Constitution of the Student Government Association of New Mexico Institute of Mining and Technology

August, 2023

1. Preamble

The undergraduate student body of New Mexico Institute of Mining and Technology establishes this Constitution to provide effective, efficient and representative means of self- government. The Student Government Association of New Mexico Institute of Mining and Technology henceforth referred to by SGA, shall identify student concerns, address significant student issues, and work with the University and Socorro community to improve the NMT experience. The SGA shall uphold all student rights defined in this constitution and ensure SGA organizations follow the procedures defined in this constitution as well as the Book of Law.

2. Foreword

SGA offices, SGA positions, and SGA agents named herein may be referred to without full prefix (e.g. SGA President referred to as President). Any student in any SGA position named herein must be in good standing unless otherwise noted in this Constitution. For all issues not covered in this Constitution or the Book of Law, the SGA recognizes and uses the most recent version of House Rules of Order. In all cases, the Constitution and Book of Law supersede House Rules of Order.

3. Student Rights

3.1 Every student has full and equal rights in the University regardless of sex, race, color, national or ethnic origin, religion, physical or learning disability, creed, handicap, sexual orientation, gender identity, marital or parental status, age, or military involvement.

3.2 Every undergraduate student has the right to vote in accordance with normal procedures established by the SGA.

3.3 Every student has the right of access to all SGA records.

3.4 No student shall be denied the right of orderly assembly on the campus.

3.5 Every student has the right to contest before the Supreme Court the constitutionality of legislation, rulings, or decisions of the SGA or any chartered organization that would affect students.

3.6 All students shall be considered innocent of any infraction of SGA laws until proven guilty in a hearing of the appropriate judicial body and shall not suffer direct or indirect penalties for an infraction until guilt has been established. No student shall be compelled to be a witness against them and shall be properly informed of the nature and the cause of the accusation. The student shall have a fair and impartial hearing by the appropriate judicial body in which they will be confronted by the witnesses against them and may utilize the assistance of counsel in any part of the proceedings.

3.7 All students will retain the right of free speech and expression on NMT campus. The SGA will work on behalf of any student that has been unfairly denied this right.

4. Legislative Branch

4.1 Legislative Function

All legislative powers of the SGA shall be vested in the Senate. The Senate shall make all laws and regulations it deems necessary and proper for the SGA, appropriate all funds of the SGA, approve or disapprove all appointments to constitutional and statutory executive agencies and legislative committees made by the President and Vice President, and impeach specified officers for due cause.

4.2 The composition of the Senate

The number of current Senators shall not exceed 18. At least 15% (rounded down to the nearest integer) of Senators shall be First Year Senators in their first year at NMT. There must be a total of three (3) GSA Representatives to be designated by the GSA.

The election for Freshman Senators must be held no later than the second (2nd) regularly scheduled Senate meeting of the Fall Session. This election will be run by the Justices abiding by the stipulations for a Special Election outlined by the SGA Constitution.

The term of office for each Senator shall be one (1) year following the election of the Senator, excluding Senators elected during a special election. The Senate body shall not exceed twenty-one (21) members, including all Senators and GSA Representatives. In the case of a special election, the elected Senators shall have a term of 1 year starting from the beginning of the semester the special election was held.

4.3 Qualifications of Senators

Senators must be in good academic standing, may only hold office in one SGA branch, and hold only one position in that branch. Senators running in the General Election must have completed at minimum, one semester at NMT. Senators running in the Freshman election must have Freshman Standing.

4.4 Power of Subpoena

The Senate shall be empowered to subpoena SGA members to appear before it or any of its committees by a super majority vote of the seated Senate. Any student or group failing to comply with a properly issued subpoena may be suspended from SGA offices and committees.

4.5 Legislation

1. Legislation must be submitted to the Office of the Vice President in the form of a bill no later than three (3) business days prior to the Senate meeting in which it is to be acted upon. The Vice President shall provide all legislation to all Senators for their review no less than two (2) days prior to the appropriate Senate meeting.

2. All legislation must be defended at a meeting in which it is to be acted upon by the individual, organization, or designated representative requesting action.

3. A bill passed by a simple (>1/2) majority vote of the Senate shall become law upon the signature of the President within five (5) days after its passage.

4. A bill left unsigned by the President on the sixth (6th) day after its passage shall be considered vetoed. All vetoed legislation must be presented orally to the Senate by the President at the next Senate meeting after being vetoed, accompanied by a written

explanation of why the bill was vetoed. A vetoed bill cannot be resubmitted to the Office of the Vice President without substantial changes.

4.6 Powers and Responsibilities of the Vice President

1. The Vice President shall be the head of and preside over the Senate and shall have no vote except in the event of a tie. The Vice President shall preside over Senate meetings in accordance with House Rules. The Vice President shall have earned a minimum of thirty (30) credit hours at New Mexico Institute of Mining and Technology and shall be in good standing with the institution. The Vice President shall have held office for a minimum of one session in any SGA position.

2. The Vice President shall hire a Secretary for the purpose of taking the minutes of Senate meetings, responsible for taking attendance of the Senators at all Senate meetings, managing all SGA records, and assisting in any clerical activities deemed necessary.

3. The Vice President shall announce at each Senate meeting all Senators who qualify for consideration for removal due to lack of attendance as outlined by SGA law. The Vice President must notify senators considered for disciplinary action a minimum of 3 days before the Senate meeting their case will be voted on by the senate; if the Vice President is not able to carry out this duty due to a serious conflict of interest, they may solicit the aid of the President Pro-Tempore of the Senate.

4. The Vice President shall draft a letter to the GSA and Dean of Graduate Studies whenever a Graduate Student Representative position becomes vacant, requesting the name of the replacement Representative.

5. The Vice President shall publish and update a manual outlining the process for drafting bills each session. This manual shall include a document template and example bill.

6. The term of office for the Vice President is one (1) year, beginning the first calendar day after Commencement of the Spring Semester and ending the calendar day of Commencement the following Spring Semester. The Vice President may serve a maximum of two (2) terms within the office to which they were elected.

4.7 Powers and Responsibilities of the Secretary

The Secretary shall be responsible for the duties of managing the SGA email account and PO box. They are also responsible for making available to the SGA and public a contact list including all elected and appointed officers. The Secretary shall post meeting agendas and notice of meeting time and place at least two (2) days prior to each regularly scheduled meeting and the first two (2) meetings of each session. Secretary shall be responsible for maintaining a record of all votes taken during the course of a Senate meeting (ie. name and associated vote).

4.8 Powers and Responsibilities of the President Pro-Tempore

A President Pro-Tempore of the Senate shall be elected from the membership of the Senate by plurality. The President Pro-Tempore of the Senate shall preside over the Senate in the absence of the Vice President. In the event that the office of the Vice President is vacant, the President Pro-Tempore of the Senate shall assume the title and duties of the office. The President Pro-Tempore of the Senate shall be re-elected each session of the Senate or when the position becomes vacant. The President Pro- Tempore of the Senate may be removed by a super majority vote of the seated Senate at the first meeting following the introduction of a motion for removal. The President Pro- Tempore must meet with the Vice President at least once (1) a month to ensure an understanding of the duties associated with the office of the Vice President.

4.9 Senate Committees

1. The Senate shall have the power to designate Senate committees as necessary. Committee heads shall be nominated by the Senate. The nominee must be an SGA senator. After committee heads have been appointed, the Vice President shall assign all current senators and justices to the formed committees as they deem appropriate.

    (a) Appointments to Senate committees will expire the day of the first meeting of the session immediately following the session in which the appointments were made.

    (b) If a committee member rejects their appointment they are required to give a written request to the Vice President for changes to be made.

    (c) The committees will be formed, as appointed by the Vice President, and assume all of the committee's responsibilities until the written request is formally presented to

the Vice President.

(d) Only students may serve on committees. Any student may serve on a SGA committee as outlined by the committee composition. All Senate committees, with the exception of the Finance Committee, may elect their own chair if the current chair does not meet the standards as outlined in the Constitution.

2. The Financial Committee shall be established to review all Legislation concerned with finances. This includes, but is not limited to, event grant requests and Financial Legislative Bills.

(a) The Finance Committee shall submit a complete budget for each academic session, including chartered organizations' budgets, to the Senate by the fourth regularly scheduled Senate meeting of each academic session. This complete budget shall include changes to Government branch and executive agency budgets.

(b) This committee shall be composed of eight (8) students, of which a minimum of five (5) must be Senators, two (2) non-Senate Members, and one (1) Justice. The Chief Financial Officer shall serve as chair and shall have no vote except in the event of a tie. Meetings shall be held at least once a month during the regular academic year and at least two (2) times between the end of the Spring Semester and the beginning of the Fall Semester.

3. The Legislative Standards Committee shall be established to review all legislation not allocating SGA funds. This committee shall be composed of no less than four (4) Senators and two (2) Associate Justices. One (1) of the Senators shall serve as chair and shall have no vote, except in the event of a tie.

4. The Club Advisory Committee shall be established to review all club legislation and promote club involvement on campus. This committee shall be composed of no less than three (3) Senators and two (2) club representatives. This committee shall assist with the organization of club fair and mandatory club meetings. The committee is responsible, in conjunction with the Vice President of the SGA, for chartering student organizations and can act as a mediator for inter club complaints.

5. The Public Relations Committee shall be established to consider Presidential appointments, help recruit potential cabinet members, and run SGA events intended for increasing SGA awareness. The committee shall be composed of no less than three (3)

Senators, one (1) Justice, the Webmaster, and one (1) undergraduate student at large chosen by the committee head.

(a) There shall be an interview board composed of the SGA President and two (2) Public Relations Committee Members excluding Freshmen Senators. The President shall prepare and conduct the interview, designate the role of the Senators during the interview, and present the results to the entire Public Relations Committee.

(b) Senators chosen to be members of the interview board need to be present for any and all executive position appointments.

(c) The undergraduate student committee member shall not be allowed to apply for any positions which this committee reviews.

(d) The Senate members of the committee are required to present the appointments, as made by the President, to the committee and offer a recommendation for action to the Senate floor.

(e) The committee shall be responsible for all Senate related public relations, which includes but is not limited to, social events, meet and greets, and advertisement.

6. The Mental Health Committee shall be established to promote mental health awareness, plan events, and advocate for students. The committee shall be composed of no less than five (5) senators, one of which shall be the committee head, and one (1) justice. The committee shall also be encouraged to have two (2) non SGA members to assist primarily with events held around campus.

4.10 Sessions of the Senate

1. There shall be three (3) sessions of the Senate each academic year. The first session shall begin the calendar day before the first day of classes of the Summer Semester. The second session shall begin the calendar day before the first day of classes of the Fall Semester. The third session shall begin the calendar day before the first day of classes of the Spring Semester. The newly elected President, Vice President, and Senators shall take an oath of office administered by a Supreme Court Justice at the first Senate meeting of the session in which they take office. The Senate shall meet on the call of the President, the Vice

President, or upon petition of at least one third (1/3) of the Senators. Notice for an unscheduled Emergency Meeting must be given at least twenty-four (24) hours in advance. Meetings shall be held at least every two (2) weeks while classes are in session.

4.11 Salaries

1. The Senate may establish salaries for the purpose of compensation for student officers and employees. Compensation may not be diminished during an individual's term of office

   (a) The salaries of the President and Vice President shall be, at maximum, one and three-fifths (1.6) times the in-state tuition for a full-time student (as published in the New Mexico Tech Catalog), and, at minimum, one (1) times the in-state tuition for a full-time student (as published in the New Mexico Tech Catalog), of the academic sessions covering their terms in office.

   (b) The salary of the Chief Justice shall be, at a minimum, $1,700 per fall and spring semesters, or $3,400 per year. This shall be based on a $10 pay rate for a 10 hour work week, for 17 weeks per semester.

   (c) The President, Vice President and Chief Justice salaries shall be drawn from SGA funds.

   (d) Senators are entitled to receive a financial stipend totaling no more than $500.00 USD for each of the Spring and Fall sessions. A Senator cannot get paid more than $1,000.00 USD for a full term.

   (e) Associate Justices are entitled to receive a financial stipend totaling no more than $200.00 USD for each of the Spring and Fall sessions. An Associate Justice cannot get paid more than $400.00 USD for a full term.

   (f) Hourly rates, for contracted and salaried positions, shall not exceed 1.75 times minimum wage, unless explicitly reviewed and accepted by the Senate.

   (g) No more than one (1) salaried position in the SGA Government or one (1) hourly wage position may be held by any one (1) student. All hourly salaries being paid

by the SGA shall meet at least federal minimum wage.

2. No SGA members can be salaried or contracted for working more hours than specified in the student employment handbook.

3. Any bonus given to an SGA employee shall be reviewed by the Supreme Court to check for constitutionality. If the bonus is constitutional, then it shall be given to the SGA employee. If the bonus is not constitutional, the Supreme Court has the power to and will reject the bonus. Once the Supreme Court has reviewed the bonus and either approved or rejected it, they must submit a report to the Senate within the next two (2) meetings that includes who the bonus was given to, the current salary of the employee, the highest amount that employee can constitutionally make, and the amount the salary plus bonus of that employee would be.

    (a) If the bonus is approved, the processing of the bonus must be held off for 2 weeks from the day the Senate receives the report about that bonus from the Supreme Court. This waiting period is to allow for a bill to be submitted to contest the amount of the bonus. If a bill is submitted contesting the bonus amount, the bonus cannot be processed until both the Legislative and Judicial branches have voted, and the bill must be voted upon at the next possible meeting. A 2/3rds vote of both the Legislative and Judicial branches is required to reject a bonus. If a 2/3rds vote of both the Legislative and Judicial branches is not reached, the bonus passes and can be processed. The President may not veto any bill contesting a bonus.

4.12 Chartering Authority

The SGA has the authority to charter student organizations. All procedural club rules can be found in the Club Procedures document.

5. Executive Branch

5.1 The President

1. The President is the spokesperson and representative of the SGA. The President is responsible for the administration of student activities and SGA funds, for representing the SGA in dealings with entities outside the SGA, and for upholding the Constitution of the SGA. In the event that the office of the President is vacant, the Vice President shall assume the title and duties of that office. Both the President and Vice President shall:

(a) have earned a minimum of thirty (30) credit hours at New Mexico Institute of Mining and Technology.

(b) have held office for a minimum of one (1) full session in any SGA position by the time they take office as President or Vice President.

(c) be in good standing with the institution for the duration of their term.

(d) The term of office for the President and Vice President is one (1) year, beginning the first calendar day after Commencement of the Spring Semester and ending the calendar day of Commencement the following Spring Semester. The President and Vice President may serve a maximum of two (2) terms within the office to which they were elected.

5.2 Powers and Responsibilities of the President

1. The President shall be allowed a Presidential Discretionary Fund, which they may allocate as they see fit without approval from the Finance Committee or Senate. It is prohibited to use these funds to increase any financial compensation for an elected or appointed member of the SGA. It is intended that these funds be used primarily for unforeseen costs within the operation of the SGA.

2. In times of need, the President may make executive rulings necessary for the enforcement and execution of this Constitution and SGA legislation which are not in violation of this Constitution and SGA legislation. The executive rulings must then be reviewed by the Judicial Branch within two weeks to ensure constitutionality. The executive ruling must be recorded and presented to the Senate at the following regularly scheduled Senate meeting. If the ruling is found to be unconstitutional or violates the Student Code of Conduct, it shall be reversed.

3. Preceding the Spring General Election, the President, in consultation with their executive officers, shall prepare and submit to the Senate Finance Committee a budgetary proposal for the next fiscal year for All SGA. The budgetary proposal shall include operating costs for the SGA offices with the exception of those that fall under the jurisdiction of the Vice President. The budgetary proposal shall include executive agencies unless an executive

agency does not have a director. If the President prepares a budget proposal for an executive agency while an agency has no director and a director is appointed before the Spring General Election, the director may take control over the executive agency's budget proposal if the director wishes.

4. The President may establish and appoint any executive officer or executive agency to advise and assist them in the execution of their prescribed duties. The tenure of these appointments shall not exceed the term of office of the appointing President.

    (a) If the position is paid, the President must present a budgetary proposal to be approved by the Senate by supermajority vote before the hire can be made.

    (b) If the request is denied by the Senate, the President can look to other sources of funding to make the hire, as reviewed by the Supreme Court.

    (c) In times of need, the President may make emergency hires without initial approval from the Senate. However, they must have the appointment approved by the Senate by supermajority vote at the next regularly scheduled Senate meeting or the President shall be brought up for disciplinary action for gross negligence. Emergency hires made in this fashion may not last for more than a three-week period of time.

5.3 Powers and Responsibilities of the Executive Office of the President

1. There shall be an executive office of the President composed of a Chief Financial Officer, a Student Activities Chair Director, a Paydirt Editor in Chief, an AV Director, Governmental Affairs Officer, Webmaster, and any other executive officers the President might appoint that has been approved by the Senate by supermajority vote. Each executive officer must be an undergraduate student and in good standing with the institution. It shall be the duty of this office to advise and assist the President in the execution of their duties

2. The executive agency directors, in conjunction with the President and with the approval of the Senate, may publish a standard operating procedures manual that should be the basis for job duties and expectations. The President is responsible for ensuring all positions are accurately described and job descriptions correctly implemented.

3. There shall be a Chief Financial Officer appointed by the President and confirmed by the Senate, who shall oversee the finances of the Executive Office and handle all finances as directed by the Senate.

   (a) It is the responsibility of the Chief Financial Officer to assure that all transactions and procedures within their control follow all federal, New Mexico, and University laws and Procedures.

   (b) During reports, the Chief Financial Officer must report on the status of the SGA budget and submit an updated formal report to be included in the Meeting Minutes.

4. There shall be a Paydirt Editor in Chief appointed by the President and confirmed by the Senate by supermajority vote, who shall be responsible for running the student newspaper of NMT. The Editor in Chief shall be responsible for obtaining content and hiring and maintaining a staff to assist in the duties of the office.

5. There shall be a Student Activities Chair Director appointed by the President and confirmed by the Senate by supermajority vote, who shall coordinate and oversee any and all activities that are for the entertainment or improvement of the student body. These include, but are not limited to 49ers, Spring Fling, dances, comedy nights, and movies. The Student Activities Chair Director may appoint any assistants that they deem necessary with the approval of the President and the Chief Financial Officer.

6. There shall be an Student Activities Technical Director (SATD) appointed by the President and confirmed by the Senate, who shall be responsible for maintaining the Student Activity Center, operating KTEK as the general manager, coordinating the use of the Student Activity Center, oversee the rental of technical equipment, and anything else deemed necessary by the President or Senate.

7. There shall be a Governmental Affairs officer appointed by the President and confirmed by the Senate, who shall be responsible for attending all City Council meetings of the town of Socorro, communicating with their respective counterparts at NMSU and UNM, work with NMT's governmental lobbyists on issues concerning the student body, and anything else deemed necessary by the President or Senate.

8. There shall be a Webmaster appointed by the President and confirmed by the Senate, who shall be responsible for updating and maintaining the SGA web page, and assisting the Secretary in any clerical activities deemed necessary. The Webmaster is at the service of the three (3) branch heads of the SGA (President, Vice President, and Chief Justice).

5.4 The Executive Cabinet

1. There shall be an Executive Cabinet composed of the President, the Vice President, the Chief Financial Officer, the Student Activities Chair Director, the Student Activities Technical Director, the Governmental Affairs Officer, the Webmaster, and any other officers or persons prescribed by the President. The Executive Cabinet shall advise and assist the President in their duties as well as facilitate cooperation and coordination among the executive agencies and executive officers.

2. The Executive Cabinet shall meet no less than once a month to report on and discuss any SGA agency issues or concerns.

3. The President shall be empowered to call to order any executive cabinet meeting they feel necessary in order to execute their duties. A minimum of three (3) days' notice must be given for an emergency meeting.

4. The President's disciplinary actions shall be limited to those defined in section 8.1. The President shall be empowered to bring up any executive cabinet member for disciplinary action for missing, disrupting, or inhibiting any Executive Cabinet meeting. For the President to discipline an Executive Cabinet member, the action must be approved by a supermajority of the Executive Cabinet. This excludes the Vice President, who would be brought up per Article 7 of the Constitution.

5. At least four times during each session, each member of the Executive Cabinet shall give the Senate information in person about what they have done in the SGA since the previous report.

5.5 Executive Agencies

1. The President shall, in conjunction with the Public Relations Committee, appoint all directors of all executive agencies, to be ratified by the Senate by supermajority vote. All other student appointments to executive agencies shall be made by the executive agency's director, with the consent of the President.
    (a) The term of office for agency membership shall coincide with that of the President.

    (b) The President shall be empowered to remove any of their appointments to any executive agencies, with the approval of the Public Relations Committee.

    (c) Any hires made must be previously budgeted for or approved by the Senate by supermajority vote. It must be explicitly shown where the money will originate if not previously budgeted for.

2. Preceding the Spring General Election, each executive agency's director shall prepare and submit to the Senate Finance Committee a budgetary proposal for the next fiscal year for the director's executive agency.

6. Judicial Branch

6.1 Judicial Function

1. The Judicial power (including Constitutional and legal interpretations) of the SGA (with the exception of impeachment) shall be vested in the Supreme Court.

6.2 Jurisdiction

1. The Supreme Court shall have original jurisdiction in all cases arising under this Constitution, the laws and bylaws of the SGA, the regulations and actions of the various bodies and committees of the SGA with the exception of certain designated powers of the Senate.

2. All legislation signed or passed into law, motions passed by the Senate, and referenda and amendments passed by the student body must be submitted to the Supreme Court to be checked for constitutionality a minimum of three (3) days before being voted upon.

    (a) A submission for legislation signed or passed into law must be written and a

hard copy saved by the office of the Vice President and the Chief Justice.

(b) Any motions passed by the Senate, and allowed by the Supreme Court, are assumed to be constitutional. If there is a question of constitutionality, the Supreme Court shall make an interpretation and formally present it at the next regularly scheduled Senate meeting.

6.3 Justices

1. The Supreme Court shall be composed of a Chief Justice and four (4) Associate Justices.

(a) The Associate Justices must have attended the University at least one (1) semester immediately prior to their appointment. Associate Justices shall be voted upon by the Student Body. Two (2) shall be elected during the Fall General Election and two (2) during the Spring General Election. The term of office for all Justices shall be one (1) year.

(b) The Chief Justice shall be appointed by the President and confirmed by the Senate. The Chief Justice shall preside over the Court and shall be responsible for the publication of the decisions of the Court. i. Chief Justices are required to have served as an Associate Justice for a minimum of one (1) term. In the event that the office of the Chief Justice becomes vacated, the President shall appoint any qualified individual. If no qualified candidate applies, this stipulation is void.

(c) Two (2) justices from the Supreme Court shall be members of the Student Faculty Conduct Committee, unless extenuating circumstances prevents Justices from this duty. In this case, the President and Chief Justice shall nominate a replacement from the Executive or Legislative branches. If deemed unfit, the representative can be removed from the Student Faculty Conduct Committee by the Senate with a supermajority vote.

(d) No less than two (2) Justices shall be present at each meeting of the Senate.

(e) In the event that the seat of an Associate Justice becomes vacated, then the seat shall be filled by the Justice elect with the next highest number of votes. In this case the Justices term will be treated as though it began at the beginning of the current session and will last for the remainder of the one (1) year term.

(f) All elected or appointed Justices shall receive the most current edition of the House Rules of Order to be used throughout their term and returned to the SGA at the end of the term.

6.4 Procedures

1. A decision of the Court shall be made with the written concurrence of at least three (3) of the justices. Appeals of decisions of the Supreme Court may be made to the SGA Advisor. If there is a vacancy or absence of at least three (3) of the justices, the remaining justice(s) may only act on administrative matters subject to later approval by at least three (3) justices. Preceding the Spring General Election, the Chief Justice shall prepare and submit to the Senate Finance Committee a budgetary proposal for the next fiscal year for the Judicial Branch of the government. Details of court procedure not prescribed by this Constitution or by law shall be the responsibility of the court itself.

6.5 Records

1. The Supreme Court shall keep an SGA Book of Law, which shall include all referenda passed into law by the student body and all bylaws passed by the Senate. Permanent records of the Constitution, Amendments, Laws, Interpretations, and written explanations of Interpretations are to be kept by the secretary. It is the responsibility of the Chief Justice to provide the correct documentation to the secretary.

6.6 Subpoenas

1. Any Justice, upon a written request for the issuance of a subpoena ordering a person to appear before the Supreme Court, may issue such subpoena. The subpoena may be contested before the Supreme Court. Any student failing to comply with a properly issued subpoena may be suspended from SGA offices and committees. Suspension is dependent on a majority vote of the Judicial Branch.

6.7 Contempt of Court

1. Any act, which is calculated to hinder or obstruct the Supreme Court in its

administration of justice, may be considered in contempt of court. Any student or group found in contempt of court may be suspended from SGA offices, committees, and/or funding. A party may be found in contempt of court only if the act is done in the presence of the court and its presiding Justice. The Supreme Court has the power to determine if a party is in contempt, at which point they will be asked to leave the meeting or brought up for disciplinary action.

2. Parties charged with Contempt of Court may appeal the decision to the Senate, who may absolve the decision with a three-fourths (3⁄4) majority vote.

7. Disciplinary Action

7.1 Disciplinary Action Defined

1. **Mandatory Mediation:** Mediation that must be held between the accusing student, the accused officer, the SGA Vice President, and another neutral party that both the student and the accused officer agree upon.

2. **Suspension:** Removal of duties, rights, and voting privileges associated with the position for a period of no longer than four (4) weeks. During this period the suspended party shall not receive financial compensation.
3. **Removal from Office:** Removal of duties, rights, and voting privileges associated with the position for the remainder of their term, with a minimum requirement of one (1) semester. This can be extended to all SGA offices if deemed necessary.

4. **Alternative Disciplinary Actions:** With the concordance of the Legislative, Judicial, and Executive Branches, the SGA shall be allowed to take disciplinary action in a way appropriate to the severity of the infraction. This disciplinary action must also be approved by the Advisor to the SGA and the Dean of Students to ensure it is fair and just.

7.2 Grounds

1. Call~~s~~ for disciplinary action may be brought against any elected or appointed officer in the SGA by any student. Grounds for disciplinary action shall be violation of law(s), willful neglect of office, willful malfeasance, or gross misconduct. Precedence of past matters shall be considered where the constitution is unclear.

2. The President shall be empowered to enforce disciplinary action for missing, disrupting, or

inhibiting any executive cabinet meeting.

7.3 Procedures

1. If the SGA Vice President is the accused officer, the President Pro-Tempore shall replace the Vice President in the following described procedures. If the President is the accused officer, an executive officer will be chosen by the Executive Branch with the approval of the quorum of the Senate and Justice Department to replace the President in the following described procedures. If the Chief Justice is the accused officer, an Associate Justice shall replace the Chief Justice in the following described procedures.

2. Motions to discipline any elected or appointed officer of the SGA Government may be brought forth to the Senate by any student. The motion must be presented in written form to the Vice President of the SGA no less than two (2) weeks prior to the next Senate meeting.

4. The Vice President shall notify the subject of the disciplinary motion within two (2) days of receiving the motion. If the accused party does not acknowledge the notice within three business (3) days, then a second notice shall be given no less than six business (6) days after the Vice President received the motion. The Vice President shall make at least four (4) attempts to contact the accused officer before ceasing their efforts and bringing the action before the senate.

5. No less than one (1) week prior to the next senate meeting, a preliminary hearing must occur. The preliminary hearing is mandatory for the accused parties, the plaintiff, the President, the SGA Advisor, and the Chief Justice to determine if a preponderance of evidence exists and to permit open discussion of the charges before the the President, the Chief Justice, the SGA Advisor, and vote in majority to bring the action before the senate. This hearing is open to all members and constituents of the SGA. The deliberation period will only be open to the President, the SGA Advisor, and the Chief Justice. Any and all disciplinary action evidence must be prepared on behalf of the plaintiff three (3) days before the preliminary hearing and is open to public review after the hearing as per FERPA and right to privacy.

6. The disciplinary hearing shall occur at the next regularly scheduled Senate meeting after receiving the motion. The motion must receive a second and a third by Senators in order to be voted upon.

7. If either the President or the Vice President are the accused party, then either party must be impeached through a majority vote undertaken by the Supreme Court before disciplinary action can be ordered by the Senate.

8. All disciplinary action procedures must be overseen by and are subject to the approval of the Supreme Court. Final decisions regarding disciplinary action must be approved by a supermajority vote of the Senate on the standard of clear and convincing evidence, and verified for constitutionality by the Supreme Court.

9. Disciplinary action against an elected or appointed officer shall only be ordered by a majority vote of the present and voting SGA Senators. In the case of removal from office, a supermajority vote of the seated Senate is required. A disciplinary motion that passes may not be vetoed by the office of the President.

   (a) If an SGA agent is removed from office for disciplinary reasons by a body that is not the Senate, they can still run for SGA offices or positions in the future.
   (b) If any SGA agent is removed for disciplinary reasons, that person may not run for any SGA office or position in the future.

7.4 Senate Disciplinary Action

1. The Senate, in conjunction with the President of the Senate, may determine the rules of its procedures and discipline its members for neglect of office and/or disorderly behavior in its presence; and may, with concurrence of supermajority of the seated Senate, expel a member.

2. A Senator who neglects to attend two (2) consecutive or three (3) non-consecutive Senate meetings in one (1) session of the Senate may be considered for removal from office by the Senate. If a Senator meets the above criteria at the last meeting of the session, the Senator is eligible for removal during the following session.

3. Any Senator may be brought up for disciplinary action to the Senate with just cause at any time by three (3) Senators with consent of the Vice President or five (5) members of the seated Senate.

4. All members of the seated Senate will be evaluated during each session of the Senate based on a point value system as outlined by the Vice President and approved by the Senate by supermajority vote. The Vice President will set the point value system at the start of each semester, and it will remain in effect for the entirety of that semester.

    (a) Under no circumstances is a Senator on leave accountable for attendance during the period of leave.

    (b) Senators wishing to request a leave of absence for the summer session must do so at or before the final regularly scheduled meeting of the Spring session.

    (c) If a Senator is elected in Spring but cannot attend the summer session, they must request a leave of absence as well. If 2 consecutive meetings are missed without notification during the summer session, that Senator will forfeit their seat.

7.5 Appeals

1. Disciplinary decisions approved by the SGA Senate pursuant to this ARTICLE may be challenged in the Supreme Court on the grounds that the procedures were not followed in good faith, or on procedural or legal grounds.

8. Finance

8.1 Student Funds

1. The funds of the SGA shall be derived from designated SGA fees, GSA fees, income from enterprises of the SGA, and other legally approved sources.

8.2 Authorization of SGA Fees

1. An SGA fee shall be levied on each undergraduate student at the University subject to authorization by the NMT Board of Regents. For each part-time student carrying at least one (1) credit hour, the fee shall be prorated according to the number of credit

hours registered and paid for by the student.

8.3 Distribution of the SGA Fee

1. The Finance Committee shall present all SGA budgetary proposals received before the Spring General Election accompanied by the Finance Committee's recommendations to the Senate for approval no later than the third regularly scheduled meeting following the Spring Semester. The combined proposed budgets for the SGA shall not exceed ninety percent (90%) of the anticipated revenue for the following fiscal year.

2. During the Spring academic session Budget and Analysis will communicate with the CFO the anticipated revenue for the following year. Upon their approval the SGA can budget exceeding the ninety percent (90%).

3. Any funds not allocated by the SGA budget proposals may be allocated by the Senate according to established laws and statutes. Any financial request must first be approved by the Senate Finance Committee. If an organization or person is denied funding or change of funding allocation by the Finance Committee, they may appeal the decision to the Senate in the form of a bill.

4. SGA Chartered Organizations wishing to receive SGA funding shall submit a detailed budget to the SGA Chief Financial Officer as per the Finance Committee Policy. The SGA Chief Financial Officer shall publish the approved budgets as per the Finance Committee Policy. All budgets received from a chartered organization must be approved by the Senate Finance committee.

   (a) New organizations or those with probationary status may only receive a maximum of $300.00 USD during the current session. New clubs may receive more funding with a supermajority vote of the Senate.

   (b) A new club loses its new status after spending, in good faith (as judged by the SGA Finance Committee), funds granted to the club.

   (c) Additional funding may be requested from the full seated Senate in the form of a Bill.

5. A portion of each session's budget shall be allocated to a Senate Bill Supplementary Fund for the purpose of providing money to a student or any group of students requesting money from the SGA. This portion of the budget shall be allocated by discretion of the Senate.

6. If it is found that the budget is overspent at any time during the fiscal year the CFO and President will be immediately brought up for disciplinary action based on gross misconduct and malfeasance at the next scheduled Senate meeting. This is the responsibility of the Supreme Court with the assistance of the Vice President.

8.4 Carry Forward and Reserve Fund

1. Any unspent SGA funds at the end of the fiscal year shall be transferred to the Carry Forward account.

2. Withdrawal from the Carry Forward requires a (3⁄4) majority vote of the seated Senate.

3. Each fiscal year, no more than 60% of the Carry Forward account sum, as determined at the beginning of the fiscal year, may be spent by the SGA. Funding may not be withdrawn in increments greater than 20%. Each increment of up to 20% must be approved by a ¾ majority vote of the senate. In the event of an emergency, up to 100% of the Carry Forward account sum may be withdrawn with a unanimous vote of the sitting senate.

4. The Associate Director of Budget and Analysis shall be consulted before final approval.

5. The Reserve Fund shall be used in case of extreme emergency, as deemed by the President, Vice President, SGA Advisor, and the Chief Justice. If no consensus can be made, then a supermajority vote by the senate is required to access the Reserve funds.

6. A Reserve Fund request must be approved by the Supreme Court and a (3⁄4) majority vote of the Senate.

8.5 Authority of Financial Control

1. The SGA Chief Financial Officer shall be the sole fiscal agent for all SGA financial transactions. All expenditures must have prior clearance from the SGA Chief Financial Officer. The SGA, executive agencies, and any organizations funded through the SGA may not spend in excess of their approved allocation. This will result in termination of any agent involved and a formal inquiry into the actions of the appropriate executive officer, President, or Vice President. Deficit spending may result in substantial penalties as governed by SGA law and disciplinary action against the CFO.

8.6 Education in Financial Matters

1. Agents shall be responsible for familiarizing themselves with the SGA and SGA Chief Financial Officer policies and financial procedures before any expenditure is made.

8.7 Accounting Requirements

1. All SGA accounting systems shall be in accordance with appropriate federal, state, and University requirements.

8.8 Ownership

1. All items purchased with SGA funds become the property of the SGA and thus the property of the New Mexico Institute of Mining and Technology Board of Regents.

9. Election Procedures

9.1 Election of Senators

Senators shall be elected at large from among those candidates declared eligible by the Supreme Court. Candidates for senatorial seats must receive a minimum of two (2) votes during an election to become a Senator.

9.2 Election of the President and Vice President

The President and Vice President shall be elected at large in the Spring General Election Season from among those candidates declared eligible by the Supreme Court. The election should be held to the same standards as the Senate Elections, with the only change being as follows: Only one vote per office may be cast by voters.

9.3 Senate Vacancies

1. In the event of a vacancy in the Senate, the candidates receiving the next highest number of votes from the election for that session that did not receive a senatorial seat shall fill that vacancy. Senatorial duties shall be assumed upon confirmation by the Supreme Court and swearing in by a Supreme Court Justice in a timely manner.

2. In the event that the position is refused or the Vice President (after reasonable attempts) is unable to contact the candidate within ten (10) days, the next candidates receiving the next highest number of votes from the election for that session that did not receive a senatorial seat shall fill that vacancy. This process shall continue until all vacancies are filled or there are no remaining candidates to fill the vacancies.

3. In the event that there are no remaining candidates to fill the vacancies, the Supreme Court shall hold a special election.

9.4 Election Process

1. All elections shall be run by the SGA Supreme Court. The Supreme Court shall set the dates for all elections. Only current students of NMT shall vote at elections held by the Supreme Court. Each person may only vote one time. At least two (2) members of the Supreme Court or the Dean of Students (or their representative), shall be present when the votes are tallied. In the event of a disputed vote, the Supreme Court shall decide the dispute. Any candidate may demand a recount within fourteen (14) calendar days of the election's end.

    (a) All general elections shall be held on or between the first week of classes after mid semester and the second-to-last week of the semester (as defined by the most

recently published New Mexico Tech catalog).

(b) Only current undergraduate students may vote. It is at the discretion of the Chief Justice on how to ensure that the person voting is indeed a current undergraduate student.

(c) General Elections shall be advertised for a minimum of ten (10) academic days before the date of the election. Advertising shall minimally consist of flyers and a general email to the student body.

(d) Declaration of candidacy forms shall be made available and submissions of candidacy shall be accepted ten (10) days before the election date. All forms must be turned into the Chief Justice at least one (1) academic day prior to the date of the election.

(e) The Supreme Court shall ensure that all candidacy forms for all elections contain a list of eligibility requirements. The Supreme Court shall also ensure all candidates meet the minimum requirements for the office they are running for.

(f) The election shall be held on the dates advertised by the Supreme Court. The election shall run for a minimum of ten (10) hours throughout one (1) week. The scheduled and advertised dates shall not be paused, postponed, or interrupted.

i. The Chief Justice may allow the candidates to submit biographies. Biographies must be submitted one (1) academic day prior to the election Biographical material shall be limited to: name, major, positions held in the SGA, positions held in clubs or affiliations with clubs, the specific position being sought in the SGA, and may include a short personal biography.

ii. The Chief Justice may, with the approval of 2/3 of the Senate and the Executive Branch, present regulations and rules for an election in which an extenuating circumstance prevented/ will prevent the election from being performed as prescribed above.

iii. If there is a breach in conduct, rules, or regulations, the justices shall make an interpretation and present it to the Senate. This interpretation shall contain evidence for any decision made regarding any action to be taken, or not to be taken.

iv. The Chief Justice may choose the method of voting, so long as it is advertised and constitutionally sound. This includes, but is not limited to, electronic voting, secret ballot voting, and absentee voting.

(g) An individual may only run for one office in a given election.

9.5 Special/Emergency Election

1. The date and purpose of a special election shall be advertised starting no later than two (2) days after the Senate meeting at which the special election becomes necessary. The special election shall be held between ten (10) and fifteen (15) days after the date of the Senate meeting at which the special election became necessary. Declaration of candidacy forms shall be made available and submissions of candidacy accepted the day that the special election becomes advertised. All candidacy forms must be submitted at least two (2) days before the election date. If a special election becomes necessary within the last twenty (20) days of the academic session, the special election shall be held the next academic session. In such a case the above guidelines shall be followed, and the election shall be considered necessary as of the first day of classes of the new academic session.

10. Referenda

10.1 Law

1. Legislation may become law via referendum. Referendum items shall be put to a vote of the student body during elections. Referenda that are passed by a majority of those students voting shall become SGA law. All referenda passed into law by the student body shall override the bylaws of the Senate, and both forms of law shall be identified separately in the SGA Book of Law.

2. Legislation may become law with three-quarters (3/4) majority vote of each of the three branches: Legislative, Judicial, and Executive. This vote shall include all members of each branch of the SGA, not just the present members.

3. Any additions to the Law done through Legislative Bills must be added to the SGA Book of Law. The Chief Justice, in conjunction with the secretary, shall be responsible for recording the changes and additions of legislation.

10.2 Repealing

1. Said laws shall be binding on the SGA for one (1) year following passage into law provided it is within SGA power to enact the provisions of the referenda. Said laws may not be overturned by any actions of the Senate or the President. Said laws may only be repealed or amended via referenda. Said laws shall remain enacted until repealed or amended.

10.3 Overturning

1. The student body may overturn actions of the Senate or Presidential vetoes through the referendum process by a majority vote of those voting.

2. A presidential veto or action of the senate may be overturned by a 2/3rd's vote of the Legislative, Judicial, and Executive branches respectively.

10.4 Voting

1. Referenda may be placed on the SGA ballot by a majority vote of the seated Senate or by petitions presented to the court and signed by one half (1/2) of the number of students voting in the previous General Election.

10.5 Amendments

1. Amendments to this constitution may be proposed by supermajority vote of the seated Senate or by petition signed by supermajority of the number of students voting in the previous election. The proposed amendment shall be placed on the ballot of the next election. An affirmative vote by supermajority of those students voting on the amendment shall be sufficient to approve the amendment. Amendments of this Constitution approved by the student body shall be placed in the appropriate context within this document, including specific numerical references (ARTICLE, Section, and subsection). The previous replaced text (if any) shall be recorded in a historical record. If this Constitution or any portion thereof becomes inadequate the Senate shall amend this Constitution subject to the outlined rules for such constitutional amendments. This constitution shall not be up for revision or amendment until three (3) academic sessions after the date of the last amended version.

10.6 Implementation

1. This Constitution shall become the law of the SGA the calendar day after Commencement of the Spring Semester in which it was ratified or the Spring Semester following its ratification if ratified during a Fall Semester. Upon implementation of this Constitution into law, a Book of Law will accompany this Constitution shall be implemented. The Book of Law may be ratified before the implementation of this Constitution. Upon the implementation of this Constitution into law, all laws and bylaws associated with the previous Constitution shall be considered repealed.

11. Glossary

1. Academic session: a Fall and Spring Semester.

2. Active Campaigning: Campaigning that is done in person.

3. Agency: any group authorized by this Constitution, or by law, to represent the SGA, and/or to expend SGA funds.

4. Agent: any individual authorized by this Constitution, or by law, to represent the SGA, and/or to expend SGA funds; including all elected and appointed students within the SGA and all members of its committees.

5. Anticipated Revenue: the amount of funds anticipated from the SGA Fee as reported by

the SGA Chief Financial Officer.

6. Bills: Legislation that requires a vote by the senate to allocate money.

7. Business Day: any regularly scheduled University school day, unless specifically stated otherwise. This excludes Saturdays and Sundays.

8. Campaign Material: an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates for an election.

9. Carry Forward: all unspent SGA funds shall be transferred to this account at the end of the fiscal year.

10. Chair: the person designated to preside over any meeting.

11. Chartered Organization: A student organization which abides by a set of rules or a Constitution different from those to which standard SGA clubs abide by; classified as Associate Clubs, Greek Life, or Other Chartered Organizations

12. Concordance: A supermajority vote from all present officers at the current Senate meeting.

13. Constituent: any member of the undergraduate student body of the University who has paid the student activity fee.

14. Day: A twenty-four (24) hour period.

15. Executive agency: any group that directs or oversees any interest of the Executive Branch as stated in Article IV, Section 5 or by law.

16. Executive agent: any individual that directs or oversees any sub-organization of the Executive Branch as stated in ARTICLE IV, Section 5 or by law.

17. General Election: the election held each session with the primary purpose of electing Senators, SGA President, or SGA Vice President.

18. Good standing: not on any type of University probation and at least a 2.0 cumulative grade point average. The only exception to the required 2.0 cumulative G.P.A. is if the student is newly entering the University and has no G.P.A.

19. Graduate Student Association of New Mexico Institute of Mining and Technology (GSA): the graduate student body of the University and its representative government.

20. Gross misconduct: A forbidden or unlawful act performed intentionally with indifference to known or obvious harmful consequences.

21. Major: an academic field of study ending in a degree offered by an academic department as

part of either the Arts & Sciences curricula or Engineering curricula as defined by the most recently published New Mexico Tech Catalog. (A student shall be defined as a member of one (1) of these two (2) divisions according to their first major.)

22. Majority: Greater than half of the votes available

23. Malfeasance: commission of a wrongful act which an officer has no legal right to do, or any wrongful conduct which affects, interrupts, or interferes with the performance of officer duty or an act for which there is no authority or warrant of law.

24. Neglect of office: intentional failure to attend to one's official duties.

25. New Club: A club receives new club status if the SGA has not recognized it during the previous two sessions of the SGA Senate.

26. Officer: any student holding a position in an SGA funded organization and all elected or appointed students serving in the SGA.

27. Passive Consent: A process by which the Senate comes to a consensus without an official vote. Should no objections be raised by the Senate on a matter to be decided by this process, such shall be interpreted as approval. The Senate must have received prior knowledge of such matters.

28. Plurality: A method of voting in which more than two (2) options are presented to those voting, and the option which receives more votes than any other wins.

29. Probationary Club Status: A club that has misused funds granted to it by the SGA Government (as judged by the SGA Finance Committee), a club that has not met set volunteer hours, or has been declared a probationary club by the SGA Club Advisory Committee. With a supermajority vote of the SGA Senate, a club can be removed from probationary club status.

30. Publish: The act of distributing a written document to the SGA via paper copy or electronic means, including but not limited to email and uploading said document to the SGA website.

31. Quorum: a quorum of the Senate shall consist of fifty-one percent (51%) of the seated Senate.

32. Quota: The minimum number of votes required to win a ballot. Quota for a ballot shall be set at one (1) more than the integer floor of the number of valid ballots cast divided by one (1) more than the number of available seats for that ballot. If more seats exist on a ballot than candidates for that ballot, quota shall be set to two (2).

33. Referendum: A vote taken by the student body to decide an important legislative or policy issue directly, as opposed to having the issue decided by a representative assembly or other legislative agency. It is the right to approve or reject by popular vote a measure passed upon

by a legislature.

34. Reserve Fund: A capital outlay fund for emergency use by the SGA.

35. Resolution: Official stance (or policy) of the student body that requires a vote by the student body.

36. New Mexico Institute of Mining and Technology Student Government Association (SGA): the representative body of the student body, established to pursue student concerns, regulate student affairs, and be the official voice of the student body.

37. SGA Record: Any record, including emails, created by an SGA officer that is specifically related to the SGA. Emails sent from a non-SGA account are not considered SGA records.

38. Semester: either of the academic sessions, Fall Semester, Spring Semester, or Summer Semester, from the first day of classes up to and including the last day of finals.

Special election: An election other than a General Election held by the Supreme

Court.

40. Statement of Purpose: Official stance of the SGA.

41. Student: any person enrolled in the University in an undergraduate or graduate status.

42. Supermajority: Greater than or equal to two-thirds of the votes available

43. Term: is equivalent to three full academic sessions in which an elected or hired position holds that said position.

44. University: the educational division of New Mexico Institute of Mining and Technology and all associated sectors.