

**CONSTITUTION
OF THE
STUDENT BAR ASSOCIATION
SANTA CLARA UNIVERSITY SCHOOL OF LAW
Fifth Revision, 2005**

PREAMBLE:

We, the students of the Santa Clara University School of Law, in recognition of our need for a student association to unite and represent us in the pursuit of our common goals, to coordinate the uses of our shared resources in a fair and efficient manner, to promote the communication of information, ideas, and diverse points of view within the Law School Community do establish this Constitution for the Student Bar Association of the Santa Clara University School of Law, herein referred to as the SBA.

ARTICLE I

MEMBERSHIP: All students enrolled in the Santa Clara University School of Law shall be members of the Student Bar Association and shall be entitled to vote in any duly held election provided for by this Constitution and its By-laws.

ARTICLE II

ELECTED OFFICERS AND REPRESENTATIVES: The following Officers and Representatives of the SBA shall be elected from the Association Membership and shall serve as SBA Officers or Representatives consistent with this Constitution and its Bylaws. No one may be an SBA Officer or Representative if found in violation of the Honor Code.

A. EXECUTIVE OFFICERS: The SBA Executive Officers shall consist of the SBA President, SBA Vice President (full-time), SBA Vice President (part-time), SBA Treasurer, and SBA Secretary, and shall be responsible for the administration of Association services, programs, and activities. The Executive Officers shall meet monthly as needed to plan and coordinate their activities consistent with the interests of the Association and the efficient use of Association resources.

1. General Duties

- a. All Executive Officers shall faithfully execute this Constitution and its By-Laws in performance of their duties.
- b. All Executive Officers shall assist in the training and transition of newly elected Executive Officers. For this purpose, the term of office shall continue to the end of the Academic Year following the annual election of officers. Executive Officers shall attend all meetings during the transition period, may participate in all discussions, but shall not vote.

2. Specific Duties by Office

- a. **PRESIDENT** – The SBA President shall:
 - 1) Supervise and assist the other SBA Executive Officers in the performance of their duties.

- 2) Represent the SBA generally in dealings with the Law School, University, and with other groups, organizations, and agencies.
 - 3) Chair the Board of Governors meetings.
 - 3) Administer and supervise the SBA services, programs, and activities consistent with its interests.
 - 4) Speak on behalf of the SBA.
 - 5) Direct, supervise, and coordinate all appointments of chairpersons to SBA committees set forth in Article VI of the constitution.
 - 6) Have the power to appoint Ad Hoc Committees.
 - 7) Nominate one of the elected AMERICAN BAR ASSOCIATION/LAW STUDENT DIVISION representatives to be Head Representative within one week of their election. This nomination shall be approved by a majority vote of the Board of Governors not later than three weeks after club day/start of school/by third week of classes.
 - 8) Nominate a Parliamentarian from each semester's Board of Governors. This nomination shall be approved by a majority of the Board of Governors not later than three weeks after start of school.
- b. **VICE PRESIDENT (full-time)** – The SBA Vice President (full-time) shall:
- 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 or its By-laws.
 - 2) Serve as Vice Chair of the Board of Governors.
 - 3) Direct, supervise, and coordinate all SBA committees unless otherwise specified by this Constitution.
 - 4) Chair or appoint a chair for the Social Committee.
 - 5) Chair or appoint a chair to oversee the assignment, including rental, of lockers to the students. Such locker rentals must be completed by the second week of classes in the fall semester.
 - 6) Co-chair the Orientation Committee with the Vice President (part-time). Together, the Vice Presidents shall appoint, direct, and supervise a committee that shall plan, organize, and administer orientation services, programs, and activities to assist new admittees to the law school.
 - 7) Assist the other SBA Executive Officers in the performance of their duties.
- c. **VICE PRESIDENT (part-time)** – The SBA Vice President (part-time) shall:
- 1) Assume the duties, authority, and responsibilities of the President, where the President and Vice-President (full-time) are absent or become unable or unwilling to serve as required by this constitution or its By-laws.
 - 2) Direct the Elections and Voting Procedures Committee as Commissioner of Elections pursuant to Article III.
 - 3) Co-chair the Orientation Committee with the Vice President (full-time). Together, the Vice Presidents shall appoint, direct, and supervise a committee that shall plan, organize, and administer orientation services, programs, and activities to assist new admittees to the law school.
 - 4) Assist the other SBA Executive Officers in the performance of their duties.

- d. **TREASURER** – The SBA Treasurer shall:
- 1) Assume the duties, authority, and responsibilities of the President where the President, the Vice President (full-time), and the Vice President (part-time) are absent or become unwilling to serve as required by this Constitution or its By-laws.
 - 2) Keep safe and secure the funds of the SBA and protect them against unauthorized and improper use.
 - 3) Chair the Finance Committee, which shall meet at the beginning of each Fall semester to create and recommend a yearly budget for all SBA expenditures, not to include the allocation to the Executive Officers.
 - a) The Board of Governors shall have complete discretion to modify and approve the budget recommended by the Finance Committee.
 - b) The Treasurer shall also chair any additional meetings of the Finance Committee as may be needed to consider any special allocations, reallocations, or new expenditures that may arise outside of the normal budget cycle.
 - c) Any recommendations outside of the authorized budget shall be referred to the Board of Governors for approval before any funds are disbursed.
 - 4) Receive and disburse funds as provided in this Constitution or as recommended by the Finance Committee and approved by the Board of Governors, and keep account of the financial status of the SBA.
 - 5) The Treasurer shall publish or post to the Association a summary budget status report at least twice per budget cycle, including publication of the initial approved budget, an approximately mid-year status report and an end of the year report. This summary budget report may be in the form of a performance report of events, activities and other functions conducted compared to those originally budgeted.
 - 6) The Treasurer shall make the SBA finance records, including receipts and payments, available to any member of the SBA within two (2) weeks of such request.
 - 7) Not make distribution of any SBA funds, unless:
 - a) Authorized under an approved budget; or
 - b) Recommended by the Finance Committee and duly approved by the Board of Governors; or
 - c) The funds are allocated to the Executive Officers pursuant to Article IV.E.5.
 - 8) The Treasurer and one other member of the club's executive board must sign all budget and reimbursement requests. If an SBA executive member other than the President or Treasurer requires a reimbursement, the signature of the SBA President and Treasurer are required. If the President needs a reimbursement, then the Treasurer and one of the Vice-President's signatures are needed. If the Treasurer needs reimbursement, then the signatures of the President and one of the Vice-Presidents are needed.
 - 9) Prepare guidelines for funding requests prior to the beginning of the budget cycle in conformance with the Finance Policy By-law.
 - 10) Shall submit to the Finance Committee an annual budget, prepared by the Vice President (full-time), on behalf of the SBA Board of Governors for all planned social expenditures pursuant to Article II.A.2.b(4).

- 11) Shall assist the other SBA Executive Officers in the performance of their duties.
 - 12) Provide liaison with Law Fiscal Operations on behalf of the SBA
- e. **SECRETARY** – The SBA Secretary shall:
- 1) Assume the duties, authority, and responsibilities of the President where the President, the Vice President (full-time), the Vice President (part-time), and Treasurer are absent or become unable or unwilling to serve as required by this Constitution or its By-laws.
 - 2) Record the minutes of Executive Board and Board of Governor meetings, keep in the SBA office all votes of the Board of Governors, member attendance, and collect and maintain the official records of the SBA.
 - 3) Maintain long-term records of Board of Governors decisions and Finance Committee meetings.
 - 4) Publish the Board of Governor's agenda in "The Grapevine" preceding any Board of Governor's meeting. In the event an emergency meeting must be called, the SBA President shall post the subject of the meeting on the SBA board(s) in Bannan Hall at least twenty-four (24) hours prior to such emergency meeting.
 - 5) Make available to any member of the SBA upon request all and any records kept (except such records designated as confidential by action of the Parliamentarian). Records shall be provided within seventy-two (72) hours of a request, for the purpose of a Membership Initiative under Article VII.B or allowing the Association member access to records for use at Board of Governors' meetings.
 - 6) Direct, supervise, and coordinate the information and communication services for programs and activities of the SBA.
 - 7) Be the Editor-in-Chief of "The Grapevine". The Secretary shall advertise in, at least, the first two (2) issues of "The Grapevine", and shall have posted on the SBA board(s) in Bannan Hall, the guidelines for submitting announcements to be published in "The Grapevine". Such guidelines shall be created at the discretion of the Secretary.
 - 8) Compile and record copies of all policies and procedures adopted by the Board of Governors in record books separate from the records of the Board of Governors meetings. The date of adoption and the record of the vote that approved any policy or procedure shall be included within this record. These policies and procedures shall be incorporated into the By-laws of this Constitution pursuant to Article IV.D. These records shall be kept current and shall be available for inspection by any member of the SBA.
 - 9) Maintain a record of all Board members' absences.
 - 10) Assist the other SBA Executive Officers in the performance of their duties.

B. CLASS REPRESENTATIVES/MEMBERS OF BOARD OF GOVERNORS

1. One Class Representative shall be elected for each sixty Association Members (rounded to the nearest sixty) in each class/division constituency, but shall not exceed four (4) Class Representatives per class. Class/division constituencies with fewer than thirty-one members shall elect one Class Representative.

- a. If there are fewer than thirty-one (31) part-time students in any class year, the Association members in that class year shall be combined with the adjacent class year having the fewest part-time students. The Commissioner of Elections shall determine the number of part-time Class Representatives from the combined number of Association members for the two class years using the formula in Article II.B.1.
- 2. The Class Representatives shall:
 - a. Inform the members of the SBA of services, programs, and activities.
 - b. Solicit opinions, suggestions, and information from voting members of the SBA regarding their interests and concerns.
 - c. Promote the interests of Association Members. To further this goal, Class Representatives shall have the right to conduct meetings for the purpose of providing a forum in which class members can discuss issues. A meeting announcement shall be made in "The Grapevine" at least three (3) days preceding such meeting unless such meeting is an emergency, then twenty-four (24) hours posted notice is sufficient.
 - d. Attend all meetings of, and vote on all issues before, the Board of Governors.
 - e. Serve on at least one of the Committees or an Ad Hoc Committee provided for in Article VI.
 - f. Assist the SBA Executive Officers in executing SBA services, programs, and activities.

C. ALTERNATE CLASS REPRESENTATIVES:

- 1. There shall be no more than two (2) Alternate Class Representatives for each class: first, second, third year full-time, and part time.
 - a. For purposes of this Section, all part-time years shall be combined.
- 2. Duties: The Alternate Class Representatives shall:
 - a. Perform all duties of a Class Representative, except they shall only vote during meetings of the Board of Governors when a Class Representative is absent. The Chairperson at the Board of Governors meeting shall appoint an Alternate to substitute for a specific Class Representative so long as the latter is absent.
 - b. Alternate Class Representatives shall have identical rights and duties to those provided to Class Representatives under Article II.B.2.
 - c. Solicit opinions, suggestions, and information from voting members of the SBA regarding their interests and concerns.
 - d. Attend all meetings of the Board of Governors.
 - e. Serve on at least one of the Committees or an Ad Hoc Committee provided for in Article VI.

D. ABA/LSD REPRESENTATIVES: There shall be no more than five (5) ABA/LSD Representatives for Santa Clara Law School.

- 1. The AMERICAN BAR ASSOCIATION/LAW STUDENT DIVISION REPRESENTATIVES shall:
 - a. Faithfully execute this Constitution and its By-laws.
 - b. Be elected at the same time as the Executive Officers during the spring semester.
 - c. Keep the SBA President and Board of Governors informed of all activities.
 - d. Work with the ABA to bring Bar Association activities and discussion to Santa Clara Law School.
 - e. Keep students informed of ABA events.

- f. Have at least one (1) representative attend the Board of Governors' meetings. That representative shall be given the opportunity to speak during such meetings, but shall have no vote.

E. DURATION OF OFFICE:

1. SBA Executive Officers and ABA/LSD Representatives shall be elected in the Spring Semester as provided by Article III and shall serve from the day following certification of the election results to the last day of final exams of the following Spring Semester.
2. This term of office provides an overlap of service between the newly elected Executive Officers and the Departing Executive Officers to allow a smooth transition of SBA duties.
 - a. Departing Executive Officers shall have the authority and responsibility to advise and participate in all Executive Committee and Board of Governors meetings during the Officer's term of office.
 - b. Departing Executive Officers shall not vote on any matter between the time new Officers begin service and the last day of final exams following the election. During the overlap, the departing Executive Officers shall train, guide, assist, and mentor the new SBA Officers.
3. Class Representatives and Alternate Class Representatives shall be elected in the Fall semester as provided by Article III and shall serve from the time the elections are certified until replaced by the Class Representatives and Alternates elected in the Fall semester of the following year.

F. RECALL: An SBA Executive Officer, Class Representative, and American Bar Association/Law Student Representatives shall be recalled from office by means of a valid recall petition verified by the Commissioner of Elections (normally, the Vice-President, Part-Time).

1. A valid recall petition shall consist of either:
 - a. A petition containing the signatures of Association Members, who are currently eligible to vote in an election for the office being recalled, equal to at least 50% of the number of persons who voted for that office by which the officer was elected, or 150 signatures (or 50% of the number of Association Members eligible to vote for that office, whichever is less) if records are not available. Each page of a recall petition must state that the persons who are signing the petition are Association Members, the class and division in which they are currently enrolled at the law school, and the name and office of the person sought to be recalled; OR
 - b. A 2/3 vote from the Board of Governors that a petition for recall shall be distributed and such petition is subsequently signed with the genuine signatures of Association Members who are currently eligible to vote in an election for the office being recalled equal to at least 25% of the number of persons who voted for that office by which the officer was elected, or 75 signatures (or 25% of the number of Association Members eligible to vote for that office, whichever is less) if election records are not available.
3. Upon receipt of such a petition, the Commissioner of Elections shall verify that the petition conforms to these requirements and that all signatures are from Association Members appropriate to the Officer or Representative being recalled.

4. If the party to be recalled is the Commissioner of Elections (the Part-Time VP), then the President of the SBA shall act as the Commissioner of Elections during the recall proceedings.

G. VACANCIES:

1. Offices may become vacated by recall, unfilled positions, or resignation. Resignation shall be accomplished by delivering a letter of resignation to the Board of Governors.
2. Where an office is vacated, the Association member who received the next highest number of votes in the applicable election shall automatically assume the office.
3. Where there is no such person, the elected SBA Executive Officers shall nominate a person for the remainder of the term from Association Members indicating interest in the vacant position.
 - a. The vacant position shall be announced in "The Grapevine," and either by electronic mail to the Association Members or by posting on the SBA Board(s) in Bannan Hall.
 - b. Association members shall be given a minimum of seventy-two (72) hours to submit applications for the vacancy.
 - c. Within three (3) weeks of the nomination and before assuming office, the nominee must be approved by the Board of Governors by majority vote.
4. In case a position remains vacant after the procedures G.1 through G.3 above, the Commissioner of Elections shall have authority to call a special election to fill the vacant position, which shall be conducted consistent with the provisions of this Constitution and its By-laws.

ARTICLE III

ELECTION PROCEDURES: Consistent with other provisions of this Constitution, the Elections and Voting Procedures Committee shall establish election procedures and voting forms.

- A. CANDIDACY DEADLINES:** Association Members who do not comply with the following provisions shall not have their names placed on election ballots, except as write-in candidates.
1. Two (2) weeks prior to elections, the Commissioner of Elections shall advertise the descriptions for each elective office, election procedures, voting schedules, and campaign rules through "The Grapevine" and either by posting such information on the SBA board(s) in Bannan Hall or by electronic mail to the Association Members. Such information shall be advertised until the pending election has been completed.
 2. The deadline for candidacy sign ups for the offices of SBA President, SBA Vice President (full time) and (part time), SBA Secretary, SBA Treasurer, and ABA/LSD Representatives shall be the first Monday after Spring Break
 3. The deadlines for candidacy sign ups for the offices of SBA Class Representatives and Alternate Class Representatives shall be the first Friday of September
 4. The Commissioner of Elections may move these deadlines so long as such change does not inhibit the elections to be completed by March 31 and October 1, respectively.

- B. VOTING PROCEDURES:** Voting for SBA Officers shall conform to the following requirements:
1. Each Association Member may cast only one vote for one candidate for each Executive Office. Each Executive Officer must be elected by a plurality of the votes cast in the election for the respective office.
 2. In any election of SBA Class Representatives, Association Members shall cast votes to elect Class Representatives only for the class and division in which they are enrolled (except for a combined Part-time pairing of class years as provided by Article II.B.1.a.) Association Members enrolled in a joint degree program shall vote as members of the class in which they entered studies at the law school, except that in their fourth year of enrolment they shall vote as members of the fourth year part-time division. Each voter may cast only one vote for each candidate and may only cast a total number of votes equal to the number to be elected by the respective class/division constituency.
 - a. The number of Class Representative(s) offices defined in Article II.B.1 shall be filled consecutively by those candidates receiving the highest number of votes. Where necessary, run-off elections shall be held.
 3. Two Alternative representatives shall be elected for each class/division. Such representatives shall be the next two highest vote getters following the regularly elected class representatives.
 4. Write-in votes for current Association Members shall be counted and recorded; however any vote for a non-Association Member shall be disregarded.
 5. An Association Member may vote by:
 - a. Casting a vote(s) in person at the appointed election dates and times.
 - b. Casting an absentee ballot at least four (4) days prior to the election date by mailing a completed ballot in a sealed envelope to the Commissioner of Elections, or
 - c. Casting a vote electronically at least two (2) days prior to the election date using the University-approved Electronic Voting System, if available.
 6. Full-time Association Members may vote for President, Vice President (full-time), Secretary, Treasurer, full-time Class Representative for the Association Member's class, and ABA/LSD representative.
 7. Part-time Association Members may vote for President, Vice President (part-time), Secretary, Treasurer, part-time Class Representative, and ABA/LSD representative.
- C. VOTING SCHEDULES:**
1. The Commissioner of Elections shall have the authority to fix the times and places of voting so long as such place(s) shall be convenient to Association Members and so long as voting each scheduled voting day occurs during six (6) hours of each election day and two (2) of these hours are scheduled after 5:30 P.M.
 2. The Commissioner of Elections and at least two (2) members of the Elections and Voting Procedures Committee shall count the votes and shall post the election results on the SBA board(s) in Bannan Hall within twenty-four (24) hours after the final day of voting.
- D. ELECTION SCHEDULES:** Elections shall be scheduled as follows:
1. The election of SBA Executive Officers and ABA/LSD Representatives shall be held for three (3) consecutive days during the third week of March.

2. The election of SBA Class Representatives and Alternate Class Representatives shall be held for three (3) consecutive days during the fourth week of school.
3. The Commissioner of Elections may adjust the schedule to account for academic year schedule or other significant conflicts so long as the elections are completed by October 1 and March 31.

E. CAMPAIGN RULES:

1. The Commissioner of Elections shall hold a Candidates Forum prior to the elections of Executive Officers and Class Representatives/ Alternative Class Representatives. During the Candidates Forum, each candidate will be given equal time, not less than three (3) minutes, to announce his/her qualifications.
2. Candidates may hold individual or group forums to speak to Association Members.
3. Candidates may not use posters nor write on whiteboards in classrooms.
4. Candidates may not campaign nor hold individual or group forums during any active class nor or in such a way as to interfere with any active class.
5. Candidates may post their advertisements, qualifications, or other information to inform students of their candidacy on the designated SBA board(s) in Bannan Hall. Such poster shall not be larger than 11" x 14" and a smaller size may be specified based on the number of candidates for an office, so that all candidates have equal opportunity to display campaign materials.
6. No campaigning may be conducted in designated balloting area(s) on the days the elections are taking place. Candidates may wear a sign no larger than 4" X 6", with anything they wish on the sign, while elections are taking place.

F. ELECTION CHALLENGES:

1. Election records shall be kept for one year following an election in the SBA office and may be examined by any Association Member.
2. Only Association members who received votes may contest the results of an election on the basis of violations of the Election Procedures provided in this Article.
3. An election protest must be written, specific and detailed and delivered to the Commissioner of Elections within seventy-two (72) hours after the election results are posted. The Commissioner shall then convene the Election Committee, within twenty-four (24) hours of receiving the protest, to determine whether circumstances require that a new election be held. The Election Committee shall post its decision, with a detailed explanation, on the SBA Board(s) in Bannan Hall within twenty-four (24) hours of being convened by the Vice President, Part Time.
4. Within two (2) days of receiving an election protest, the current, presiding President shall determine whether circumstances require that a new election be held. However, if all candidates for a contested office agree that a new election should be held, the Commissioner of Elections shall be required to void the contested election and schedule another election. New elections shall be held no sooner than one week nor later than three weeks following the decision requiring a new election.
5. Uncontested election results shall automatically become final.
6. For the purposes of Article II.F, the total numbers of persons voting for a particular office must be disclosed within twenty-four (24) hours of a request filed after the close of the election period for that office.

G. COMMISSIONER OF ELECTIONS DUTIES:

1. The Commissioner of Elections shall obtain the SBA ballot box from the SBA office and be responsible for it throughout the election process. The Commissioner of Elections shall at all times during the elections keep the ballot box locked.
2. The Commissioner of Elections shall further be responsible to run the elections in a fair and impartial manner, and to avoid even the appearance of impropriety in administering the election process.
3. At the completion of the election period defined in Article III.C. and D., the Commission of Elections shall supervise the counting of the votes and for announcing the results of the election within forty-eight (48) hours of the end of the voting period.

ARTICLE IV

SBA BOARD OF GOVERNORS:

A. MEMBERSHIP: Members of the Board of Governors of the Student Bar Association shall consist of the Association's Executive Officers and Class Representatives and Alternate Representatives as provided by this Constitution.

B. MEETINGS: The Board of Governors shall hold public meetings as required during the regular school year, which shall be open to all Association Members.

1. Notice of the time, place and agenda of any Board of Governors meetings shall be published in "The Grapevine" at least one week prior to the meeting, or posted on the SBA Board at least three (3) days prior to the meeting, or by electronic mail to the Association Members.
2. A Board of Governors meeting may be called by the President, or by at least three (3) members of the Executive Committee, or by at least five (5) Class Representatives representing at least two (2) classes.

C. FUNCTIONS: The Board of Governors shall:

1. Serve as the elected governing body of the Student Bar Association.
2. Support, promote, and encourage the Association's goals and interests by the passage of policy and procedures, the approval of allocation of Association funds, and the sponsorship of activities, programs, and services consistent with the provisions of this Constitution and its Bylaws.
3. Approve the SBA annual budget.

D. PASSAGE OF BY-LAWS: By-laws shall be any statement of policy or procedure necessary for the implementation of this Constitution and its purpose. By-laws shall be attached to this Constitution.

1. The Board of Governors shall have the power to create By-laws. A majority of the Board voting on the proposed By-law is required.
2. Board-created By-laws shall be posted on the SBA board(s) in Bannan Hall and advertised in "The Grapevine" for a period of two (2) weeks after the Board of Governors vote to create such By-law. If no action to quash such By-law pursuant to Article VII.B.2 is taken during the two (2) week period, the By-law shall become effective on the day after the expiration of the two (2) week period.
3. Any SBA member may submit a policy or procedure By-law to the Board for consideration. A submission shall include the proposal, reasons warranting its

adoption, name(s) of the author(s), and name(s) and phone number(s) of the person(s) to contact. Submission shall be made in time to be published along with the Board of Governors' agenda as specified in Article II.A.2.e(4). The Board shall not fail to consider a proposed By-law because of a defect in technicality of form or procedure where the SBA has been adequately informed of the nature of the proposal. Before consideration, the Board must allow proponents and opposition of the proposal to present their views during the Board of Governors' meeting. Approval of the proposed By-law shall be with a majority vote of the Board. Such policy or procedure shall become effective only after the procedure required in Article IV.D.2 has been satisfied, except such policy and procedure By-law need not be created by the Board.

4. A By-law adopted by the Board and effective under this Article shall be binding upon any Board of Governors until modified or rescinded by a 2/3 vote of the Board or by SBA referendum.

E. APPROVAL and ALLOCATION of FUNDING:

1. Allocation of SBA funds shall be:
 - a. Based on annual funding recommendations made to the Board of Governors by the Finance Committee.
 - b. Approved only by a majority of the Board members voting.
 - c. Delayed for a period of seventy-two (72) hours to allow Association Members to exercise their rights under Article VII.B, except in the case of an emergency allocation of funds as provided under Article II.A.2.d(3)(b).
2. The SBA will fund:
 - a. Publication of a weekly bulletin of information. (currently the "Grapevine") and a monthly law school newspaper (The Advocate)
 - b. Non-academic Clubs serving interests of the Law School student body not receiving substantial funds from the Law School which provide opportunities for developing and expanding focused legal interests, contact with the legal community outside of the Law School, and development of contacts within the Law School.
 - c. Activities conducted by the SBA directly.
3. The four main categories in which funding for all publications, groups and the SBA will be administered are in order of priority:
 - a. Career and Professional Development
 - b. Community Service
 - c. Diversity and Outreach
 - d. Social events and banquets.
4. If a group or organization fails to meet the requirements of this Constitution and its By-laws, funding under Article IV.E.2.b. may be revoked by a majority of the Board of Governors.
5. The Executive Officers shall be allocated 30% of the general funds available to the SBA for their administration consistent with Article IV.E.3. In addition, all of these funds are subject to the following:
 - a. No amounts may be deposited into an off-campus account
 - b. All expenditures are to be publicly disclosed to the Board of Governors and SBA members pursuant to Article II.A.2.d(6).

- c. Amounts allocated under Article IV.E.2.c may be used for SBA social events that are available to all Association members (Spring Banquet, Orientation, and other events during either semester).
- d. Amounts allocated under this subsection may also be used for the administration of the SBA. Such expenses include the cost of Board of Governor meetings, office administration, printing and publishing and ABA circuit meetings and national conventions.
 - 1) No more than thirty (30) percent of the funds allocated to the SBA Executive Board shall be used for administration of the SBA without approval of a majority of those voting at the Board of Governors' meeting.
 - 2) Any additional funding required by the Executive Officers must be requested pursuant to Article IV.E.1.
 - 3) In the event the Executive Officers are relieved, wholly or partially, of the expenses delineated above, the Board of Governors, by a 2/3 vote, may reduce the funds allocated to the Executive Officers under this Section. Such reduction in allocated funds is valid only during the school year in which the reduction was approved.
- 6. Association funds shall be allocated only to the SBA Executive Officers and to groups or individuals sponsoring specific activities, programs, or services in which all Association Members may participate or by which they benefit. The Finance Committee shall not recommend and the Board of Governors shall not approve any funding requests from groups that do not schedule 1/4 of their general meetings after 5:00 pm.
- 7. The Board of Governors shall have final approval of the Finance Committee's proposed budget. The Board of Governors may make any changes it wishes to the Finance Committee's proposed budget.
- 8. A request for reimbursement of funds shall be made within one (1) month of the event for which such expenditure was made. If a timely request is not made, the allocation of funds for such event shall be revoked and the money returned to the general fund and made available for special allocations. Notwithstanding the foregoing sentence, a reimbursement request can be made after one (1) month of the event if written notice is given to the Treasurer within the one (1) month period indicating the approximate amount of requested reimbursement and reason for delay.

F. SPONSORSHIP: The SBA may either sponsor or co-sponsor various services, programs, and activities in which Association Members may participate or which they may benefit, provided funding has been approved.

G. PROCEDURES AT BOARD MEETINGS:

- 1. The minimum quorum shall consist of three Executive Officers and one half plus one of the Class Representatives.
- 2. Where a quorum is present, the highest-ranking Executive Officer present, beginning with President, shall call the meeting to order. The business of the meeting shall then proceed according to the agenda posted in accordance with Article II.A.2.e(4), comment from any Association Member in open forum or New Business pursuant to Article IV.G.3, subject to the rules of order applicable at Board meetings.

3. New business shall be limited to general announcements. Any requests that require a vote for policy or procedure By-laws, or vote on a request for funding, shall require a majority vote of the Board of Governors present to vote on such policy, procedure, or funding request during that meeting.
4. Unless otherwise provided by this Constitution and its Bylaws, Board meetings shall be run in accordance with the flexible application of Robert's Rules of Order, to balance the competing interests of administrative efficiency and the complete and full discussion of issues. However, where Robert's Rules of Order conflict with this Constitution or its By-laws, this Constitution and its By-laws shall govern the Board meetings. A motion before the Board may be amended or withdrawn before adoption by acquiescence of its author(s). All participants of Board meetings shall be expected to conduct themselves in accordance with this provision.
5. All Association members shall have the right to attend and observe Board meetings, and participate in discussions at Board meetings.
6. **ACTION:**
 - a. Action may only be taken where the minimum quorum is present.
 - b. Except as otherwise provided in this Constitution, all actions taken by the Board where the minimum quorum is present shall be by the majority vote of the Board members present.
 - c. The effect of Board actions shall be delayed for seventy-two (72) hours to allow Association Members their right under Article VII.B.
 - d. Each Board member shall have one vote. However, the Officer presiding over the meeting shall vote only in the event of a tie.
 - e. Unless otherwise noted and subject to Article IV.G.6.a, throughout this entire Constitution, the term "majority" shall mean one-half plus one of those Board Members and Executive Officers present and voting.

H. DISCIPLINARY PROVISIONS FOR EXCESSIVE ABSENTEEISM:

1. After any Executive Officer misses two meetings, such officer shall be removed from the Board of Governors unless the Board finds acceptable reasons for the absences. However, the following are not considered absences:
 - a. The Officer submits a written report to another Executive officer who will read such report into the minutes of the meeting; and
 - b. Such absence is based upon class or employment conflict, medical reasons, child-care problems, pregnancy, or other circumstances deemed reasonable by the Board of Governors by a majority vote.
2. After any Class Representative or Alternate Class Representative misses two (2) meetings, such representative is removed from the Board of Governors. However, if the representative establishes that notice of the Board of Governor's meeting was not received more than twenty-four (24) hours before such meeting, such absence will not be counted against him/her for purpose of this disciplinary provision.

ARTICLE V

JUDICIARY: Reserved for future use.

ARTICLE VI

SBA COMMITTEES: The following Committees shall be composed of Association Members who shall be appointed and serve as described in this Constitution and its Bylaws. Each such Committee shall establish its own procedures and subcommittees consistent with fundamental fairness and the purposes expressed in this Article.

A. LEGISLATIVE COMMITTEE: Pursuant to the Committee Selection By-law, the Board of Governors shall appoint a Chair of the Legislative Committee. The Chair may be removed by a majority vote of the Board of Governors. The Legislative Committee shall:

1. Consist of a minimum of five (5) members appointed by the President, subject to approval by the Board of Governors
2. Remain in office for a one year term and shall execute their responsibilities in an unbiased manner.
3. Make decisions regarding the interpretation of the Constitution of the SBA.
 - a. Decisions are final and binding.
 - b. Decisions must be handed down within one three (3) calendar days of the request for an interpretation being made.
4. Create and recommend changes in the Constitution and its By-laws to the Board of Governors.
5. Present proposed amendments to the Constitution to Board of Governors and Association Members.
6. Present proposed amendments to By-laws prior to vote on the amendment by the Board of Governors pursuant to Article IV.D.
7. Decisions of the Committee shall be by a simple majority vote.
8. Keep and maintain official records of all meetings and interpretations.
 - a. Maintain an up-to-date copy of the Constitution and By-Laws in both hard copy and electronic form, containing all amendments to date and all currently applicable interpretations along with an archives section showing no longer applicable amendments and interpretations for the previous five (5) years.
 - b. Such records shall be kept in the SBA office.
 - c. Must be made available upon a reasonable request by a voting member of the SBA (excepting such records designated as confidential by action of the Board of Governors).

B. ORIENTATION COMMITTEE shall:

1. Consist of not less than three (3) members appointed by the Board of Governors.
2. Be chaired by the Vice President (full-time) and Vice President (part-time).
3. Conduct activities, prepare materials, provide guides and other services or materials as are appropriate to introduce new Law School students to the School and the Association and aid their transition during their first year of Law School.

C. ELECTIONS AND VOTING PROCEDURES COMMITTEE: The SBA Vice President, Part-Time shall serve as or appoint a Commissioner of Elections. Members of this committee shall be appointed by the Vice President, Part-Time, consist of no less than five (5) and no more than ten(10) members, and shall:

1. Remain in office for a one-year term.
2. Administer the voting procedures as provided in Article III in an unbiased manner. During the voting, the ballot box shall be at all times supervised by at least two (2) impartial students selected by this Committee. These supervisors shall be selected

among the members of this Committee or the undergraduate students of Santa Clara University. The supervisors shall:

- a. Encourage all Association members to vote, but shall not give any advice regarding the candidates,
 - b. Collect the ballots cast, and
 - c. Return the ballot box to the Commissioner of Elections or to the SBA office when voting for that election day has been completed.
4. Be authorized to expend SBA funds to secure persons to supervise the elections, to furnish refreshments at the ballot box to encourage voting, and as otherwise necessary to ensure a successful election. Funding requests for these expenses shall be included in the annual budget for the Board of Governors pursuant to Article II.A.2.d(3).

D. FINANCE COMMITTEE: Pursuant to the Committee Selection Procedure By-law, the Board of Governors shall appoint and the SBA Treasurer shall chair a committee that shall make recommendations to the Board of Governors concerning the expenditure of SBA funds. There shall be not less than five (5) and no more than ten (10) members of the Finance Committee. This committee shall:

1. Be selected once yearly and such members shall serve for a period of one year.
2. Pursuant to Article II.A.2.d(3), convene at least once per year to prepare an annual budget for all planned expenditures of SBA funds.
3. Submit recommended annual budgets to the Board of Governors for approval within one (1) week of the annual budget meeting.
4. Meet as needed to receive reallocation and special allocation requests. The Finance Committee shall also meet when the Treasurer calls an emergency meeting pursuant to Article II.A.2.d(3)(b). The Treasurer will present reallocation and special allocation requests recommended by the Finance Committee, as needed, to the Board of Governors for funding approval as required in Article IV.E.
5. One member of the Finance Committee shall be designated by the Treasurer to record the events of each Finance Committee meeting. Such records shall be kept in the SBA office and shall be made available upon request to any member of the SBA.
6. Assist the Treasurer in keeping financial records including funding requests, receipts, and disbursements. The Treasurer may remove a member of the Finance Committee for failure to render such assistance.
7. After any Finance Committee member misses two (2) meetings, such member is removed from the Finance Committee. However, the following are not considered absences:
 - a. A committee member arranges for another Association member to attend such meeting as his/her proxy; or
 - b. The committee member establishes that notice of the Finance Committee meeting was not received more than twenty-four (24) hours before such meeting.

E. SOCIAL COMMITTEE: The Vice President (full-time) shall chair a committee to sponsor social events for Association members. This committee shall:

1. Consist of not less than five (5) members. Members shall be selected in accordance with the Committee Selection Procedure By-law.
2. Remain in office for a one-year term.

3. Be funded like all law school organizations and, therefore, the Vice President (full-time) must submit an itemized annual budget to the Finance Committee for planned social functions.
4. Redeposit into the general SBA account any funds received from social events.

F. AD HOC COMMITTEES: At the request of any Executive Officer, the SBA President may appoint such other committees as are reasonably necessary. Each such committee shall continue for the duration of the term of office of the Officer who requests it. The requesting Officer shall direct and supervise any committee that he/she requests be appointed.

ARTICLE VII

DIRECT PARTICIPATION PROVISIONS: All policy, procedure, and funding actions of the Board of Governors shall be subject to the following direct participation provisions:

- A. BOARD INITIATIVE:** Upon a majority vote of the members present at an official Board meeting, the Board of Governors may submit any action, either proposed or suspended, to a vote of the Association Membership by directing the Elections and Voting Procedures Committee of the SBA to hold an Association-wide vote on the action. The Board shall be bound by the results of such a vote.
- B. MEMBERSHIP INITIATIVE:** Association Members may challenge any policy, procedure, or funding action taken by the Board of Governors as follows:
1. **NOTICE:** Notice to challenge an action taken by the Board of Governors shall be presented to an Executive Officer within seventy-two (72) hours of publication of such action. Publication shall consist of either printing in "The Grapevine," electronic mail to Association Members, or posting a copy of the action on the SBA board(s) in Bannan Hall. A notice shall be valid if it states an intention to challenge a specific action taken and if it has been signed by at least thirty (30) members of the SBA. Such notice shall become null and void if it is determined by the Commissioner of Elections that the signatures were not of Law School students in good standing. Presentation to an Executive officer of a valid notice challenging an action taken by the Board of Governors shall suspend the action until action provided in Article VII.B.2 has been completed.
 2. **PETITION:** The Association Members challenging a Board of Governors' action shall petition the Board within seventy-two (72) hours of presentation of the notice required under Article VII.B.1. A Petition of Challenge shall be valid if it calls for the vacation or quash of a specific policy, procedure, or funding action and it is endorsed by at least 100 members of the Association. Presentation to an Executive Officer of a valid petition of challenge shall suspend the challenged action indefinitely and shall require the Board of Governors, at its next meeting, either to vacate the action or to direct the Elections and Voting Procedures Committee to hold a binding Association-wide vote on the action.

ARTICLE VIII

- A. **THE ADVOCATE:** The SBA shall encourage and support a law school newspaper also known as The Advocate. The SBA shall have no control or influence over the operation or management of The Advocate except as provided in this Constitution.
1. The current The Advocate Editorial Board shall appoint the Editor-in-Chief for the subsequent year. The Advocate Editorial Board's internal process of selecting the new Editor-in-Chief shall be under its sole control.
 2. The selection of The Advocate Editor-in-Chief may be challenged by any Association member. Such challenge shall be brought before the Board of Governors for review. The Board of Governors recognizes the autonomy of The Advocate selection process. Therefore, in order to override the Editorial Board's selection of the Editor-in-Chief, the Board of Governors must determine by a 4/5 vote that the selection process has been compromised. The decision of the Board of Governors may be appealed to the Judicial Tribunal who will be the final arbiter.
- B. **FUNDING FOR THE ADVOCATE** shall be received pursuant to this Constitution and its By-laws. The Executive Officers shall not allocate an amount less than that granted to The Advocate the previous year. This amount does not include special allocations. In the event the Executive Officers are relieved, wholly or partially, of the expenses required to publish The Advocate, the Board of Governors, by a 2/3 vote, may reduce the funds allocated to The Advocate. Such reduction in allocated funds is valid only during the school year in which the reduction was approved.

ARTICLE IX

AMENDMENTS: This Constitution may be amended by only a 2/3 vote of those Association Members voting in an Association-wide election. An amendment may be initiated either by the Board of Governors, or in the same manner as proscribed under Article VII.B.

ARTICLE X

CITATION, ADOPTION, AND SAVING CLAUSES: The adoption of this Constitution shall be by a majority of those Association Members voting in an Association-wide election. If adopted, this Constitution may be cited as the "SBA Constitution (Fifth Revision, 2005)." Upon adoption, this Constitution shall take immediate effect and all previous Constitutions and By-laws shall be repealed and superseded. A copy of this Constitution shall be kept available in the SBA Office for inspection by Association Members. Upon request, the SBA Secretary shall supply a copy of this Constitution and its Bylaws to any Association Member.