide the Director of Operations with copies of all archival materials pursuant to By-Law I.1.A.3 and By-Law VII.A. It is the duty of the Director of Operations to procure all final copies of legislation to be given to the SGA President for signing.
 - B.) The Director of Operations shall prepare the agenda for SGA meetings.
 - C.) The Director of Operations shall give the official reading of any legislation pursuant to By-Law VII and Article X of the Constitution.
 - D.) The Director of Operations shall be in charge of maintaining the SGA Senator office and all office supplies within, picking up mail, and educating senators on best practices for answering phones., meeting dress, and office hours.
 - E.) The Director of Operations shall facilitate office hours and ensure senators are reporting for duty.
 - G.) The Director of Operations will issue warning to Senators who reach their six missed office hours and/or

their two unproxied absences.

H.) The Director of Operations shall oversee the maintenance of all office computers.

I.) The Director of Operations shall carry out any duties deemed necessary by the SGA President.

Section 7.) Powers and Duties of the Director of Communications

A.) The Director of Communications shall manage all official SGA social media applications and maintain record of all account passwords.

B.) The Director of Communications shall manage all SGA outreach and promotional materials (e.g., posters, table runner, etc.) and assist all standing and special committees with any educational efforts (e.g., budget seminar).

C.) The Director of Communications shall be in charge of developing any SGA press releases and practices for media relations.

D.) The Director of Communications shall educate executive team and senators about best practices for social media usage, media relations, and public relations.

E.) The Director of Communications shall present an annual strategic plan for social media usage and offline outreach to be approved by a two-thirds (2/3) vote of the SGA Senate by no later than the final meeting of the spring semester. This plan shall be written and available to the student population, and the Director of Communications will be responsible for the administration of this plan.

1.) The progress on the annual strategic plan shall be presented to the SGA Senate at the first meeting of every month with goals for the coming month to be approved by the a two-thirds (2/3) vote of the SGA Senate.

F.) The Director of Communications shall report to the SGA Senate at the first meeting of each month on the execution of the plan outlined in Article IV, Section 7.E of the Constitution.

G.) Director of Communications shall be responsible for the operations of the SGA website and any online function that allows for group communication outside of e-mail (e.g., SGA Facebook group).

H.) The Director of Communications shall carry out any duties deemed necessary by the SGA President.

Section 8.) Compensation

A.) The executive officers shall receive compensation for their services, which shall be neither increased nor decreased during their term of office. The rate of compensation for each new SGA term shall be established prior to the beginning of the new term.

Article V.) ELECTIONS

Section 1.) Election Regulations

Election regulations shall follow the points enumerated in Article IV of the SGA By-Laws.

Section 2.) Swearing In

No elected student shall take office until sworn in by the previous SGA President or designee. The oath of office shall be administered as enumerated in By-Law XI.

Section 3.) Term in Office

All elected students shall hold office for a term of one (1) year beginning with the Tuesday immediately following Spring Break.

Section 4.) Duality of Offices

No person shall hold more than one (1) of the following positions concurrently: SGA President, SGA Vice-President, SGA Director of Finance, SGA Director of Operations, SGA Director of Communications, SGA Senator, or *Volante* Editor-In-Chief.

Article VI.) IMPEACHMENT AND REMOVAL

Section 1.) Authority

A.) The Student Government Association has the power to expel any executive officer or senator from office with the concurrence of three-fourths (3/4) of all voting senators after a proper trial has been held.

Section 2.) Impeachment

A.) Power: The Internal Review Committee shall have the sole power of impeachment. It shall consider all formal complaints made against any official.

B.) Impeachable Violations:

1.) Threats, verbal abuse, or any other inappropriate conduct towards any person while representing the University of South Dakota student body.

2.) Misuse and/or abuse of Student Government Association property or funds.

3.) Misuse and/or abuse of any powers or privileges granted to association officials.

4.) Violation of any provision of this constitution, the by-laws of the Student Government Association

or its fiscal guidelines.

5.) If any member of the Senate or Executive Committee should be found guilty in a state or federal court of any felony, that person will be impeached and removed immediately.

C.) Requirements for Formal Complaints:

1.) Any senator may file a written formal complaint with the Internal Review Committee that lays out a specific violation from Section 2B of Article VI must be addressed.

D.) Committee Action:

1.) If the accused is a member of the Internal Review Committee, they will be temporarily dismissed from his or her committee duties.

2.) Within two (2) school days of receiving the complaint, the committee chair shall deliver a copy of the formal complaint to the accused.

3.) Within one (1) school week of receiving the formal complaint, the committee will meet in a closed executive session of only committee members. If the committee concludes by a majority vote that enough evidence of wrongdoing exists, the accused shall be considered impeached.

Section 3.) Trial

A.) Upon impeachment, the Internal Review Committee shall have one (1) week to present its charges, in writing, to the full Senate in a special session open to the public.

B.) The presiding officer during the trial of an executive team member shall be the President-Pro-Tempore of the Senate. The presiding officer during the trial of a senator shall be the Student Government Association Vice-President.

C.) The accused shall have the right to respond, before the whole senate, to all allegations presented against him or her.

D.) The Internal Review Committee will determine the proceedings of the trial.

Section 4.) Sanctions

A.) If the senate finds the accused responsible for any violations, they must then decide on appropriate sanctions. If the Senate chooses not to remove the accused from SGA, the Senate, by a 2/3 majority vote, may impose other punishments on the accused, including, but not limited to: censure, counseling, community service, removal from chairmanship or President Pro-Tempore designation.

Article VII.) INITIATIVE, REFERENDUM, AND RECALL

Section 1.) Initiative

A.) The student body may initiate legislation through a petition calling for a special election among the student body or within the SGA Senate. The petition must contain specific legislation and the signatures of at least five (5) percent of students within SGA's jurisdiction.

Section 2.) Referendum

A.) All SGA legislation may be referred to the student body for its approval by a two-thirds (2/3) vote of the SGA Senate. The student body may petition SGA, calling for a special election vote by the student body to decide the fate of a specific piece of legislation, by presenting petitions containing the signatures of five (5) percent of students within SGA's jurisdiction.

Section 3.) Recall

A.) An executive officer or SGA senator will be subject to recall upon submission of petitions to the Student Government Association calling for such action and bearing the signatures of no less than fifteen (15) percent of the members of the proper constituency. If an SGA member is recalled by a majority vote, the person will be removed and replaced pursuant to By-Law IX.

Section 4.) Special Elections

All special elections shall be held on the second Tuesday and Wednesday after the petitions have been received. If there is no school at that time, the election shall be the next school week. In all initiative, referendum, and recall elections, a majority vote will rule.

Article VIII.) BILL OF RIGHTS

SGA recognizes and upholds the Policies and Procedures provisions and the Student Conduct Code contained within the University Student Handbook.

Article IX.) BY-LAWS

The Student Government Association shall have the power to adopt and amend the SGA By-Laws and the SGA Constitution with a two-thirds (2/3) majority of all senators.

Article X.) AMENDMENTS

Section 1.) First Reading

A.) Legislation to amend the Constitution or By-Laws shall first be presented to the SGA Senate and then referred to the Internal Review Committee to allow for discussion, consideration and revision before a vote by the Senate.

Section 2.) Committee Consideration

A.) Amendments may not be presented to the full SGA Senate until they have been held in consideration by the Internal Review Committee for no less than seven (7) days. The committee may make amendments to the legislation and shall make a recommendation to the SGA Senate before it is considered for a vote.

Section 3.) Third Reading

A.) An amendment will be considered part of the Constitution or By-Laws after three (3) readings, discussion, and passage by a two-thirds ($2/3$) majority vote of the SGA Senate. The three readings are to allow for extensive discussion, consideration, and revision before it is adopted.

Section 4.) Initiation of Amendments Outside of Student Government Association

A.) The student body may amend this constitution through the initiative process.

Section 5.) Ex Post Facto

A.) Any amendment to this constitution that affects the number or qualifications of any official can take effect during a Student Government Association term by a three-fourths ($3/4$) vote by the Senate so long as it does not affect salary.