

CONSTITUTION

**STUDENT BAR ASSOCIATION
UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW**

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ARTICLE I. NAME

This organization shall be known as the Student Bar Association of the University of San Francisco School of Law (hereafter referred to as the “Student Bar Association” or “SBA”).

ARTICLE II. PURPOSE

The Student Bar Association is organized to represent the Student Body, to promote the idea of professional responsibility, to achieve the betterment of the law student in their professional and social interests, and to coordinate activities for the students of the School of Law. The Student Bar Association shall not discriminate on the basis of race, national origin, religion, sexual orientation, gender, or handicap.

ARTICLE III. MEMBERSHIP

All registered, matriculating JD and LLM students at the University of San Francisco School of Law are hereby declared members of this organization.

ARTICLE IV. OFFICERS

Section 1. Officers Enumerated

1.1. The Officers of the Student Bar Association (hereafter referred to as the “Officers”) consist of the President, the Full-Time Division Vice-President and Part-Time Division Vice-President, the Treasurer, the Secretary, three 1L Student Representatives, one in each 1L class, two 2L Student Representative from the Full-Time Division, one 2L Student Representative from the Part-Time Division, two 3L Student Representative from the Full-Time Division and one 3L Student Representative from the Part-Time Division

Section 2. Qualifications of Officers

2.1. All candidates for Officers must be either first, second or third year matriculating law students, in good academic standing as defined in the relevant University of San Francisco School of Law academic policy. The President must be a student in their final year of study.

Section 3. Duties and Powers of Officers

3.1. The Student Bar Association President

- (1) Represent the interests of the student body to the University of San Francisco School of Law (hereafter referred to as “Student Body”), the School of Law Administration, Faculty, and others.
- (2) Direct, supervise, and coordinate the SBA Council.
- (3) Supervise and recognize Student Organizations (as defined under Article IX, Section 1).
- (4) Appoint, with the advice and consent of the SBA Council, all committee chairpersons for both standing and ad hoc internal committees of the Student Bar Association, including but not limited to the SBA Diversity Committee, Graduation Committee, Budget Committee, and applicable Faculty Committees.
- (5) Determine the annual budget with the Treasurer and other members of the Budget Committee.
- (6) Perform those duties required for First Year Orientation.
- (7) Maintain the Student Bar Association Office.

(8) Perform any other duties which arise which are consistent with this Constitution.

3.2. The Student Bar Association Vice President – Full-Time Division

- (1) Assume the duties, authority, and responsibilities of the President where the President is absent or becomes unable or unwilling to serve as required by this Constitution.
- (2) Represent the unique interests of full-time students.
- (3) Organize, sell, and supervise student locker space.
- (4) Plan and execute a fall party and a spring party for the Student Body in conjunction with the Vice President Part-Time Division.
- (5) Perform any other duties delegated by the President which are consistent with this Constitution.

3.3. The Student Bar Association Vice President – Part-Time Division

- (1) Assume the duties, authority, and responsibilities of the President where the President and Vice President Full-Time Division are absent or become unable or unwilling to serve as required by this Constitution.
- (2) Represent the unique interests of part-time students.
- (3) Assist the Vice President Full-Time Division with the duties as listed in subsection 4.2.3 and 4.2.4.
- (4) Perform any other duties delegated by the President which are consistent with this Constitution.

3.4. The Student Bar Association Treasurer

- (1) Assume the duties, authority, and responsibilities of the President where the President, Vice President Full-Time Division, and Vice President Part-Time Division are absent or become unable or unwilling to serve as required by this Constitution.
- (2) Keep accurate accounting of the financial records of the Student Bar Association. All financial transactions shall be dutifully recorded and those records reconciled each month with our financial accounts.
- (3) Regularly present an accurate report of the Student Bar Association's finances.
 - i. The Treasurer shall present an accurate, timely report of the Student Bar Association's finances each month to the SBA Council.
 - ii. This report shall accurately summarize income and expense transactions for that month, and also the annual income and expense transactions to date.
 - iii. Upon request, the Treasurer shall furnish to any student a copy of a monthly or annual financial report.
- (4) Determine each semester's budget as a member of the budget committee.
- (5) Request, in writing, from the appropriate liaison in the Dean's Office, that the University issue a check to the Student Bar Association or follow any such new procedure as may be established by the Dean's Office for distribution SBA funds.
- (6) Oversee disbursement and collection of monies for the Student Bar Association.
 - i. The Treasurer shall have authority to administer the Student Bar Association's bank accounts and other on-campus accounts along with the President.
 - ii. The Treasurer shall be responsible for collecting and accounting for all monies collected on behalf of the Student Bar Association prior to depositing them into any of the Student Bar Association's accounts.
 - iii. The Treasurer's signature, and/or the President's signature, shall be required before any checks can be disbursed by the Student Bar Association.
- (7) Perform any other duties delegated by the President that are consistent with this Constitution.

3.5. The Student Bar Association Secretary

- (1) Assume the duties, authority, and responsibilities of the President where the Vice President Full-Time Division, Vice President Part-Time Division, and the Treasurer are absent or become unable or

unwilling to serve as required by this Constitution.

- (2) Record, collect, post, and maintain the official records of the Student Bar Association.
- (3) Perform any other duties delegated by the President which are consistent with this Constitution.

3.6. The Student Bar Association Class Representatives shall:

- (1) Assist the members of the Student Bar Association Executive Board as needed.
- (2) Attend all meetings of the SBA Council.
- (3) Represent their class division to the SBA Council.
- (4) Inform their class divisions of Student Bar Association services, programs, and activities.
- (5) Assist with Student Bar Association activities.
- (6) Perform any other duties delegated by the President which are consistent with this Constitution.

ARTICLE V. EXECUTIVE BOARD

Section 1. Membership

1.1. The Executive Board shall consist of the following five Officers:

- (1) President
- (2) Vice President – Full-Time Division
- (3) Vice President – Part-Time Division
- (4) Treasurer
- (5) Secretary

Section 2. Authority

2.1. This body shall oversee the operation of all committees and shall have the power to act on behalf of the SBA Council. Any action taken by the SBA Council shall be subject to a veto by a majority of the Executive Board present and voting at the time of a duly called meeting.

ARTICLE VI. SBA COUNCIL

Section 1. Membership

1.1 The SBA Council is comprised of all Officers defined under Article IV and any appointed representatives or officials pursuant to the procedures defined herein.

Section 2. Powers

2.1. The powers of the SBA Council include to:

- (1) Serve as the governing body of the Student Bar Association.
- (2) Enact such Bylaws and create such standing and special committees as the business of the Student Bar Association shall require.

- (3) Assess Student Bar Association fees and receive approval for increases from the University Board of Trustees during the previous year.
- (4) Allocate Association funds.
- (5) Support, promote, and encourage the Association's goals and interests by the passage of resolutions.
- (6) Support and supervise Student Organizations, and student office space.

Section 3. Allocation of Votes

3.1. Voting of the SBA Council shall be conducted as follows:

- (1) Every member of the SBA Council shall have one vote at all SBA Council meetings. Every officer of the Executive Board shall have one vote at all Executive Board Meetings.
- (2) In the event a member of the SBA Council cannot attend an SBA Council meeting, they may grant, in writing, a proxy to any member of the SBA Council.
- (3) Proxies shall not be allowed in Executive Board votes, or in the SBA Council removal hearings.

Section 4. Eligibility

4.1. The following are eligible to serve on the SBA Council:

- (1) Any member of the Student Bar Association in good academic standing as defined in the applicable University of San Francisco School of Law academic policy is eligible to be elected or appointed as a member of the SBA Council, excluding those members eligible for graduation before June of the school year for which the office would be held.
- (2) To be eligible for election as President, the candidate must be eligible for graduation at the end of the year in which the office would be held.
- (3) To be eligible as Vice President – Full-Time Division, the candidate must be a Full-Time student at the time of election.
- (4) To be eligible for election as Vice President – Part-Time Division, the candidate must be a Part-Time student at the time of election. If such a candidate intends to transfer to the Full-Time Program, such intent must be disclosed to the Student Body prior to the election.
- (5) To be eligible for election as a Student Representative, the candidate must be a member of such class division.

Section 5. Elections

5.1. Election Coordinator

- (1) There shall be an Election Coordinator appointed by the outgoing President. The appointment of the Election Coordinator shall be made with the advice and consent of the Executive Board.

5.2. Nominating Petitions

- (1) All candidates must submit the signatures of twenty-five constituents in support of their candidacy for a particular office in addition to a form signed by the candidate attesting to their good academic standing to be confirmed with the Law Registrar exclusively by the President.

5.3. Vacancies

- (1) If from any class less than the number of representatives or officials goes unfilled, then the President shall, with the advice and consent of the Executive Board, fill any vacant seats with the students from such class.

5.4. Number of Votes Required

- (1) The winners of the elections shall be determined by plurality vote.
- (2) If the office is uncontested, the candidate for any position must receive at least fifty percent (50%) of the votes generally cast.
- (3) In the Presidential Election, the winner must receive a majority (50% +1 or more) of the total votes cast for that office. In the event that a majority is not reached, the leading two (2) candidates shall face each other in a run-off election to be held no less than five (5) nor more than seven (7) school days after the original elections according to rules set up by the Elections Committee.

5.5. Certification of Qualification

- (1) Certification of candidates' qualifications for any elected position, as defined in this Constitution, shall be made by the Election Committee with right of appeal to the Executive Board.

5.6. Scheduling of Elections

- (1) All Student Bar Association Elections, except for the election of the entering class, shall be held no later than the end of the first full week of school days in April on a day designated by the Election Committee.
- (2) The election of first year and LLM representatives shall be held no later than the end of the third week of school days in October on a day designated by the Election Committee. If the Election Committee determines that it is not feasible to hold elections at that time, then elections will be held at the earliest possible date.

Section 6. Term

6.1. The terms of members of the Student Bar Association shall be as follows:

- (1) All members of the SBA Council will serve a term of one year that shall commence at the end of the school year in which they were elected.
- (2) An incumbent member is eligible for re-election and providing they meet the eligibility requirements, there is no limit as to the number of terms they may hold.

Section 7. Removal and Recall

7.1. Impeachment by Executive Board

- (1) Upon application of at least six (6) voting members of the SBA Council, the Executive Board shall conduct a hearing no less than five (5) and no more than ten (10) school days after application to consider the removal of an officer, representative, or committee chairperson for malfeasance, nonfeasance or misfeasance in office. At such hearing, the member shall have the right to face the accusing applicants and offer defense to charges against him or her. At the conclusion of such hearing upon affirmative vote of two-thirds (2/3) of the total voting membership of the Executive Board, the so-charged member shall be removed from office.

7.2. Failure to maintain academic standing requirements

- (1) Failure to maintain academic standing requirements, as defined in the relevant University of San Francisco Academic policy, will result in removal from the SBA Council.

Section 8. Vacancies

8.1 If an Executive Board member vacates his/her position during the school term, the President shall nominate a student, currently serving on the SBA Council, to fill the position. The nomination must be ratified by a majority vote the SBA Council.

8.2. If an SBA Council member vacates his/her position during the school term, the President shall nominate a student from the respective constituency to fill the position. The nomination must be ratified by a majority vote of the SBA Council.

ARTICLE VII. BUDGET COMMITTEE

Section 1. Composition and Tasks

1.1. Membership

- (1) The Budget Committee shall consist of five members: the President, Treasurer, one student appointed by the President, one student appointed by the Treasurer, and one student elected by the Senate.
- (2) The Senate will elect a returning student to the next year's Budget Committee at their final meeting of the year. If this student is unable to perform their duties, or is removed from office, the Senate shall elect another student to take their place.
- (3) Should one of the President's or Treasurer's appointments to the Budget Committee be unable to fulfill their term of office, then the officer who appointed them shall retain the right to fill that vacancy with another appointment.

1.2. Tasks

- (1) Budget Committee shall determine the amount of funds available to the Student Bar Association from the fees paid by the students to the University
- (2) The Budget Committee shall determine by majority vote the amount of funds that are to be distributed to Student Organizations.
- (3) The remaining funds shall be allocated towards general Student Budget Association expenses ("general expenses").
- (4) The President shall determine how general expenses are to be allocated, subject to approval by a majority vote of the Budget Committee.
- (5) A minimum amount of the budget, as determined by the Budget Committee in conjunction and consultation with the appropriate liaison in the Dean's Office, shall be retained by the Student Bar Association account with the University for operation costs (e.g. duplication, phone bills, supplies, and to cover unforeseen cost overruns).
- (6) The Budget Committee shall determine a stipend to be granted to the Graduation Committee based on available funds. The stipend shall be given to the Graduation Committee at the beginning of the spring semester.
- (7) In the event of a dispute between the President and the Treasurer over the disbursement or allocation of funds, the Budget Committee shall settle the matter by a majority vote.

ARTICLE VIII. MEETINGS

Section 1. Meetings

1.1 General Meetings

- (1) The SBA President shall hold regularly scheduled public meetings as needed. The President may schedule emergency and special meetings of the SBA Council as necessary. Rules of conduct shall be determined by the President at the first meeting of the academic year.
- (2) If any member of the SBA Council shall be absent from three (3) consecutive regular meetings of the SBA Council without valid excuse, he or she shall automatically be removed from office. The Executive Board shall determine the validity of the excuse.
- (3) An excused absence is where the member has notified the President by noon of the day before the meeting that the member cannot attend. Class conflict shall constitute an excused absence. Emergency situations shall be considered by the President, and may be excused.

Section 2. Executive Board Meetings

2.1. The President shall call Executive Board Meetings as needed during the school year. All Executive Board Officers shall be required to attend.

Section 3. Notice

3.1. Notice shall be given to all SBA Council members at least one week prior to a General Meeting. Notice shall also be posted on the Student Bar Association calendar. Notice shall be given at least forty-eight hours prior to Executive Board Meetings. Improper notice may be verbally waived.

ARTICLE IX. STUDENT ORGANIZATIONS

Section 1. Authority

1.1. The Student Bar Association shall be an umbrella organization, which shall recognize and fund all official and registered law Student Organizations (hereafter referred to "Student Organizations"). All Student Organizations shall be ultimately responsible to the Student Bar Association.

Section 2. Purpose

2.1. Student Organizations shall promote student interests, provide forums for discourse, and dispense information to the Student Body.

Section 3. Registration and Recognition

1.1. Every Student Organization must register with the University, following the guidelines required as set forth in the University's Statement on Student Rights and Freedoms, (1990-1991) Article III, Section 15, "Registration of a Student Group", including the following information:

- (1) A statement of the purpose for the organization and how the organization will represent, assist and impact the Student Body as a whole.
- (2) A list of what Officers the organization shall have, and the respective roles of those Officers within the organization.
- (3) An explanation of how and when the Officers will be elected.
- (4) Any membership requirements and reasons for the restrictions.
- (5) What affiliations the organization has and what responsibilities the organization has to those affiliations.

1.2. At no point shall any Student Organization supply a list of current members to any person or organization against the will of the members of the Student Organization.

1.3. Every Student Organization shall abide by all applicable Student Bar Association standards and resolutions.

1.4. No Student Organization shall be allowed to discriminate on the basis of race, national origin, religion, sexual orientation, gender, or handicap.

1.5. Every Student Organization shall be required to post the date, time, and location of all general meetings for the Student Body.

1.6. Every Student Organization shall spend allocated Association funds on functions which benefit the Student Body as a whole.

Section 4. Student Organization Budgets

4.1. Student Organizations shall submit a request to the Budget Committee for available funds earmarked for Student Organizations consistent with the guidelines and procedures determined by the Budget Committee at the beginning of each semester.

(1) The Budget Committee shall determine the amount of funds allocated to each Student Organization by a majority vote.

4.2. Student Organizations shall be permitted and encouraged to obtain additional funds outside of the Student Bar Association.

Section 5. Graduation Committee

5.1. In April, the President-elect shall appoint a Graduation Committee Chair, to lead the following year's class Graduation Committee. The Committee should be comprised of a diverse group of students and such students should reflect the makeup of the graduating class that they represent.

(1) At the time of appointment, the President-elect shall determine the means by which the Committee and the Chairperson shall be selected.

(2) All Graduation Committee members must be in good academic standing at the time of appointment and at all times while holding the position.

(3) Graduation Committee members shall be required to assist at the graduation ceremonies in the year of their appointment and in all Graduation related events prior to the ceremony.

(4) The Committee, in conjunction with the School of Law shall organize and raise funds for the graduation ceremony and any graduate related events of the year they are to graduate.

Section 6. Faculty Committees

6.1. Student Representatives and Alternate Student Representatives shall be appointed to and serve on Faculty Committees as permitted by the U.S.F. Faculty Bylaws.

(1) All Appointed and Alternate Student Representatives to Faculty Committees must be in good academic standing at all times during the term of their appointment.

- (2) The President-elect shall solicit petitions from the Student Body during the final month of the academic year prior to the new semester.
- (3) The President shall appoint Student and Alternate Representatives to Faculty Committees and such appointments shall be approved by the Executive Board.

Section 7. Ad Hoc Committees

7.1. The President shall solicit petitions from the Student Body and appoint members to such additional Committees as are approved by a majority of the Executive Board.

ARTICLE X. REVOCATION

All prior Constitutions, Amendments thereto, and Bylaws thereof are hereby revoked and shall become null and void immediately upon adoption of this Constitution.

ARTICLE XI. AMENDMENTS AND BYLAWS

Section 1. Amendments

- 1.1. This Constitution may be amended by either a 2/3 majority of those Student Bar Association members voting in an Association-wide election or a 2/3 vote by all members of the SBA Council.
- 1.2. An Amendment may be initiated either by the Executive Board or by petition of at least 100 Association members.
- 1.3. Constitutional Amendments shall become effective ten days after they are ratified.

Section 2. Bylaws

2.1. The Executive Board shall have the power by a 2/3 vote of its total membership to amend or promulgate the necessary Bylaws for this Constitution. Copies of all Bylaws adopted shall be attached to all copies of this Constitution.

Section 3. Definitions

- (1) A "Referendum" is either a resolution or an initiative submitted for a vote by the entire membership of the Student Bar Association that meets the necessary petition requirements.
- (2) A "Resolution" is a referendum that can be composed of any subject matter, but is not or cannot be binding upon the SBA Council. A resolution is passed by a majority vote of the Student Bar Association members.
- (3) An "Initiative" is a referendum comprising only one topic that is made binding upon the SBA Executive. An initiative becomes a binding act of legislation following a 2/3 majority vote by the student body.
- (4) "Binding" as it pertains to initiatives shall only apply to the members of the SBA Council, not Student Groups. The term "binding" is defined as obligating the SBA Council to act within the scope of its power, and to the best of its abilities to enforce, enact, promote, and uphold the matter which is deemed "binding."
- (5) A "Majority Vote" is defined as comprising greater than 50% of the number of Student Bar Association members who voted in that particular election.
- (6) Any undefined term in these bylaws shall be construed to have the same definition as that term does in the SBA Constitution.

ARTICLE XII. INTERPRETATION

Interpretation of the meaning of any clause, section, or article of this Constitution shall be by a majority vote of the Executive Board.

ARTICLE XIII. ADOPTION

This Constitution shall become operative when adopted by a majority of ballots cast at a general election to be held during April 2009. All presently elected Officers and Representative of the existing Student Bar Association, its committees and appointments are to be considered unaffected by this adoption for the remainder of the present school year.