

The Constitution

OF THE STUDENT BAR ASSOCIATION SANTA CLARA UNIVERSITY SCHOOL OF LAW

SEVENTH REVISION, 2009

PREAMBLE

We, the students of the Santa Clara University School of Law, in recognition of our need for a student association to represent the interests of law students in their relationship with faculty administration, alumni, and the surrounding community and to encourage cohesion among the students, 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

Section 1. Membership in the Student Bar Association

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. Any Member may serve as an Officer or Representative consistent with this Constitution and its by-laws, unless found in violation of the Honor Code.

ARTICLE II

Section 1. SBA Executive Board

The SBA Executive Board shall consist of the following Executive Officers: President, Vice President (Full-time), Vice President (Part-time), Treasurer, Secretary, and Online Editor, and shall be responsible for the administration of Association services, programs, and activities.

All Executive Officers shall be members of and attend all meetings of the Board of Governors and shall faithfully execute this Constitution and its by-laws in performance of their duties.

Section 2. Term of Office

The SBA Executive Board shall be elected in the Spring Semester, no later than April 1. Officers shall serve from the day following certification of the election results to the last day of final exams of the following Spring Semester.

During the overlap of service from the certification of the election results until the last day of final exams, hereinafter the Transition Period, the departing Executive Officers shall assist in the training and transition of newly elected Executive Board members. Newly elected Executive Board members may participate in all relevant meetings during the Transition Period, but shall not vote on any matter during this period.

Section 3. President

The President shall represent the SBA generally in dealings with Santa Clara University, the School of Law, student organizations, and any other group or agency. The President shall administer, supervise and assist the Executive Board in the performance of services, programs, and activities consistent with the interests of the SBA. The President shall direct, supervise, and coordinate all appointments of Chairpersons to SBA Committees set forth in Article VIII, unless otherwise specified by this Constitution. The President shall have the power to appoint Ad Hoc Committees and shall select one of the elected ABA/LSD Representatives to act as Head Representative within one week of their election. The President serves as one of the SBA's two official voting delegates to the ABA Law Student Division Assembly. The President shall also serve as Chair of the Board of Governors.

In the event that the President is absent or becomes unable or unwilling to serve as required by this Constitution or its by-laws, the Executive Officers shall assume the duties, authority and responsibilities of the President in the following order of succession: Vice President (Full-time), Vice President (Part-time), Treasurer, Secretary, Online Editor.

Section 4. Vice President (Full-time)

The Vice President (Full-time) shall direct, supervise and coordinate all SBA Committees unless otherwise specified by this Constitution, and shall act as Chair of the Social Committee and as Co-Chair of the Orientation Committee. The Vice President (Full-time) shall serve as Vice Chair of the Board of Governors. The Vice President (Full-time) shall assist the other Executive Officers in the performance of their duties.

Section 5. Vice President (Part-time)

The Vice President (Part-time) shall serve as Commission of Elections pursuant to Article VII, or shall appoint a Commissioner should there be a conflict of interest, and as Co-Chair for the Orientation Committee. The Vice President (Part-time) shall assist the other Executive Officers in the performance of their duties. Upon election, the Vice President (Part-time) must have the good faith intention of remaining in the part-time program.

Section 6. Treasurer

The Treasurer shall keep safe and secure the funds of the SBA and protect them against unauthorized and improper use and shall receive and disburse funds as provided in this Constitution and keep account of the financial status of the SBA. The Treasurer shall act as Chair of the Finance Committee, which also includes preparing guidelines for funding requests prior to the beginning of the budget cycle in conformance with the Finance Policy by-laws. The Treasurer shall submit an annual budget to the Finance Committee on behalf of the Executive Board.

The Treasurer shall liaise with Law Fiscal Operations on behalf of the SBA. Any request for reimbursement must be approved by the Treasurer and one other member of that organization's executive board. Any request for reimbursement by a member of the Executive Board must be approved by the Treasurer and the President; if either the Treasurer or the President is making the request, then one of the Vice Presidents shall step in to approve the request. The Treasurer shall not approve the distribution of any Association funds unless it is authorized under an approved budget. The Treasurer shall coordinate and oversee the annual recuperation of funds not spent by Association organizations.

The Treasurer shall make the SBA's financial records available to any Association member upon request and shall post a summary budget status report at least twice per budget cycle, including the initial approved budget and a mid-year status report. The Treasurer shall assist the other Executive Officers in the performance of their duties.

Section 7. Secretary

The Secretary shall direct, supervise, and coordinate the information and communication services for programs and activities of the SBA, including recording and archiving the minutes of all Executive Board and Board of Governors meetings, and publishing a weekly SBA newsletter. The Secretary shall make all records available to Association Members within seventy-two (72) hours of their request. The Secretary shall act as Co-Chair of the Legislative Committee. The Secretary shall assist the other Executive Officers in the performance of their duties.

Section 8. Online Editor

The Online Editor shall direct, supervise, and coordinate the electronic information and communication services for programs and activities of the SBA, including maintaining and updating the SBA blog and websites and publishing the electronic version of the weekly SBA newsletter. The Online Editor shall assist the other Executive Officers in the performance of their duties.

ARTICLE III

Section 1. Class Representatives and Alternates

Class Representatives and Alternates shall promote the interests of their class/division constituencies and shall faithfully execute this Constitution and its by-laws in performance of their duties.

One Class Representative shall be elected for each sixty (60) Association Members in each class/division constituency, but shall not exceed four (4) Class Representatives per class/division. Class/division constituencies with fewer than sixty (60) Association Members shall elect one Class Representative. There shall be no more than two (2) Alternates for each class/division, with the exception that all part-time classes shall be combined.

Section 2. Term of Office

Class Representatives shall be elected in the Fall Semester, no later than four (4) weeks after the start of the semester. Class Representatives shall serve from the time the elections are certified until replaced by the Class Representatives elected in the Fall Semester of the following year.

Section 3. Class Representatives' Duties

Class Representatives shall attend all meetings of and vote on all issues before the Board of Governors and solicit opinions, suggestions, and information from Association Members. Class Representatives shall inform Association Members of and assist the Executive Board in executing SBA services, programs, and activities. Representatives shall conduct at least one meeting a year for the purpose of providing a forum in which class members can discuss issues. Class Representatives shall serve on at least one of the Committees provided for in Article VIII.

Section 4. Alternates' Duties

The Alternates shall 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.

ARTICLE IV

Section 1. The Board of Governors

The Board of Governors shall consist of the Executive Officers and Class Representatives and Alternates as provided by this Constitution. The Board of Governors shall serve as the elected governing body of the SBA, and support, promote, and encourage the SBA's goals and interests.

Section 2. Meetings

The Board of Governors shall hold public meetings as required during the regular school year. All Association Members shall have the right to attend, observe, and participate in discussions at Board of Governors meetings. Notice of the time, place, and agenda of any meeting shall be published in the weekly SBA newsletter at least one week prior to the meeting, or posted in a public area or sent to Association Members at least three (3) days prior to the meeting.

A Board of Governors meeting may be called by the President or by at least three (3) members of the Executive Board or by at least five (5) Class Representatives representing at least two (2) classes.

Three Executive Officers and one-half plus one of the Class Representatives shall constitute quorum. Action may only be taken where quorum is met. Executive Officers and Class Representatives shall each have one vote; however, the Executive Officer presiding over the meeting shall vote only in the event of a tie. Except as otherwise provided in this Constitution, any action taken by the Board of Governors shall pass with a simple majority of the members present. The effect of any action shall be delayed for seventy-two (72) hours to allow Association Members to challenge the action, pursuant to Article V.

Section 3. Creation of By-laws

The Board of Governors shall reapprove the previous years' by-laws, which shall be any statement of policy or procedure necessary for the implementation of this Constitution and its purpose and shall be attached to this Constitution, at its first meeting. The Board of Governors shall have the power to amend the existing by-laws or create new ones. A by-law shall be approved by a majority of the Board of Governors.

Any newly created or amended by-law shall be posted in a public area for seventy-two (72) hours after its approval. If, after this seventy-two (72) hour period, no Association Member has challenged the by-law pursuant to Article V, the by-law shall enter into force. Any by-law adopted by the Board of Governors and effective under this section shall be binding until modified or rescinded by the Board.

Section 4. Approval of the Budget

The Board of Governors may make any changes to and shall have final approval of the Finance Committee's proposed annual Association budget. The annual budget meeting shall take place no later than October 1. The final budget shall be approved by a simple majority.

The annual Association budget shall be posted in a public area for seventy-two (72) hours after its approval. If, after this seventy-two hour (72) period, no Association Member has challenged the budget pursuant to Article V, the allocation of Association funds, as approved by the Board of Governors, shall be final.

Section 5. Board Initiative

The Board of Governors may submit any action, either proposed or suspended, to a vote of the SBA Membership by directing the Commissioner of Elections to hold an Association-wide vote on the action, if a majority of the Board of Governors approves such a submission. The Board of Governors shall be bound by a simple majority of those Association Members voting in an Association-wide election.

ARTICLE V

Section 1. Membership Initiative

Any Association Member may submit a policy or procedure to the Board of Governors 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. Before consideration, the Board must allow proponents and opponents of the proposal to present their views during the Board of Governors' meeting.

Section 2. Member Challenge

Association Members may challenge any policy, procedure, or funding action taken by the Board of Governors by providing proper notice to challenge an action and presenting a valid Petition of Challenge.

Notice to challenge an action taken by the Board of Governors must be presented to an Executive Officer within seventy-two (72) hours of publication of such action. Notice shall be proper if it states an intention to challenge a specific action taken and if it has been signed by at least thirty (30) Association Members in good standing. Proper notice shall suspend the action for seventy-two (72) hours or until a valid Petition of Challenge is presented.

A Petition of Challenge shall be valid if it calls for the vacation or quash of a specific policy, procedure, or funding action, it has been signed by at least 100 Association Members in good standing, and it has been presented to an Executive Officer. Presentation 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 VI

Section 1. American Bar Association/Law Student Division Representatives

The American Bar Association/Law Student Division Representatives, herein referred to as ABA/LSD Representatives, serve as the crucial link between the ABA Law Student Division and the SBA and shall faithfully execute this Constitution and its by-laws in performance of their duties. There shall be no more than five (5) ABA/LSD Representatives, and the President shall appoint one to act as Head Representative.

Section 2. Term of Office

The ABA/LSD Representatives shall be elected in the Spring Semester, no later than April 1. Representatives shall serve from the day following certification of the election results to the last day of final exams of the following Spring Semester. The departing ABA/LSD Representatives shall assist in the training and transition of newly elected ABA/LSD Representatives during the Transition Period.

Section 3. ABA/LSD Representative Duties

Upon election, the ABA/LSD Representatives shall register as a representative with the ABA Law School Division and develop an Action Plan based on the SBA's needs. The Representatives shall submit an annual budget for any and all planned ABA competitions and events to the Finance Committee. The Representatives shall keep Association members informed about ABA Law School Division activities and programs, and at least one Representative shall attend the Board of Governors meetings, but shall have no vote.

ARTICLE VII

Section 1. Association Elections

The Commissioner of Elections shall be responsible to run the SBA elections in the fall and spring in a fair and impartial manner and to avoid even the appearance of impropriety in administering the election process. At the completion of the election period, the Commissioner shall supervise the counting of the votes and announce the results within forty-eight (48) hours.

Section 2. Election Schedule

The election of SBA Executive Officers and ABA/LSD Representatives shall be held for three consecutive days, ending no later than April 1. The election of SBA Class Representatives and Alternates shall be held for three consecutive days, ending no later than four (4) weeks after the start of the semester. The deadline for candidacy sign-ups shall be one week before the election. The Commissioner of Elections shall have the authority to fix the times and places and means of voting, so long as such place shall be convenient to Association members and voting occurs a minimum of six hours each election day, with two of these hours scheduled after 5:00 p.m.

Section 3. Campaign Rules

The Commissioner of Elections shall hold two Candidate Forums prior to the election, one of which must be after 5:00 p.m. During the Candidate Forums, each candidate will be given equal time, not less than three (3) minutes, to announce his/her qualifications. Candidates may also hold individual or group forums to speak to Association members. Candidates may not campaign, nor hold individual or group forums, during any active class or in such a way as to interfere with any active class.

Candidates may post advertisements, qualifications, or other information to inform students of their candidacy in areas designated by the Commissioner of Elections. Such poster shall not be larger than 11" x 17" 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. Under no circumstances may such advertisements, qualifications, or other information be posted in classrooms.

No campaigning may be conducted in designated balloting area(s) on the days the elections are taking place.

The Commissioner of Elections has the discretion to add any additional campaign rules, as necessary.

Section 4. Voting Procedures

Each Association member may cast only one vote for each Executive Office candidate. Each Association member may cast a total number of votes equal to the number to be elected for Class Representatives and ABA/LSD Representatives, pursuant to Articles III and VI, respectively. In any election of SBA Class Representatives, each Association member shall only vote for the class and division in which they are enrolled. 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 enrollment they shall vote as members of the fourth year part-time division.

Each Executive Officer must be elected by a plurality of the votes cast. The Class Representatives and ABA/LSD Representatives shall be filled consecutively by those candidates receiving the highest number of votes. Two Alternates shall be the next two candidates receiving the highest number of votes. Where necessary, run-off elections shall be held.

Section 5. Election Challenges

Only candidates may contest the results of an election on the basis of violations of this Article. An election challenge must be written, specific, and detailed, and delivered to the Commissioner of Elections within seventy-two (72) hours after the election results are announced. The Commissioner shall then request the President to call a Board of Governors meeting, where voting members shall determine whether a new election need be held. The Board of Governors shall post its decision, with a detailed explanation, within twenty-four (24) hours.

Uncontested election results shall automatically become final. Election records shall be kept for one year and may be examined by any Association member.

Section 6. Recall

An SBA Executive Officer, Class Representative, or ABA/LSD Representatives shall be recalled from office by means of a valid recall petition verified by the Commissioner of Elections.

A valid recall petition shall consist of either: (1) a petition containing the signatures of Association members, equal to at least 50% of the number of persons who voted for that office by which the officer was elected, or 150 signatures if election records are not available, the class and division in which the signing member is currently enrolled, and the name and office of the person sought to be recalled; or (2) a 2/3 vote by the Board of Governors that a petition for recall shall be distributed and such petition subsequently contains the signatures of Association Members, equal to at least 25% of the number of persons who voted for that office by which the officer was elected, or 75 signatures if election records are not available, the class and division in which the signing member is currently enrolled, and the name and office of the person sought to be recalled.

Upon receipt of a valid petition, the Commissioner of Elections shall verify that the petition conforms to the above requirements and that all signatures are from Association Members appropriate to the Officer or Representative being recalled.

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

Section 7. Resignation

An officer or representative may resign by delivering a letter of resignation to the Board of Governors.

Section 6. Vacancies

In the event of a vacancy of office by recall or resignation, the candidate who received the next highest number of votes in the applicable election shall automatically assume the office.

Where there is no such person, the vacant position shall be announced in the weekly newsletter and publicly posted. Association Members shall be given a minimum of seventy-two (72) hours to submit applications for the vacancy. The elected Executive Officers shall nominate an Association Member who has submitted an application. Within three weeks of the nomination and before assuming office, the Board of Governors must approve the nominee by a majority vote.

Should the position still remain vacant, the Commissioner of Elections shall have authority to call a special election to fill the vacant position, which shall be conducted pursuant to the provisions of this Constitution and its by-laws.

ARTICLE VIII

Section 1. Committees

SBA Committees shall be composed of Association Members who shall be appointed and serve as described in this Constitution and its by-laws. Each such Committee shall establish its own procedures and subcommittees consistent with fundamental fairness and the purposes expressed in this Article. The President shall appoint all Committee Chairs, unless otherwise specified in this Constitution.

Section 2. Community Service Committee

The Community Service Committee shall develop and promote community service activities on behalf of the SBA. The Committee shall consist of the Chair and not less than eight (8) members selected pursuant to this Constitution and its by-laws. The Community Service Committee shall meet monthly with the Dean of the Law School, or their designee, to discuss current and proposed service activities.

The Community Service Committee shall be funded by the Executive Board on a yearly basis. Ten percent (10%) of funds allocated to the Board shall be reserved for the Community Service Committee. This amount should not decrease below 10%. However, with a 2/3 majority approval of the Board of Governors, the amount may be increased or decreased for the current fiscal year as needed. The use of Association funds and their reimbursement are subject to the provisions of this Constitution and its by-laws.

Section 3. Finance Committee

The Finance Committee shall make recommendations to the Board of Governors concerning the expenditure of Association funds. The Treasurer shall act as Chair of the Finance Committee, which shall consist of not less than five (5) and no more than ten (10) Association Members

selected pursuant to this Constitution and its by-laws. The Committee shall meet at least once per year and as needed to consider requests for funding.

The Committee shall submit a recommended budget to the Board of Governors at least one week prior to their budget meeting for approval. Any subsequent special allocation, reallocation, or new expenditure shall be presented by the Chair to the Board of Governors for approval. The allocation of Association funding shall occur as provided by this Constitution and its by-laws.

Section 4. Legislative Committee

The Legislative Committee shall make decisions regarding the interpretation of this Constitution, and shall create and recommend amendments to the Constitution to the Board of Governors. The Secretary shall act as Co-Chair of the Committee, along with a Co-Chair selected by the President from the Class Representatives. The Committee shall consist of its Co-Chairs and not less than five (5) Association Members selected pursuant to this Constitution and its by-laws.

Any decision regarding the interpretation of this Constitution is final and binding and must be handed down within three (3) calendar days of the request for an interpretation to be made. The Committee must maintain records of all amendments to and all currently applicable interpretations of this Constitution, along with an archives section showing no longer applicable amendments and interpretations for the previous five (5) years. Such records shall be made available upon request by Association Members.

Section 5. Orientation Committee

The Orientation Committee shall plan, organize, and administer services, programs, and activities to introduce new students to the School of Law and the SBA and to aid in their transition to Santa Clara University. Such services also include the assignment, including rental, of lockers. The Committee shall be co-chaired by the Vice President (Full-time) and the Vice President (Part-time) and shall consist of not less than three (3) Association Members selected pursuant to this Constitution and its by-laws.

Section 6. Social Committee

The Social Committee shall sponsor social events for Association Members. The Vice President (Full-time) shall act as Chair of the Social Committee, which shall consist of not less than five (5) Association Members selected pursuant to this Constitution and its by-laws.

The Social Committee shall be funded by the Executive Board on a yearly basis. The use of Association funds and their reimbursement are subject to the provisions of this Constitution and its by-laws.

Section 7. Ad Hoc Committees

At the request of any Executive Officer, the SBA President may appoint such other committees as are reasonably necessary execute this Constitution and its by-laws. 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 to be appointed.

ARTICLE IX

Section 1. School of Law Newspaper

The SBA shall encourage and support a student-run newspaper for the School of Law, also known as *The Advocate*. However, the SBA shall have no control or influence over the operation or management of *The Advocate*, except as provided in this Constitution.

Any Association member may challenge the selection of a newly appointed Editor-in-Chief of *The Advocate*. Such challenge shall be brought before the Board of Governors for review. In order to override the Editorial Board's selection of the Editor-in-Chief, the Board of Governors must determine by a 4/5 majority that the selection process has been compromised.

Section 2. Funding

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 majority, 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.

All funds granted to the Advocate are subject to the same recuperation as all student clubs and organizations, pursuant to Article X. The Editor-in-Chief is required to turn in an expense report to the SBA Treasurer no later than April 15th of each fiscal year.

ARTICLE X

Section 1. Allocation of Association Funding Generally

The SBA shall fund services, programs, and activities consistent with the implementation of this Constitution and its by-laws, including student organizations and a student-run School of Law newspaper, pursuant to Article IX. Funding shall be allocated in order of priority of the following categories: (1) Career and Professional Development; (2) Community Service; (3) Diversity and Outreach; and (4) Social events.

Section 2. Funding of the Executive Board

The Executive Board shall be allocated 30% of the general funds available to the SBA for the administration of services, programs, and activities consistent with this Constitution and its by-laws. Any additional funding must be requested pursuant to Article VIII Section 3. The Executive Board shall provide funding, as needed, for Representatives and Committees.

Any funds allocated to the Executive Board may not be deposited in an off-campus account and shall be publicly disclosed to the Board of Governors and SBA members, pursuant to Article II Section 6.

In the event that 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.

Section 3. Funding of Association Organizations

Association funds shall be allocated to recognized student organizations that sponsor activities, programs, or services in which all Association Members may participate or by which they benefit, pursuant to this Constitution and its by-laws.

If an organization fails to meet the requirements of this Constitution or its by-laws, funding may be revoked by a majority of the Board of Governors. Additionally, the Finance Committee shall not recommend and the Board of Governors shall not approve any funding requests from organizations that do not schedule at least 25% of their general meetings after 5:00 p.m.

Any request for reimbursement must be approved by the Treasurer and one other member of that organization's executive board and must comply with all other provisions provided by this Constitution and its by-laws. All club treasurers are expected to keep track of spending and submit a detailed report to the SBA Treasurer no later than April 15th of each fiscal year.

Section 4. Recuperation of Funds

All funding that has been allocated to student organizations that is not spent by the end of each fiscal year will be recouped and deposited back into the SBA's General Fund.

ARTICLE XI

Section 1. Amendments

This Constitution may be amended by a 2/3 majority 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 V.

ARTICLE XII

Section 1. Adoption, Citation, and Saving Clauses

The adoption of this Constitution shall be by a 2/3 majority of those Association Members voting in an Association-wide election. If adopted, this Constitution may be cited as the "SBA Constitution (Seventh Revision, 2009)." 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 publicly posted.