Bemidji State University Student Association Constitutional Bylaws

Article I – Definitions

Section 1: A “scheduled office hour” shall be defined as a posted hour of which the student must be available in the Student Senate Office, or in which the student is tabling for Student Senate.

Section 2: “Absences” shall be defined as not present at a meeting for the majority of that meeting. This shall be decided upon by the President on a situational basis.

Section 3: An “Ad Hoc Committee” shall be defined as a committee that is created for a specific amount of time in order to deal with a specific issue.

Section 4: A “Sub Committee” shall be defined as a committee that is created to deal with certain topics within the area of concern in a Standing Committee.

Section 5: A first year senator shall be defined as a student in his/her first year of post-secondary education. A second year senator shall be defined as a student in his/her second year of post-secondary education. A third year senator shall be defined as a student in his/her third year of post-secondary education. A fourth year senator shall be defined as a student in his/her fourth year of post-secondary education. A fifth year senator shall be defined as a student in his/her fifth year of post-secondary education. A graduate senator shall be defined as a student admitted to the School of Graduate Studies. An at-large senator shall be defined as any member of the BSUSA, regardless of year in school.

Section 6: “Non-voting members” shall be defined as all students wishing to be part of Student Senate that have not been voted in.

Section 7: “Excused absences” shall be defined as any absence required due to class or an emergency.

Section 8: “University Committee” shall be defined as any committee outside of Student Senate in which the BSUSA makes the appointment.

Section 9: “Executive Session” shall be defined as a period of discussion and voting for internal matters that only voting members may be present for.

Article II – Composition

Last Updated Fall 2017
Section 1: The Student Senate shall consist of twenty-three (23) student senator seats, which will be filled by three (3) fourth year, three (3) third year, three (3) second year, four (4) first year, one (1) graduate student, one (1) fifth year, five (5) at-large students, one (1) Birch/Linden Cedar/Pine Hall resident, one (1) Oak Hall resident and one (1) Tamarack Hall/ University Heights resident. Requirements placed on the candidates, are provided for in the Constitution in Article IV, Section 4, Subsection A and Article IV, Section 5.

Section 2: If there is an officer of Students United (State Chair, Vice Chair, or Treasurer) who wishes to serve on the Student Senate that individual shall not be allowed the opportunity.

Section 3: When a class standing senator seat becomes vacant that position will be filled by a student who is currently holding an at-large senator seat. The student with the at-large seat must have the same class standing as the seat they will fill in order to be appointed to the vacant seat. If there is more than one eligible at-large senator, a senator shall be appointed at the discretion of the President.

Section 4: It is recommended that the Student Senate strive to be all-inclusive and to each year do their very best to recruit international students, transfer students, off-campus students, on-campus students, PSEO students, graduate students, and all other types of students.

Article III – Housing & Residential Life Seats

Section 1: All student senator seats representing Birch Hall, Linden Hall, Tamarack Hall, Cedar Hall, Pine Hall, Oak Hall and University Heights shall be recognized as Housing & Residential Life seats. Student senators serving on these seats shall be recognized as a Housing & Residential Life (HRL) Senator.

Section 2: To be eligible for election or appointment, as well as continued service as a Housing & Residential Life (HRL) Senator, a candidate must:

A) Have a valid contract for the current academic year with the BSU Department of Housing & Residential Life.

B) Be a resident of the specific residence hall(s) their position represents.

C) All other eligibility requirements are provided for in Article IV, Section 4, Subsection A and Section 5 of the Constitution.

Section 3: Upon termination of the contract with BSU Department of Housing & Residential Life, the HRL senator may fill a vacant senator seat if eligible. If the HRL senator meets the
eligibility requirement for more than one vacant senator seat, they shall be appointed at the discretion of the President.

Section 4: In addition to the duties outlined in the constitution Article IV, Section 7, Subsection (G), a HRL Senator shall be responsible for:

A) Fairly representing the interests and concerns of the residents
B) Coordinating with their respective Hall Council(s) and Housing & Residential Life staff. If no Hall Council is in place for their respective residence hall(s), they shall coordinate with the appropriate Housing & Residential Life staff.
C) A HRL senator may use their time spent on communication with Hall Council(s) and Housing & Residential Life staff as their office hours.

Article IV – Attendance

Section 1: Each member of the Student Senate shall be allowed two (2) excused absences from a Student Senate meeting per academic term without incurring any points. Each member of the Student Senate shall also be allowed two (2) excused absences from their committee meeting per academic term without incurring any points. The point system will be as follows:

A) Three (3) points will be given for any unexcused absence from a Student Senate meeting and any absence after the allotted two (2) excused absences.

B) Three (3) points will be given for any unexcused absence from a Cabinet meeting. Members of Cabinet will be allowed two (2) excused absences. Any absences after the allotted two (2) excused absences will receive points.

C) Three (3) points will be given for any unexcused absence from a Senate or University committee meeting and any absence after the allotted two (2) excused absences.

D) One (1) points will be given for any missed scheduled office hour. Missed scheduled office hours must be made up before the next scheduled office hour in order for a member of the Student Senate to incur no points. Committee chairs can grant exceptions to senators, and the President or Vice President can grant exceptions to cabinet members, so long as said senator or cabinet member is fulfilling their assigned tasks.

E) Each member of the Student Senate shall be allowed ten (10) points per semester, with points resetting at the beginning of the next academic semester, before being subject to removal as stated in the Constitution, Article VII.
Article V – Elections

Section 1: All students running in the Fall General election shall run under their current class standing. The Spring General election shall be held during the first full week of April.

Section 2: All students running in the Spring General election shall run under their class standing for the following fall semester.

Section 3: In the Spring General election the following seats will be placed upon the ballot: graduate, second year, third year, fourth year, fifth year and two (2) at-large.

Section 4: In the Fall General election the following seats will be placed upon the ballot: (4) first year, three (3) at-large seats, all vacant seats that were not filled in the previous Spring General election, and any senator seats that have become vacant since the Spring General election.

Section 5: The Elections Commission will be in charge of running the Spring General elections for Student Senate. The Elections Commissioner shall serve as the chair of the Elections Commission.

Section 6: The Cabinet will be in charge of running the Fall General elections.

Article VI – Election Campaign Guidelines

Section 1: The purpose of these guidelines is to create a clear and non-partisan set of rules for each candidate and campaign staff to follow. All guidelines should be followed when a candidate and/or campaign staff takes any action with their campaign. This guideline is in addition to any policy outlined by BSU or MN State (formerly MnSCU). This guideline should be used in conjunction with any policy outlined on the BSU website. Student Senate reserves the right to make any changes to the guidelines below. Changes can only be made with a 2/3 majority vote of the Student Senate. All changes shall be made and communicated to the candidates before the start of the election campaign season. Any questions or concerns outside the scope of these guidelines will be directed to the President and Vice President, who shall make decisions on a case-by-case basis.

A) No candidates or campaign shall violate any BSU policy. Each policy dictated by BSU can be found here:
http://www.bemidjistate.edu/offices/president/policies/category/
B) Posters and Social Media


2. All postings on BSU property must be approved by the HMU information desk and the Department of Residential Life dependent on the respective posting location.
   
   i. All postings must be located only in designated and approved locations. It is the candidate’s responsibility to remove any adhesive residue and recycle all expired postings.

3. Any physical damage created by postings must be resolved by the candidate who caused the damage.
   
   i. The candidate must meet with the Student Senate Advisor to create a solution for the damage.
   
   ii. No Student Senate funds will be used to fix any damage created.

4. No poster or social media post shall mention, by name, any other candidate running for election.

5. No candidate or campaign staffer shall interfere with the campaigning or with the campaign materials of an opponent.

6. All posters for individual candidates must be at least 36 inches apart.

7. Size and placement of posters must comply with HMU posting policy and University policy.

8. Any candidate or campaign wishing to create a social media page or website must submit the URL to the Elections Commission.

C) Voting (Polling)

1. No candidate or campaign staff may offer any goods or services in exchange for a student’s vote.

2. No candidate or campaign staff may offer an electronic device to a student to use for voting.
i. Candidates may verbally instruct students how to vote. Each candidate shall be provided with a handout to give to students, outlining the steps to vote.

3. No candidate may be within 5 yards of any student voting at a designated voting site.

4. Any use of intimidation for votes or against another candidate (physical, online, etc.) will result in the immediate removal of the candidate and University charges being filed under the student code of conduct (all offenses will be appropriately investigated).

5. The election shall be held the first week of April and will last a maximum of five academic days.

6. In the event of a tie, there shall be a runoff election within two weeks of the failed election closing.

D) Finance for individual campaigns

1. No candidate or campaign may spend more than $100 during the election.
   
   i. Any resources used by a candidate must be paid for by the candidate, not from organization funds of any kind.
   
   ii. This limit shall include any donations, endorsements, and contributions.

2. Absolutely no SAFAC funding can be used for any candidate, campaign, or related event/activity.

3. Financial reports, including all receipts, shall be submitted to the Elections Commission within 24 hours after polling closes.

E) Tabling

1. No candidate may exceed a cumulative total of 10 hours spent tabling sponsored by senate.

2. All voting guidelines stated above must be followed when tabling.

3. The commission should work to reserve tables as soon as possible.

4. If needed, the commission may make changes to the above tabling guidelines.
F) Campaigning

1. Campaigning shall start the day after executive office applications are due, and shall end the day the elections close.

2. All campaign teams, endorsers, and anyone affiliated with a campaign/candidate shall abide by these guidelines. The candidate shall be held responsible for educating their team and enforcing this rule.

3. All campaign materials must include the disability disclaimer, and it must be visible to the naked eye.

4. No-Campaign Zones include: The Student Senate Office, any area within 5 yards of an official polling place, and any other area as determined by a 2/3 vote of the Elections Commission.

G) Endorsements

1. Any and all endorsements must be filed with and approved by the Elections Commission.

2. Any club, organization, or individual can only endorse one candidate per race.

3. The Student Senate shall not endorse any candidate.

4. Any clubs, organizations, or individuals endorsing a candidate must be done without candidate’s influence.

5. At any SAFAC funded event, all candidates will have an equal opportunity to speak/campaign. In the event that a candidate is unavailable to attend a certain event, they may send a proxy on their behalf.

6. All results for the executive positions including individual vote counts shall be published within 48 hours after the official announcement. No exceptions shall be made to this rule.

7. Results for all other positions shall be made available to the public, unless the candidates choose to opt out.

H) Violations to Election Campaign Guidelines

1. The Elections Commission reserves the right to sanction any candidate for violation of these guidelines, the Student Senate constitution or bylaws, and university policy.
2. Any dispute with the Elections Commission’s decision may be brought to the Student Senate and can be overturned by a 2/3 majority vote at the next regularly scheduled meeting.

3. Penalties will be determined depending on severity of the violation.

4. If determined that no violation occurred, no further action will be taken.

5. If a minor violation occurred (a small offense that does not substantially affect the outcome of the election), the following consequences may take place:
   
   i. The first minor violation shall result in a verbal reprimand and documentation placed in the election file.
   ii. At the Election Commission’s discretion, subsequent minor violations may be considered a major violation and result in the removal of the candidate’s eligibility for election.

6. If a major violation occurred (a major offense that substantially affects the outcome of the election), the candidate will lose their eligibility in the election.

7. Claims of violations can be filed with the Elections Commission until 24 hours after the voting polls close. Any claims after the announcement of the results shall be brought to the Student Senate. The Student Senate shall be responsible for taking any necessary actions.

**Article VII – Committees**

Section 1: An Ad Hoc Committee can be formed at the request of the President and is approved by a majority vote of the Student Senate.

Section 2: A Sub Committee can be formed at the request of the Standing Committee Chairs. This request must be approved by a majority vote of the Standing Committee they are the chairs of.

Section 3: A Constitution Committee shall only be convened in order to deal with proposed amendments to the Constitution or its bylaws. It shall be chaired by the Student Senate President and its membership will be open to all who are interested. The committee will have at least four (4) people serving on it and at least one (1) of the four (4) people shall be a cabinet member. The Vice President shall also serve on it. It shall operate like any other committee.

Last Updated Fall 2017
Article VIII – Reports

Section 1: Cabinet members are recommended to provide a report to the full Student Senate at each Student Senate meeting, and shall be required to do so if requested.

Section 2: A report may be delivered to the Student Senate by someone who has been designated by the authors of the report in the event of their absences. Reports may be written and distributed in advance of the meeting.

Article IX – Appointment to Vacancies

Section 1: Individuals wishing to be appointed to any vacant Student Senate position must attend two (2) full, consecutive Student Senate meetings prior to becoming eligible for appointment. At the third meeting, which must be within two weeks of their second meeting, the individual will be voted on.

Section 2: After this individual has met the above requirements, and the requirements for eligibility as stated by the Constitution in Article IV Section 4, the President may bring up the prospective senator's name during the New Business section of the agenda.

Section 3: The Student Senate shall question the potential appointee a limit of five (5) questions. The questions shall be submitted in writing to the Chair for approval before being asked. If there are multiple appointees, all questions are to be the same for each appointee. After questioning, the appointee will be sequestered by a nonvoting member outside the meeting area, and a discussion among the Senate must take place before voting. The Senate will then vote with a paper ballot and a majority will decide the appointment. The potential appointee will be notified of the vote results by a cabinet member within twenty-four (24) hours.

Article X - Student Senate Agenda

Section 1: Items for the Student Senate Agenda must be given to the Office Manager forty-eight hours before the meeting.
(48) hours prior to the Student Senate meeting. Items not submitted within the time frame may only be added by amending the agenda during the meeting. Items must be time sensitive.

**Section 2:** Bills, Resolutions, Committee recommendations, and other Student Senate business will be read, discussed, and voted on during the Old and New Business sections of the agenda.

**Section 3:** An Open Forum will be placed on the agenda. During this time any member of the Student Senate may speak on any topic freely, as well as any other interested parties at the Student Senate meeting. The Open Forum will continue until a motion to adjourn is successful.

**Article XI – Bills and Resolutions**

**Section 1:** Bills shall be used for external issues on which the Student Senate will give recommendations.

**Section 2:** Resolutions shall be used for internal issues in which the Student Senate amends its internal procedures or acts on internal issues.

**Section 3:** Bills and Resolutions shall be numbered in a distinguished order. This numbering system shall abbreviate the Bills or Resolutions in question. Bills and Resolutions will be formatted with the following process:

A) Senate Bill or Senate Resolution-last two (2) numbers of the fiscal year-sequential order of the bill during the fiscal year. For example, the third bill considered during the fiscal year of 2009 would be abbreviated as follows: SB-09-03.

**Section 4:** For legislation to pass, it must go through the requirements laid out in Article IX, Section 6 of the Constitution. Legislation shall be considered in the order it was introduced.

**Section 5:** The responsibility for follow-up, such as but not limited to a memo, on Student Senate legislation shall fall on the author(s) of the legislation unless some other individual volunteers to do so or the legislation passes with a clause requiring a specific individual to complete the follow-up.

**Section 6:** Bills and Resolutions shall be discussed and voted on in at least one (1) Student Senate Committee meeting before coming to the full senate.

**Article XII – Personnel Review Process**

**Section 1:** Members of the Student Senate will receive stipends each semester based on the following criteria:
A) The President of the Student Senate shall receive a stipend of $1,200 per semester, to be received while school is in session during the academic year.

B) The Vice President of the Student Senate shall receive a stipend of $1,000 per semester, to be received while school is in session during the academic year.

C) The Committee Chairs, the Office Manager, and the Internal Affairs Chair shall each receive a stipend of no more than $400 per semester, the stipends shall be dispersed at the end of each academic semester, but before that semester ends. The stipend shall be determined by Cabinet and shall reflect the job performance of the Chair or Office Manager in accordance to the job description laid out in Article IV section 6 of the Constitution. If the Office Manager or Chair does not serve a full semester, the pay will be prorated for his/her time served.

Article XIII – Evaluations of Student Senate Members

Section 1: Each member of the Student Senate shall be evaluated once per academic term. The following evaluations will take place:

A) All senators will evaluate their committee chairs.

B) All Committee Chairs will evaluate their committee senators.

C) The members of the Cabinet shall evaluate each other.

Section 2: Each evaluation shall only contain information relative to Student Senate performance and the format shall be decided upon by the Cabinet.

Article XIV – Presidential Rights

Section 1: The President shall not have voting power during regular Student Senate meetings.

Section 2: The President shall have veto power in regards to any motions, resolutions, or bills that are passed. The President shall provide a memo on the reason for the veto. The veto can be overturned by a 2/3 majority vote within the next regularly scheduled meeting.

Article XV – Vice Presidential Rights

Section 1: The vice president will have the power to arrange the placement of BSUSA Student Senate members during BSUSA Student Senate meetings with Cabinet approval. Failure from a member to adhere to the Vice President’s placement during a BSUSA Student Senate meeting
shall result in the member’s removal from the meeting, as well as four points added to the member. Failure to vacate the meeting shall prompt an automatic motion for removal from BSUSA Student Senate along with an additional four points. BSUSA Student Senate will then follow the procedures described in Article VII of the Constitution.

Article XVI – Harassment Policy

Section 1: Any student who engages in harassment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to public assistance, membership or activity in a local commission, disability, physical ability, or age shall be subject to remedial action.

Section 2: Sexual Harassment is prohibited and includes: any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with any student’s participation with Bemidji State University Student Association (BSUSA) Student Senate events or creating an intimidating, hostile or offensive environment. This is in reference to harassment over the internet, phone, as well as physical communication.

Section 3: Although the intent of the person engaging in the conduct may be harmless or even friendly; the actions may be determined by the recipient as harassment. Given the difficulty of judging whether the conduct is welcome or unwelcome in particular situations, Student Senate prohibits all students from engaging in any conduct of a sexual nature or amounting to harassment based on any protected category in a Student Senate setting.

Section 4: Affirmative consent is defined as “informed, freely and affirmatively communicated willingness to participate in sexual activity that is expressed by clear and unambiguous words or actions.” Clear and unambiguous words or actions are those that are freely and actively given by informed individuals that a reasonable person in the circumstances would believe communicate a willingness to participate in a mutually agreed upon sexual activity. The following factors will be considered when determining consent:

- It is the responsibility of each person who wishes to engage in the sexual activity to obtain consent.
- A lack of protest, the absence of resistance and silence do not indicate consent.
- The existence of a present or past dating or romantic relationship does not imply consent to future sexual activity.
- Consent must be present throughout the sexual activity and may be initially given, but withdrawn at any time.
• When consent is withdrawn all sexual activity must stop. Likewise, where there is confusion about the state of consent, sexual activity must stop until both parties consent again.
• Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
• Consent is not obtained where:
  • There is physical force, threats, intimidation or coercion.
  • There is incapacitation due to the influence of drugs or alcohol.
  • There is the inability to communicate because of a physical or mental condition
  • An individual is asleep, unconscious or involuntarily physically restrained.
  • An individual is unable to understand the nature or extent of the sexual situation because of mental or physical incapacitation or impairment.
• One party is not of legal age to give consent pursuant to Minnesota state law.

Article XVII – Alcohol and Illegal Substances Policy

Section 1: The BSUSA Student Senate shall comply with Bemidji State University policy.

Article XVIII – American Disability Act Policy

Section 1: The BSUSA Student Senate will endeavor to make reasonable and appropriate accommodations to ensure equal access to programs and services to Students United and Student Senate events for any individual with a disabiling condition.

Section 2: If you need accommodations due to a disabling condition, please contact Bemidji State University Office of Disability Services, located in Decker 202, at 218-755-3883 or disabilityservices@bemidjistate.edu. If an interpreter is required, two weeks’ notice is requested.

Article XIX – Student Activity Fee Allocation Committee (SAFAC) Consultation

Section 1. SAFAC will create a draft budget to bring to the Student Senate Cabinet at least three weeks prior to the finalization of the budget. All work in progress shall remain confidential.

Section 2. The Student Senate Cabinet shall have the opportunity to ask SAFAC questions on the draft budget and make recommendations.

Section 3. SAFAC will consider recommendations and bring back any changes at least two weeks prior to the finalization of the budget.

Last Updated Fall 2017
Section 4. SAFAC shall present an overview of the budget to the Student Senate once it has gone through the consultation process with the cabinet.

Section 5. The Student Senate President shall write a letter to the Vice President of Finance and the Minnesota State Colleges and Universities system office on how the consultation process went.

Section 6. The Student Senate President shall also be given the opportunity to share, in writing, any points of disagreement with the budget with the Vice President of Finance for review.

Section 7. The Vice President of Finance shall have final authority regarding the budget.

Section 8. All clubs and organizations shall have the opportunity to appeal any decisions made regarding their respective budget, as outlined in the SAFAC handbook.

Article XX– Amendment

Section 1: Proposed amendments to the bylaws shall first be committed to the Constitution Committee, as defined in Article VII, Section 3 of the bylaws.

Section 2: If the proposed amendment(s) make it through the Constitution Committee, the Student Senate shall consider the proposed amendment(s). A two-thirds (2/3) vote is needed for approval.

Section 3: The amendment will become effective immediately upon Student Senate approval.

Article XXI – Ratification and Implementation

Section 1: This set of bylaws shall supersede all previous bylaws of the BSUSA Student Senate Constitution.

Section 2: A two-thirds (2/3) vote is needed for approval of the bylaws.

Section 3: Once approved, this document may not be changed except as outlined in Article XX of this document, or by rewriting the BSUSA Student Senate Constitution and reconvening of the Constitution Committee.