

# **CONSTITUTION AND BY-LAWS**

**Adopted March 14, 2004**

**Amended April 16, 2012**

## **ARTICLE I**

### **Name**

The name of this organization shall be the Student Bar Association of the University of Maryland Francis King Carey School of Law.

## **ARTICLE II**

### **Object**

The object of the Student Bar Association (SBA) of the University of Maryland Francis King Carey School of Law shall be to:

- A. To serve as the official representative of the University of Maryland Francis King Carey School of Law student body to the administration and faculty of the School of Law and the greater community;
- B. To serve as the coordinating and advisory body and a funding source for all official student organizations;
- C. To assist the faculty and administration to develop and promote academic and non-academic programs designed to foster the professional growth of members of the student body; and
- D. To initiate such other programs and activities that are designed to improve student life.

## **ARTICLE III**

### **Members**

The membership of the SBA consists of all currently enrolled students at the University of Maryland Francis King Carey School of Law. The SBA and all SBA student organizations will not discriminate in any way against any individual eligible for membership because of the individual's: Gender, Age, Race, Ethnicity, National Origin, Religious Preference, Sexual Orientation, Gender Identity, Family Status, Mental or Physical Disability, Veteran Status, Appearance, Education, Socio-Economic Situation, Organizational Affiliations, Beliefs, or Public Statements (provided such statements do not conflict with other provisions of the SBA Constitution or By-Laws).

## **ARTICLE IV**

### **Officers, Executive Council, and Executive Board**

- A. The elected officers of the SBA shall be a President, Vice President, Treasurer, Secretary, American Bar Association Law Student Division

(ABA-LSD) Representative; and Honor Board Chairperson.

- A1. The elected class delegation shall be Class President, Class Vice President, Class Representative(s) and Class Honor Board Member.
- A2. The elected University Student Government Association (USGA) Senator delegation shall be determined according to the USGA Constitution and By-Laws. The USGA delegation shall be divided among the various class divisions.
- B. The appointed officers of the SBA shall be the SBA Parliamentarian, and the SBA Comptroller.
- C. The elected officers, elected class delegations, and appointed officers of the SBA shall constitute the SBA Executive Council.
- D. The SBA Executive Council shall serve as the coordinating and executive body of the SBA, and shall have the sole and exclusive authority to carry out the objectives and policy of the SBA.
- E. The SBA Executive Board shall be composed of the SBA President, SBA Vice President, SBA Treasurer and SBA Secretary, who shall each have one (1) vote. In the event of a tie in the SBA Executive Board, the SBA President shall cast an additional tie-breaking vote. The SBA Parliamentarian, the SBA Comptroller, the Honor Board Chairperson, the USGA Senators (on a rotating basis), and the ABA / LSD Representative shall serve as ex-officio members.
- F. The SBA Executive Board shall regularly meet throughout the semester, and shall meet at least once before each regular SBA Executive Council meeting. The SBA Executive Board serves as the supreme administrative and executive body of the SBA Executive Council, and shall insure that the policies and programs of the SBA Executive Council are carried out by all SBA officers.
- G. The Dean of the School of Law shall appoint a member of the ADMINISTRATION, with the approval of the SBA, to serve as the Advisor to the SBA. The Faculty Advisor shall serve at the pleasure of the Dean and the SBA, and shall assist the Executive Council at its meetings and in its operations.

**ARTICLE V**  
**Duties of Officers**

- A. The SBA President shall:
1. Act as President of the student body of the law school, and as chief executive of the Student Bar Association;
  2. Preside over the SBA Executive Council as chairperson; interpret the SBA Constitution and By-Laws, and the Standing Rules, upon the advice of the SBA Parliamentarian; and set the agenda for such meetings;
  3. Serve as a SBA representative to the Faculty Council;
  4. Appoint the SBA Parliamentarian, the SBA Comptroller, the Primary USGA Senator for the Law School, and all non-elected committee chairpersons and members;
  5. Cast the tie-breaking vote in SBA Executive Council;
  6. Place issues before the student body for referendum;
  7. Establish ad hoc committees which shall terminate at the conclusion of the President's term;
  8. Coordinate with the Office of Student Affairs on matters concerning student organizations;
  9. Serve as an official representative of the law school at ABA-LSD meetings, and all meetings of the Council of SBA Presidents, be a member of the ABA-LSD and join and participate in the ABA President's Listserv;
  10. Serve as an ex-officio member of the SBA budget committee;
  11. Serve as a voting member of the SBA Executive Board.
- B. The SBA Vice President shall:
1. Coordinate and administer an annual selection process for nominating students to both SBA and joint student-faculty committees;
  2. Obtain monthly reports from all committees and at least once a

semester give a report on the committee's activities to the SBA Executive Council;

3. Serve as an ex-officio member of the USGA Committee and obtain a monthly report from a USGA Senator on the USGA's activities;
4. Obtain a written report from the Honor Board Chairperson and ABA-LSD Representative once each semester, and request the Chairperson's and Representative's attendance at an SBA Executive Council meeting at least once a semester to give a report on the Honor Board's and Representative's activities;
5. Organize the annual Thurgood Marshall Lecture;
6. Serve as an SBA representative to the Faculty Council;
7. Perform other duties as assigned or delegated by the SBA President;
8. Preside over the SBA Executive Council in the President's absence;
9. Assume the office of the SBA President in the event of a temporary or permanent vacancy;
10. Serve as a voting member of the SBA Executive Board.

C. The SBA Treasurer shall:

1. Maintain accurate and computerized records of all financial transactions of the SBA for at least the last three years, and to submit a report of all receipts and expenditures at least once each semester;
2. Coordinate and administer the SBA budget process, as outlined in Article X of this document;
3. Coordinate and administer the student group accounts;
4. Chair the SBA Budget Committee;
5. Serve as the primary representative of the student groups and the SBA to the administration regarding funding for student activities;
6. Serve as a voting member of the SBA Executive Board.

D. The SBA Secretary shall:

1. Maintain accurate, computerized, and permanent records of all proceedings of the SBA Executive Council, and make all committee reports and other communications to the SBA Executive Council as part of the permanent record;
2. Maintain attendance records of SBA Executive Council meetings, record all votes and cast proxy votes, and maintain and publish a current list of all SBA Executive Council members, including telephone numbers and E-mail addresses, by posting the list in the SBA Office and by forwarding copies to all SBA Executive Council members, and the Dean of Student Affairs;
3. Certify, at the beginning of each semester, the current class (year) and division (day or evening) of all SBA Executive Council members with the Dean's office;
4. Record and post all minutes of meetings of the SBA Executive Council within five (5) academic days of the adjournment of such meeting, and include such minutes in the agenda and proposal packet for the next SBA Executive Council meeting;
5. Receive in writing, at least three days prior to each SBA Executive Council meeting, the agenda for such meeting and any written proposals requiring a vote by the body from the SBA President;
6. Provide notice, at least two days prior to each SBA Executive Council meeting, of such meetings and proposals by posting all such materials on the SBA bulletin boards, and by forwarding copies to all SBA Executive Council members, the Dean of Student Affairs;
7. Provide notice of all regularly scheduled SBA meetings at the beginning of each semester, no later than two (2) weeks after the start of each semester, by posting the meeting dates, times and locations on the SBA bulletin board, and by forwarding such postings to all SBA Executive Council members, the Dean of Student Affairs;
8. Transmit official resolutions and correspondence of the SBA Executive Board;
9. Maintain and publish a SBA e-mail list to SBA members and the student body, as directed by the SBA Executive Council;

10. Serve as a voting member of the SBA Executive Board.

E. The SBA Parliamentarian shall:

1. Maintain a current computerized copy, with amendments, of the SBA Constitution and By-Laws, and the Standing Rules, for permanent reference, in the SBA office, bulletin boards, and library;
2. Distribute copies of the SBA Constitution and By-Laws, and the Standing Rules, to all SBA Executive Council members upon election, and to SBA Executive Council officers upon appointment, and to any interested student group or student upon request;
3. Obtain a current copy, with amendments, of the USGA Constitution, By-Laws, Standing Rules, and forms and information for requesting USGA funds, for permanent reference, in the SBA office, bulletin boards, and library;
4. Advise the SBA President on any matter of interpretation of the SBA Constitution and By-Laws, and the Standing Rules;
5. Serve as Chairperson of the SBA Election Committee, and coordinate and administer the SBA election process, as outlined in Article VI of this document;
6. Recommend timely changes to the SBA Constitution and By-Laws, and the Standing Rules, as the Chairperson of the SBA Constitution and By-Laws Committee;
7. Serve as a non-voting member of the SBA Executive Board.

F. The SBA Comptroller shall:

1. Assist in the management of all student group accounts;
2. Maintain accurate and computerized records of all financial transactions of the student groups;
3. Assume all other duties as assigned by the SBA Treasurer;
4. Assist the SBA Treasurer in the coordination and administration of the SBA budget process, as outlined in Article X of this document;
5. Submit all transactions to the SBA Treasurer for approval;

6. Serve as a non-voting member of the SBA Budget Committee;
  7. Serve as a non-voting member of the SBA Executive Board;
  8. In the event of a vacancy in the position of SBA Treasurer, the SBA Comptroller will assume the SBA Treasurer's responsibilities until the results of a special election pursuant to Article VI.C.6 are announced.
- G. The ABA-LSD Representative shall:
1. Serve as an official representative of the law school at ABA-LSD meetings, and all meetings of the Council of SBA Presidents;
  2. Serve as an official liaison between the Law School and other law schools within our ABA-LSD Circuit;
  3. Chair the Law School chapter of the ABA-LSD;
  4. Report in writing to the SBA Vice President and SBA Executive Council once each semester, and attend a SBA Executive Council meeting at least once a semester to give a report on the activities of the ABA-LSD;
  5. Serve as an ex-officio member of the SBA Executive Board.
- H. The Honor Board Chairperson shall:
1. Chair, administer, and coordinate the Honor Board pursuant to the Honor Code;
  2. Report in writing to the SBA Vice President and SBA Executive Council once each semester, and attend a SBA Executive Council meeting at least once a semester to give a report on the activities of the Honor Board;
  3. Serve as an ex-officio member of the SBA Executive Board.
- I. The USGA Senators shall:



1. Serve as the official representatives of the law school at USGA meetings and activities;
  2. Assist student groups with obtaining funding from the USGA;
  3. Serve as an official liaison between the Law School and other graduate schools at the University of Maryland, Baltimore;
  4. Obtain current copies of the USGA Constitution and By-Laws;
  5. Report monthly to the SBA Vice President and SBA Executive Council, and on a rotating basis attend each SBA Executive Council meeting to give a report on the activities of the USGA;
  6. Serve, on a rotating basis, as ex-officio members of the SBA Executive Board.
- J. Class Officers: organize all class functions and events associated with their particular class. Each of the seven divisions elects class officers. Evening Division students (1E through 4E) elect one president, one vice president, and one representative per class. Day Division students (1D through 3D) elect one president, one vice president, and three representatives per class. Each of the divisions also elects one representative to the Honor Board and USGA senator, dependant on the division and USGA Constitution and By-Laws.
1. Class President: Serves as the chief executive officer of the class, and serves as the official student leader of the class. Each class president serves on the SBA Budget Committee pursuant to Article X.
  2. Class Vice President: Serves as an official student representative of the class; performs duties as assigned or delegated by the Class President; assumes the office of the Class President in the event of a temporary or permanent vacancy.
  3. Class Representative: Serves as official student representatives of the class; performs duties as assigned or delegated by the Class President.
- K. Honor Board members: Each class shall elect one (1) Honor Board member. The Honor Board shall consist of the Chairperson and seven voting members. Honor Board members shall be bound by this document and the Honor Code.
- L. USGA Senators: The law school shall elect the number of USGA

Senators as detailed in the USGA Constitution and By-Laws, with one (1) of those USGA Senators elected in the fall by the first year day and evening classes. USGA Senators shall be bound by this document and the USGA Constitution.

**ARTICLE VI**  
**Elections, Vacancies, Removal, and Term of Office**

**A. Elections**

1. Administration: The SBA Election Committee shall coordinate, supervise, and administer all SBA Executive Council elections.
2. Dates:
  - a. First-year elections will begin with the nomination process during the second week of classes in the fall semester, and shall complete the election process by the end of the fourth week of classes in the fall semester.
  - b. The SBA will commence the nomination process no later than four (4) weeks before the end of class, and complete the election process by no later than two weeks prior to the end of classes.
  - c. The SBA Election Committee shall fix the dates for the: informational meeting, the opening of nominations, the closing of nominations, candidates' forums, the campaigning period, and the polling and election dates.
3. Eligibility and Certification
  - a. SBA Executive Board (President, Vice President, Secretary, Treasurer, Parliamentarian, SBA Comptroller, ABA-LSD Representative, Honor Board Chairperson, and USGA Senator):

The member of the student body seeking office must certify that he or she will attend the Law School for at least one (1) full additional year, and must designate his or her expected class and division for the coming academic year. The candidate shall also designate his or her current class and division. The candidate must also certify to uphold the SBA Constitution and By-Laws, and the Standing Rules.
  - b. Class Officers, Honor Board members, and USGA Senators:

The member of the student body seeking office must certify that

he/she will be a member of the class (year) and division (day or evening) to which he/she seeks office for at least one (1) full additional year, unless special exception is given by the SBA Executive Board. The candidate shall also designate his or her current class and division. The candidate must also certify to uphold the SBA Constitution and By-Laws, and the Standing Rules.

c. First Year Class Officers (Fall Election):

Each first-year student seeking office must certify that he/she is a first year student, and designate his/her current division (day or evening). The candidate must also certify to uphold the SBA Constitution and By-Laws, and the Standing Rules.

d. Certification: The SBA Parliamentarian shall certify the accuracy (enrollment status, class, and division) of all of the candidates for office with the Dean's office prior to the election.

4. Campaign and Election Rules

a. Spring elections: The SBA Parliamentarian shall propose Campaign and Election Rules, including all dates, polling times, rules on campaigning by polling places, postering policies, and criteria for disqualification for the spring elections to the SBA Executive Council at its second meeting of the spring semester.

b. Fall elections: The SBA Parliamentarian shall propose Campaign and Election Rules for the fall elections (incoming first year officers) during the first meeting of the SBA Executive Council in the fall semester, or the SBA Parliamentarian shall propose the rules to the SBA Executive Board, if the SBA Executive Council fails to meet prior to the second week of classes of the fall semester.

5. Nominations

a. The Election Committee shall have available sufficient nomination forms for all eligible members of the student body on the SBA bulletin board or available on the SBA website and attach in an email to the student body, or when applicable, to the appropriate class listserve. Such forms shall also include a brief description of the SBA, the duties of the offices up for election, and all dates for the entire election process.

b. The SBA Parliamentarian, with a majority vote of the SBA

Executive Board, may extend for up to one (1) week the nomination period for any office without an official nomination.

- c. Upon the deadline for filing nominations, the SBA Parliamentarian shall post, within twenty-four (24) hours, the list of official candidates on all SBA bulletin boards and in an e-mail to the student body or, when applicable, to the appropriate class listserv.

6. Informational Meeting

- a. Prior to the close of the nomination period, the Election Committee will hold an informational meeting for candidates interested in seeking office and provide notice to the student body of the meeting.

7. Candidates' Forum

- a. After the nomination period has closed, the Election Committee may hold, after providing notice to the student body, a Candidates' Forum for all offices. The forum shall place a special emphasis on contested offices.

8. Campaigning

- a. Candidates for office may begin campaigning, subject to the above rules, immediately upon making a valid nomination and filing for office with the SBA. Campaigning must cease once the last polling place has closed for the election and candidates must remove all campaign paraphernalia within 24 hours after the posting of results.

9. Write-ins

- a. All ballots shall provide a blank line for write-in candidates for each office. To be counted as a valid vote, a write-in candidate must be eligible for that particular office pursuant to this Article. If a write-in candidate wins a particular office, the SBA Parliamentarian shall immediately certify, with the Dean's Office, that the candidate is eligible for election to that office. All write-in candidates are bound by the Campaign Rules.

10. Polling and Elections

- a. The SBA Parliamentarian shall supervise all polling, either paper or electronic, during the elections, and shall insure that adequate voting times exist for both day and evening students.

- b. The Elections Committee, chaired by the SBA Parliamentarian, shall develop the Campaign Rules. The Campaign Rules shall be provided to all candidates upon making a valid nomination and filing for office with the SBA.
  - c. The SBA Parliamentarian, in the Campaign Rules, shall prohibit campaigning within the immediate sight or sound of a polling station. The Campaign Rules shall state with particularity the polling locations and the areas in which campaigning is prohibited. Specifically, in the case of electronic voting, a candidate or candidate's representative shall not campaign if he or she knows a person is voting. The SBA Parliamentarian shall enforce this restriction during the polling period.
  - d. The winner of a class election shall be determined by a simple majority of the votes cast for that office by the class. If no candidate has a simple majority vote of the votes cast for that office, the top two (2) candidates will proceed to a run-off. In the case of an election for which there is more than one open position, the winners shall be the candidates accumulating the largest number of votes.
  - e. The winner of an SBA Executive Board election shall be determined by a simple majority vote of the votes cast for that office by the entire student body. If no candidate has a simple majority vote of the votes cast by the entire student body for that office, the top two (2) candidates will proceed to a run-off.
  - f. The Parliamentarian shall schedule a run-off, and insure adequate publicity, no later than seven (7) days after that election.
11. Results; Recounts; Protests and Appeals:
- a. The SBA Parliamentarian shall certify the election results twenty-four (24) hours after the end of polling. Upon certification, the SBA Parliamentarian shall notify, by phone, email, or in-person, all candidates for election. After notification, the results shall be given to the SBA Secretary to be posted and immediately distributed to the student body, pursuant to the SBA Secretary's duties.
  - b. Any candidate may request, with or without cause, a recount, in writing, for the office in which he/she was a candidate within twenty-four (24) hours of the posting of the results.

- c. A candidate may also file a protest of the election, in writing, to the SBA Parliamentarian, within twenty-four (24) hours of the conclusion of the polling. The SBA Parliamentarian shall have the authority to order a new election for a particular office. Decisions of the SBA Parliamentarian may be appealed by anyone, and overruled by a two-thirds (2/3) vote of the SBA Executive Council.

12. Special Election, Referenda

- a. The SBA Parliamentarian shall propose election rules for special elections and referenda, which the SBA Executive Council shall adopt by a simple majority vote.

**B. Removal**

1. Any SBA officer, committee chairperson, or committee member may resign from office by forwarding a letter, in writing, to the SBA President and SBA Secretary.
2. Upon submission to the Executive Council of a petition containing the signatures of two-thirds (2/3) of the full membership of any class unit, the class officer named in the petition shall be automatically removed from office. Upon submission to the Executive Council of a petition containing the signatures of two-thirds (2/3) of the entire student body, the SBA Executive Board member or other school-wide elected SBA office named in the petition shall be automatically removed from office. The SBA Parliamentarian shall verify the two-thirds (2/3) count with the Dean of Student Affairs.
3. The SBA Executive Council may remove any elected or appointed officer of the SBA Executive Council for malfeasance in office, which includes, but is not limited to: misuse of funds, including unauthorized incursion of debt or expenditure of funds without budgetary authority; conviction of any violation of the Honor Code; substantial and willful failure to perform their duties of office; or willful violations of the SBA Constitution and By-Laws.
  - a. Any elected SBA member may file a written impeachment petition with the SBA Secretary to initiate the removal process. Said petition shall state with particularity the grounds for impeachment and removal from office. In the case of the impeachment of the SBA Secretary, the SBA Vice President shall perform the SBA Secretary's functions under this section.
  - b. The SBA Secretary shall forward a written copy of the

impeachment petition to the accused member, along with a copy of Article VI, section B of the SBA Constitution and By-laws. The accused shall have at least one week to file a written response with the SBA Secretary. The SBA Secretary shall then transmit a copy of the impeachment petition, and the response of the accused, with the regular agenda and voting items to all SBA members pursuant to the SBA Secretary's duties of office.

- c. The accused member shall be removed from office only upon a two-thirds (2/3) majority vote of the entire voting membership of the SBA, taken by roll call vote in open session.
4. The SBA President shall designate, in writing, to the member and the SBA Secretary, as an "absentee" any elected, voting officer of the SBA Executive Council who shall, without a valid excuse, fail to attend two consecutive meetings or a total of three meetings of the SBA Executive Council. The absentee member is automatically removed from office upon notification in writing. The SBA President shall publish a written policy regarding excused and unexcused absences from SBA Executive Council meetings. For purposes of this section, a meeting includes a meeting scheduled, but not commenced due to the inability to obtain a quorum. The SBA Secretary shall take attendance at such a meeting.
5. Honor Board members and USGA Senators may additionally be removed from office pursuant to the Honor Code and USGA Constitution, respectively.

### **C. Vacancies**

1. The SBA Parliamentarian shall certify the accuracy (enrollment status, class, and division) of all elected SBA members with the Dean's office at the beginning of each semester. A law student may only serve as a representative of that class and division in which he or she is currently registered with the Dean's office. If a law student changes his or her division or class after election to a different division or class, his or her elected SBA office automatically becomes vacant, unless the student holds an office elected by the entire student body. A part time student is eligible to serve in any of the above mentioned positions.
2. Upon a permanent vacancy occurring in the office of SBA President, the SBA Vice President shall succeed to the SBA Presidency. In the case of simultaneous vacancies, the SBA Treasurer, or if vacant the SBA Secretary, or if vacant the SBA Parliamentarian, shall succeed to the SBA Presidency.

3. Upon a permanent vacancy occurring in the office of Honor Board Chairperson, ABA / LSD Representative, SBA Parliamentarian, SBA Comptroller, or USGA Senator, the SBA President shall appoint a replacement, with the approval of a simple majority of the SBA Executive Board, to complete the un-expired term of the officer.
4. Upon a permanent vacancy occurring in the office of class president, the class vice president shall succeed to the class presidency. Upon a permanent vacancy in the office of class vice president, class representative, USGA Senator, or Honor Board member, the class president of the affected body shall appoint, with the concurrence of a simple majority vote of the remaining class officers, a member of said body as a replacement to complete the un-expired term of the officer. The appointed officer must qualify to fill the position as outlined in this document.
5. The appointing authority shall fill all vacancies under this section within three (3) weeks.
6. The SBA may, by a two-thirds (2/3) majority vote, order a special election for any vacant elected office. Said election shall occur no later than three (3) weeks after such vacancy occurs.
7. Any vacancies not filled within three weeks of the vacancy shall be appointed by the SBA President, with the approval from the SBA Executive Board.

#### **D. Term of Office**

First year class officers take office upon election in the fall. After spring elections, all successful candidates become SBA officers-elect, and take office immediately upon the graduation of the outgoing class. The outgoing SBA shall invite SBA officers-elect to hold an organizational meeting during the final SBA Executive Council meeting in April. All appointed SBA members shall take office upon appointment in writing.

#### **ARTICLE VII Petition and Referenda**

1. Any student may, by written request to the SBA Secretary, place a matter on the agenda for consideration before the SBA Executive Council.
2. Any decision by the SBA Executive Council, except for financial appropriations of less than one thousand dollars (\$1,000), may be placed before the student body in a referendum.



3. To consider a referendum, a student must submit to the SBA Secretary a petition containing either the signatures of at least 25% of the total membership of either the day or evening division, or the signatures of at least 15% of the total membership of the SBA. Said petition shall contain a brief summary of the SBA Executive Council decision and the purpose of the referendum.
4. The student must submit the petition for a referendum within ten (10) days of the posting of the minutes of the meeting in which final action on the issue in question was taken by the SBA Executive Council. If the minutes of the meeting are not posted by the SBA Secretary in violation of this document, the student must submit the petition for a referendum at the next meeting of the SBA Executive Council.
5. The SBA President, or the SBA Executive Council by a two-thirds (2/3) majority vote, may order a referendum.
6. The SBA President, upon the advice of the SBA Parliamentarian, shall determine the validity of the petition for a referendum. The SBA Executive Council may overrule the SBA President's decision by a two-thirds (2/3) majority vote.
7. Once ordered and determined valid, the referendum shall take place within two (2) weeks of approval of the referendum by the SBA President or SBA Executive Council. The Election Committee shall set referenda rules pursuant to its authority.
8. A simple majority vote of the student body or affected class shall be required to approve a referendum. Only another referendum of the student body shall overturn the first referendum decision.

## **ARTICLE VIII**

### **Meetings of the Executive Council**

#### **A. Standing Rules**

1. The SBA Constitution and Rules Committee shall submit proposed Standing Rules at the first meeting of each new SBA Executive Council. The Standing Rules shall provide only for the conduct of SBA Executive Council meetings. The SBA Executive Council shall approve the Standing Rules upon a simple majority vote. Prior to the adoption each year of the Standing Rules, the Standing Rules in effect during the prior SBA Executive Council shall govern the new SBA Executive Council.
2. The SBA President, upon the advice of the SBA Parliamentarian, shall enforce the Standing Rules at all times during meetings of the SBA Executive Council.

3. This document takes precedence over the Standing Rules in the case of a direct conflict. If this document or the Standing Rules do not provide authority for a given case, the SBA Parliamentarian shall refer the SBA President to the proper parliamentary authority as indicated in this document.

**B. Visitors, Open Meetings**

1. Any interested person may attend meetings of the SBA Executive Council. Any such visitor may address the SBA Executive Council upon obtaining recognition by the SBA President. The SBA Executive Council may retire into closed session by a simple majority vote, except when a vote in open session is required by this document.

**C. Meetings: Notice and Quorum**

1. The SBA Executive Council shall hold regular meetings, and meet at least three (3) times each semester. The SBA Secretary shall post and notify students and members of meetings at the beginning of each semester, in addition to before each meeting, pursuant to the SBA Secretary's duties. The SBA President, or the SBA Executive Council, shall determine days, times, and locations of the meetings.
2. The SBA President, or a majority of the voting members of the SBA Executive Council through a written petition to the SBA Secretary, may convene an emergency meeting of the SBA Executive Council, provided that the SBA Secretary gives notice of the meeting and the purpose of the meeting to all SBA members.
3. Quorum shall consist of a simple majority of the voting members of the SBA Executive Council, excluding vacant offices.

**D. Meetings: Business and Voting**

1. The SBA Executive Council shall only vote on matters properly before the body.
  - a. Written resolutions and other requests requiring a vote shall be forwarded, in writing, to the SBA Secretary no later than six (6) days prior to the meeting.
  - b. The SBA Secretary shall distribute the agenda and proposal to all members and the student body, no later than five (5) days prior to the meeting, pursuant to his or her duties.

- c. The SBA President, or the SBA Executive Council by a two-thirds (2/3) majority vote, shall have the power to place an item on the agenda for a vote as an emergency item.
2. The SBA President shall enforce the Standing Rules of the SBA Executive Council at all times during the meeting, which shall govern the conduct of debate. The SBA Executive Council may suspend the rules by a two-thirds (2/3) majority vote. The SBA President shall interpret this document and the Standing Rules, and the SBA Executive Council may overturn the SBA President's decision by a two-thirds (2/3) majority vote.
  3. Each class president, vice president and representative shall have one (1) vote. The SBA Vice President, Treasurer and Secretary shall each have one (1) vote. The SBA President shall only vote in the case of a tie vote of the SBA Executive Council. No voting SBA member shall cast more than one (1) vote, unless the SBA member holds the proxy of another voting member of the SBA Executive Council.
  4. Proxy: No voting SBA member can hold more than one (1) proxy vote. A proxy vote shall only be given by a member to a member of the SBA Executive Council in the same academic class, unless given a special exception by the SBA Executive Board.
  5. Voting SBA members shall disclose any potential conflict of interest to the body, and shall disqualify their selves when an actual conflict of interest exists on a given matter. The actual or potential conflict arises once the particular question becomes pending before the SBA Executive Council, and SBA members must either disclose or disqualify prior to the commencement of debate on the matter.
  6. Only members present in the room at the time a vote is taken may cast a vote or votes, provided that proxy voting is permitted subject to rules set by the SBA Executive Council.
  7. The SBA Executive Council may approve a measure or proposal by a simple majority vote through a voice vote, except where a super-majority vote and/or a roll-call vote is required by this document. Upon the request of any SBA member, the SBA President shall order a division and direct the SBA Secretary to record the yeas and nays for the particular vote. Upon request of one-third (1/3) of the voting members of the SBA Executive Council, the SBA Secretary shall take a roll-call vote, only where a roll-call vote is not otherwise required by this document. The SBA Secretary shall succinctly state the single pending question prior to calling the roll or prior to the call of a voice vote by the SBA President.

8. The SBA Executive Council shall have the power to take public positions on any matter outside the law school and campus, if such public position is approved by a two-thirds (2/3) majority vote of the SBA Executive Council. The SBA Executive Council shall not take a public position on the endorsement of political candidates or parties, and shall not take any other action inconsistent with its tax-exempt status.

## **ARTICLE IX Committees**

### **A. Selection and Appointment**

1. At the beginning of the fall semester, the SBA Vice President shall initiate, coordinate, and implement a selection process for choosing student members of SBA and joint faculty-student committees. The SBA Vice President shall produce a form and distribute the form to all members of the student body. The form shall give an overview of the SBA, and provide a detailed description of the SBA and joint faculty-student committees. The form shall also request information from the student applying for appointment to a committee, including, but not limited to: class, division, home and work telephone numbers, address, e-mail address, resume, and a brief statement of interest.
2. Elected and appointed SBA members shall be eligible to serve on committees, provided that they are not involved in the selection process. The SBA Vice President shall consult with the Faculty Advisor and Dean of Student Affairs and the joint faculty-student committee chairs concerning the number of students to be appointed to joint faculty-student committees. The SBA Vice President shall consult with the SBA Executive Board and SBA Executive Council concerning the size of the SBA committees.
3. The SBA Vice President, one (1) week after the conclusion of the fall first-year elections, shall prepare a list of applicants for committees to the SBA President. After the conclusion of said elections, the SBA Vice-President shall, at his or her discretion, appoint the nominees to the committees, and the SBA Secretary shall individually notify each committee member in writing. The SBA Secretary shall provide a list of committee members to all SBA members at the next regular SBA Executive Council meeting.
4. The SBA Vice President shall also particularly contact unsuccessful candidates for SBA office immediately upon the conclusion of the fall and spring elections, and provide them with information about the committees.

5. After the annual selection process, the SBA Vice President shall make additional appointments as vacancies or openings arise as provided for in this section.

**B. SBA and Joint Faculty-Student Committees**

1. **SBA Committees:** The SBA Vice President or the SBA committees themselves shall determine the procedures, functions and duties of the committees, subject to revision by a simple majority vote of the SBA Executive Council.
  - A. Constitution and Rules: The committee is chaired by the SBA Parliamentarian. The committee shall maintain a computerized copy of the SBA Constitution and By-Laws, and a computerized copy of the Standing Rules. The committee shall propose timely changes to these documents on its own initiative, or upon request of the SBA Executive Council. The committee shall particularly take note of all interpretations of this document by the SBA President.
  - B. Election: The committee is chaired by the SBA Parliamentarian. If the SBA Parliamentarian seeks elected office, the SBA President shall appoint another elected SBA member who is not seeking office to serve as Acting Chair of the committee. The committee shall propose Campaign and Election Rules and the dates for election events as provided for in this document. If a paper ballot, the SBA Parliamentarian shall validate the results. Committee members shall serve as pollsters and shall count the ballots. If an electronic ballot, committee members shall assist in polling preparations and the SBA Parliamentarian shall validate results. No candidate for office shall serve on the committee or serve as a pollster or ballot counter. The committee also administers referenda.
  - C. Budget: The SBA Treasurer chairs the eight-member budget committee, which consists of the class presidents or their designees, and the second year day class vice president or in their absence, the third year day class vice president and further in their absence another day division class board member. The SBA Treasurer only votes in case of a tie, and has discretion to yield his or her vote to the SBA President in cases of conflict of interest. The SBA President serves as an ex-officio member. The SBA Comptroller serves as an ex-officio, non-voting member, and may serve as chairperson of the committee in the absence of the SBA

Treasurer. The SBA Parliamentarian serves as an ex-officio, non-voting member. Each fall the committee proposes an annual budget for the SBA and campus groups, in addition to a supplemental budget each spring. The Budget Committee's functions are further detailed in the budget article of this document.

- D. University Student Government Association (USGA) Committee: The committee is composed of all elected USGA Senators. The SBA Vice President serves as an ex-officio member, to whom the committee reports prior to each meeting of the SBA Executive Council. The USGA Senators represent the Law School at all USGA meetings. In the event any USGA Senator is unable to attend a given USGA meeting, the SBA Vice President shall appoint a temporary Senator from the class of the Senator being replaced, if applicable, to fill in for the elected Senator at the USGA meeting. In the event that the SBA Vice President is unable to find a temporary replacement from the respective class, the SBA Vice President shall appoint a temporary Senator from the Law School student body. The committee shall meet when necessary to discuss items of interest to the law school before the USGA, and shall assist law schools groups (recognized by the SBA) in seeking funds from the USGA.
- E. Honor Board: The eight-member Board is composed of the Chairperson and seven (7) representatives; one from each class. The Honor Board is governed by the Honor Code, which the SBA can amend by a two-thirds (2/3) majority vote, with the concurrence of the Faculty Council. The Honor Board Chairperson shall file regular reports to the SBA Vice President pursuant to that officer's duties in this document.
- F. NYLF Committee: The committee shall be chaired by a 3D class officer and consist of one class officer from each class. Each semester, the President of each class shall appoint one class officer to sit on the committee. The committee coordinates and administers the NYLF program. The funds raised from the program will be donated to the Barrister's Ball budget for that year.
- G. SBA Philanthropy Committee: The chair of the committee shall be selected by the outgoing SBA President in the Spring Semester. The Chair of the committee shall serve as a non-voting member of the SBA Executive Board during the following academic year. The Chair of the committee, in conjunction with the SBA President, shall select all other members of the committee during the Fall Selection Process. The committee is responsible for

coordinating and planning at least one community service based initiative per year. The initiative shall take place during either the Winter Vacation period, between the Fall and Spring Semesters, during Spring Vacation, or during any other time mutually agreed upon by the committee and the SBA. The committee is responsible for raising the funds necessary for each student initiative. Partial funding for the initiative may be allocated by the SBA.

- H. Ad Hoc Committees: The SBA President shall appoint ad hoc committees for specific issues at his or her discretion. The ad hoc committees shall expire at the end of the SBA President's term, unless extended by the SBA Executive Council or new SBA President.

## **2. Joint Faculty-Student Committees**

- A. Administrative: The committee considers campus and university policies in recommending and revising law school policies with respect to Faculty and Student Handbooks. The student representative cannot be a member or alternate on the Honor Board.
- B. Admissions and Student Recruiting: Student members participate in discussions of policy issues which may affect the admissions process and work with the Director of Admissions in the design and implementation of recruiting activities.
- C. Appointments: The committee interviews prospective lecturers and professors and recommends their appointment to the Faculty Council. This committee requires student members to be appointed within 2 weeks of the beginning of the school year.
- D. Curriculum: The committee recommends the approval of new courses to the Faculty Council, and recommends general changes to the curriculum as warranted.
- E. Library and Technology: The committee oversees the operation of the Thurgood Marshall Law Library, and discusses improvements to the library.
- F. International Committee: The committee develops course related the field of International Studies and oversees the South African externship program.
- G. Public Interest Committee: The committee works to develop

courses and activities to promote studies in the field of public interest.

3. **Faculty Committees:** The SBA shall continue to work to integrate students into the faculty committees and insure student representation.
  - A. **Post Faculty Tenure Review:** The committee periodically reviews faculty members with tenure to insure compliance with minimal standards of teaching ability and scholarship.
  - B. **Promotions:** The committee considers whether to grant tenure to professors. The SBA shall give its input when faculty members are considered for tenure, with a special consideration of the faculty member's student-written class evaluations.
  - C. **Speakers:** The committee selects speakers for graduation and other events. The SBA Speakers committee shall seek to integrate student representation into this committee.
  - D. **Student Awards:** The committee recommends a variety of student awards to be given at graduation. The SBA shall, at its discretion, create a nomination system for student awards, and forward a list of nominees to the committee.

#### 4. **Faculty Council**

- A. The SBA President and SBA Vice President shall serve and the Fourth Year Evening Class President may serve as the SBA's official representatives to the Faculty Council. The SBA President and Vice President shall designate SBA members to attend Faculty Council meetings in their absence to insure student representation at all Faculty Council meetings. If the Fourth Year Evening President cannot regularly attend the meetings, the Third Year Evening President shall serve as the evening representative to the Faculty Council. In the event that neither president can regularly attend the meetings, they shall appoint someone, with the approval of the SBA President and Vice President, from the evening division to serve as the evening representative.

#### C. **Committee Reports to SBA Vice President**

1. All SBA and joint faculty-student committees shall make regular reports to the SBA Vice President, who shall report to the SBA Executive Council.



**ARTICLE X**  
**Budget and Student Groups**

**A. Budget Committee**

1. The SBA Treasurer chairs the eight-member budget committee, which consists of the class presidents or their designees, and the 2D vice-president or in their absence the 3D vice president or further in their absence an additional representative from a day division class board. The SBA Treasurer only votes in case of a tie, and has discretion to yield his or her vote to the SBA President in cases of conflict of interest. The SBA President serves as an ex-officio member. The SBA Comptroller serves as an ex-officio, non-voting member, and may serve as chairperson of the committee in the absence of the SBA Treasurer. Each fall, the committee proposes an annual budget for the SBA and campus groups, in addition to a supplemental budget each spring. The committee analyzes budget proposals submitted by organizations and class governments, and prepares written recommendations and spreadsheets for the SBA Executive Council. The committee also develops policy statements regarding funding guidelines, procedures, and preferences.

**B. Budget Process: Fall Semester**

1. The SBA Executive Council shall have the power to allocate student activities funds received from the Dean. The SBA shall allocate funds for its own operation, for class governments, for students groups, and for other events and activities it deems appropriate. In the fall the SBA shall allocate funds for the entire academic year.
2. Prior to the first day of classes of the fall semester, the SBA Treasurer shall meet with the Dean and other administrators to determine the student allocation of activities fees for the coming academic year. The SBA Treasurer shall transmit in writing this figure, along with any surplus from the previous academic year, to the SBA Executive Board and SBA Budget Committee. The SBA Treasurer shall also meet with the Dean of Student Affairs to determine the respective responsibility of the administration and the SBA to fund academic and/or off-campus events.
3. The Budget Committee shall propose Budget Rules that create guidelines, limits, and rules for allocating funds for classes and organizations. The SBA Executive Council shall adopt such Budget Rules prior to the commencement of the budget process. The Budget Rules contain information on: policy statements and preferences, sample budgets, information on treasurer's workshops, deadlines, meetings times and

places, reimbursement request procedures and deadlines, distinctions between non-discretionary and discretionary funds, funding restrictions (travel, long-distance phone calls, subscriptions, dues, registration fees), elected reversions, spending prior to group allocation, new groups, probation, supplemental spring allocations (see below), required group information (officers, constitution, and activities), the SBA Treasurer's reporting requirements, information on contacting Budget Committee members, and the budget appeals process. In the event that the Budget Committee must meet prior to the first meeting of the fall, the executive board may approve said rules.

4. The SBA Treasurer shall prepare budget packets and forward them to all student groups, in addition to posting all such materials on the SBA bulletin boards, and forwarding copies to all SBA Executive Board and Budget Committee members, and the Dean of Student Affairs.
5. The SBA Treasurer shall hold at least two treasurer's workshops (one during the day, and one during the evening) to provide information and answer questions from student groups regarding the budget process. The treasurer's workshops may be conducted in conjunction with other mandatory training and are a requirement for student groups to participate in the allocation of SBA controlled funds through the budget process.
6. The budget deadline for submission of group budgets shall be set no sooner than the conclusion of the fall elections for first year class officers. The budget materials shall prominently note that late or incomplete budgets are not guaranteed funding. The Budget Rules shall require that multiple copies of budgets be submitted, so that each committee member has a copy. After the budget deadline, the SBA Treasurer shall distribute one complete budget submissions packet to each Budget Committee member.
7. The SBA Treasurer shall post a hearing schedule on the SBA Office door, requiring groups to sign up for designated periods for Budget Committee hearings. The budget materials shall prominently note that a group representative may attend a Budget Committee hearing to present their budget and answer committee questions. The committee shall have the authority to deny funding to groups who fail to send a representative to the budget hearing. The SBA Treasurer shall also post the funds available for allocation and the individual requests of each student group on a single spreadsheet to be presented to the SBA Executive Council.
8. Quorum for the Budget Committee shall consist of the SBA Treasurer and five (5) voting members. The SBA Treasurer shall make every effort, through the use of alternates designated by the class presidents, to insure

that six (6) voting members are present at each hearing. Immediately upon the conclusion of the hearing, the Budget Committee shall retire into executive session to debate and vote on the SBA, class, and group allocations. The Budget Committee shall conduct a thorough line-by-line analysis of each budget request.

9. The SBA Treasurer shall transmit the Budget Committee's recommendation, which shall be reached by a simple majority vote of the committee, to the SBA Secretary.
10. Groups may contest their proposed allocation according to the guidelines set forth in the Budget Rules by the budget appeals process.
11. The SBA Treasurer shall present the proposed budget in detail, and answer questions from SBA members and other students before debate begins.
12. The SBA Executive Council shall approve the proposed budget as a whole by a two-thirds (2/3) majority vote. If the body decides to separately consider individual line items, the body may approve individual items under one thousand dollars (\$1,000) *en bloc* (as a whole) by a simple majority vote, with all other items exceeding \$1,000 requiring separate two-thirds (2/3) majority votes for approval. In all cases the body shall vote in open session by roll call vote.
13. Upon adoption of the budget, the SBA Treasurer shall prepare an approved copy of the budget, and submit it to the SBA Secretary for distribution to all members and the student body pursuant to his/her duties of office.
14. In all budget materials, the SBA Treasurer shall prominently note that allocated, but unspent funds (excluding fundraising) revert back to the SBA, and that the SBA shall redistribute those funds in the spring supplemental budget process. The reimbursement deadline for fall group spending shall be determined by the SBA Treasurer, however, no later than the last day of examinations of the fall semester.

### **C. Spring Supplemental Budget Process**

1. Prior to the beginning of spring semester classes, the SBA Treasurer shall ascertain the amount of allocated, but unspent funds from the fall semester. The SBA Treasurer shall calculate the percentage of allocated funds that each group spent. The SBA Treasurer shall then revert any unspent funds back to the SBA. The SBA Treasurer shall transmit in writing this information to the SBA Executive Board and SBA Budget Committee.

2. The SBA Treasurer shall prepare the spring supplemental budget packets and forward them to all student groups, in addition to posting all such materials on the SBA bulletin boards, and forwarding copies to all SBA Executive Board and Budget Committee members, and the Dean of Student Affairs.
3. The SBA Treasurer shall thereafter conduct the spring supplemental budget process in the same manner as the fall semester budget process, without reference to the election of first year officers. In all budget materials, the SBA Treasurer shall prominently note that the supplemental budget process does not effect the fall student group allocation, but simply provides additional funds for spring semester activities.
4. In all budget materials, the SBA Treasurer shall prominently note that allocated, but unspent funds (excluding fundraising) revert back to the SBA, and that the SBA shall redistribute those funds in next year's fall semester budget process. The reimbursement deadline for spring group spending shall be determined by the SBA Treasurer, however, no later than the last day of examinations of the spring semester.

**D. Conflict of Interest**

1. An SBA Budget Committee member or voting SBA Executive Council member shall disclose any potential conflict of interest to his or her respective body. The member shall not vote on a budget request where an actual conflict of interest exists. Actual conflicts include, but are not limited to, cases where the member is also an officer in the organization requesting funds. The foregoing rule does not apply to funding requests for the SBA Executive Council, SBA Executive Board, or class governments, nor does the foregoing rule apply when voting on the budget as a whole. A disqualified member shall not be counted to meet quorum.

**E. Student Groups**

1. The SBA Treasurer shall require that organizations provide to the SBA a current list of officers, and shall only reimburse groups when presented with a valid reimbursement request from an officer of record. Each student group shall have at least two officers (president and treasurer).
2. The SBA Treasurer shall require that organizations provide to the SBA a current copy of their constitution, by-laws, rules, or other chartering document or statement of purpose.
3. New Student Organizations

- a. Organizations seeking recognition must designate a representative to present the organization to the entire SBA body at a general SBA meeting. The organization must do the following:
  1. Contact the SBA Secretary to put the organization on the agenda for a general SBA meeting;
  2. Obtain a petition signed by 100 members of the student body. The petition should contain:
    - i. The name of the proposed organization;
    - ii. A brief purpose statement of the proposed organization; and
    - iii. The printed name, class year, and signature of the 100 members of the student body.
  3. Devise a Constitution for the organization.
- b. At the general SBA meeting, the representative of the organization must:
  1. Provide the SBA Executive Council the petition signed by 100 members of the student body; the SBA Parliamentarian shall verify the signatures on said petition; and
  2. Present to the entire SBA body the purpose of the proposed organization.
- c. The entire SBA body shall approve the creation of the proposed organization by a simple majority vote after the representative has presented.
- d. If the entire SBA body fails to approve the proposed organization:
  1. The proposed organization will not be created; and
  2. The proposed organization reserves the right to request SBA approval at a subsequent general SBA meeting. The proposed may do so by contacting the SBA Secretary and requesting the organization be put on the agenda for a subsequent general SBA meeting. The proposed organization need not obtain another petition signed by 100 members of the student body, unless the SBA Parliamentarian has deemed the initial petition invalid.
- e. If the entire SBA body approves of the proposed organization:

1. The newly-chartered organization shall remain on probation as a limited student group (LSG) until it meets the requirements for a general student group set forth in the Budget Packet. If the organization meets said requirements, it will becoming a GSG the following semester.
  - f. A representative of the new student group shall meet with a representative from the Office of Student Affairs within two (2) weeks of SBA approval. If this is not possible because SBA approval came within two (2) weeks of the end of the fall or spring semester, a representative of the new student group must meet with a representative of the Office of Student Affairs within two weeks of the beginning of the next semester.
4. Probation
- a. New student groups: Probation means that the student organization is not eligible for more that the designated operating funds for student groups or such amount as the SBA Executive Council approves for said group.
  - b. Student Organizations placed on probation by the SBA Executive Council pursuant to the Budget Policies and Procedures: Probation means that the student organization is only eligible for such an amount as the SBA Executive Council approves for said group.
5. All student organizations shall conduct executive board elections prior to April 1 of every year. This amendment shall take effect January 1, 2014.

**F. Request for Reimbursement**

1. The SBA Treasurer shall provide to all groups a standardized "Request for Reimbursement" form, which shall require, at minimum, the attachment of an original receipt and certification by a current group officer that the request is valid and pursuant to a line-item allocation by the SBA. The SBA Treasurer shall further provide a "Reimbursement Schedule" at the beginning of each semester to all students groups and members of the SBA Executive Board and SBA Budget Committee. The SBA Treasurer shall not provide any funds to groups in advance of receiving a valid receipt or invoice, and shall encourage student groups to fundraise, and avoid out-of-pocket payments by individual group members.

**G. Refusal to Fund Non-Approved Activities; Reallocation; Rescission**

1. The SBA Treasurer has the ultimate obligation to approve SBA reimbursements to student groups and individuals. The SBA Treasurer shall only fund activities approved by the appropriate SBA budget authority. The SBA Executive Council, by a two-thirds (2/3) majority vote, may reallocate student group funds, provided proper notice is given to all SBA Executive Council members (pursuant to the SBA Secretary's duties). An SBA Executive Council member may propose, in writing, to rescind a student group's funds. The SBA Treasurer and the SBA Budget Committee shall investigate and issue a report on said student group, which the SBA Secretary shall distribute in advance of the SBA Executive Council meeting. A two-thirds (2/3) majority vote is required to rescind a student group allocation, taken by roll call vote in open session.

#### **H. SBA Executive Board, SBA Executive Council, Class Governments**

1. The SBA Treasurer shall create separate encumbered accounts for the SBA Executive Board, SBA Executive Council, class governments, and the ABA-LSD Representative. The SBA Treasurer shall report, in writing, the balance of each of these accounts at each regular SBA Executive Council meeting. Class governments may carry-over their fundraising proceeds into the next academic year.

#### **I. SBA Treasurer's Reports**

1. At the beginning of each semester, the SBA Treasurer shall prepare, in writing, a comprehensive report listing all receipts and expenditures, and all other account activity, for the Student Bar Association for the past semester. The SBA Treasurer shall calculate the percentage of allocated funds that each group spent. The SBA Treasurer shall forward his or her report to the SBA Secretary, who shall distribute the materials to the SBA Executive Council and the student body, pursuant to the SBA Secretary's duties. The outgoing SBA Treasurer shall additionally prepare a year-end report in May, for distribution by the SBA Secretary, to the Dean of Student Affairs, the incoming SBA Executive Council, and the student body.

#### **J. Public Information**

1. All records of the SBA Treasurer (including, but not limited to, budget submissions and requests for reimbursement) shall be open to inspection, upon request, by any member of the student body, or by the Faculty Advisor. The SBA Treasurer shall redact sensitive and confidential information from the records, including credit card and bank account information, as well as non-reimbursed personal items on group receipts.

**K. Open and Non-Discriminatory Student Activities**

1. The membership and the privileges of all SBA-recognized organizations shall be open to all students of the University of Maryland Francis King Carey School of Law equally, without regard to race, national origin, age, gender, handicap, sexual orientation, gender identity, creed, religion, academic standing, grade point average, or class rank. Any group violating the aforementioned shall not be recognized by the SBA and as such will not be eligible for the privileges of student organizations including, but not limited to student funds.

**ARTICLE XI  
Parliamentary Authority**

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, shall govern the SBA in all cases to which they are applicable, and in which they are not inconsistent with this document and the Standing Rules adopted by the SBA Executive Council.

**ARTICLE XII  
Amendment of Constitution and By-Laws, Standing Rules; Suspension Prohibited**

**A. Amendments to the Constitution and By-Laws, Standing Rules**

1. Any SBA Executive Council member may propose, in writing, an amendment to this document or to the Standing Rules.
2. The amendment must be proposed in advance of an SBA Executive Council meeting, pursuant to the SBA Secretary's duties for receiving and distributing the agenda and proposals under this document.
3. The SBA Executive Council must approve a proposed amendment to this document by a two-thirds (2/3) majority vote of the entire voting membership of the body, taken by roll-call vote in open session.
4. The amendment shall state its effective date.
5. The SBA Parliamentarian shall incorporate any approved amendments into this document, and the SBA Secretary shall transmit any approved amendment to the student body, pursuant to his/her respective duties under this document.

**B. Suspension Prohibited**



1. The SBA may not suspend or waive a provision of this document, unless expressly provided in this document. The SBA may suspend a Standing Rule for a given issue at a meeting by a two-thirds (2/3) majority vote of the SBA Executive Council.

### C. Resolutions

1. The SBA Parliamentarian shall incorporate all approved resolutions into Article XII.C.1 of this document, pending approval to amend the Constitution.

- a. **Resolution 1, Adopted February 18, 2007:**

“**WHEREAS**, each year the Student Bar Association (“SBA”) is faced with an ever increasing number of funding requests, and **WHEREAS**, the number of student organizations within the School of Law continues to increase each year, and **WHEREAS**, each student organization within the School of Law wishes to have an increasing number of events per academic year, and

**WHEREAS**, the SBA receives all of its funding from Student Activities Fees, and

**WHEREAS**, the Student Activities Fee has not increased for students in the School of Law for several years, and

**WHEREAS**, the lack of funding has resulted in the SBA’s inability to fund programs that would enrich the student body, be it resolved

**RESOLVED**, that the SBA hereby wishes to increase the Student Activity Fee paid by each student in the amount of \$4 (four) dollars per year, or \$2 (two) dollars per semester.”

- b. **Resolution 2, Adopted April 15, 2007:**

“**WHEREAS**, students in the evening divisions at this school wish to participate more fully in the activities sponsored or co-sponsored by the Student Bar Association (“SBA”), and

**WHEREAS**, the SBA would like to facilitate increased evening student participation in its sponsored activities and events, and

**WHEREAS**, many student organizations do not provide adequate notice to evening students about upcoming activities and events, and

**WHEREAS**, many student events are held during the daytime hours or at other times when evening students are unable to attend, be it resolved

**RESOLVED**, that any student organization accepting funds from

the SBA shall hold meetings and events during both the day and evening hours OR shall provide at least 2 (two) weeks notice to the student body about all upcoming events so that students have adequate notice to attend such event.”

c. **Resolution 3, adopted December 2, 2007:**

“**WHEREAS**, student group events often overlap, resulting in lower student participation; and  
**WHEREAS**, student groups are encouraged to plan ahead; and  
**WHEREAS**, student leaders planning these events are frustrated when another student organization schedules an event simultaneously; and  
**WHEREAS**, student leaders should be aware of other events already planned for a particular day and time.  
**RESOLVED**, for all evening events where a time conflict exists, only one student group event can be an official student event per evening. Being the official student event allows the student group to use official advertising sources provided to student groups such as, but not limited to, school-wide emails, the posting of flyers, and placement on the school calendar. It is the responsibility of the student organization leadership to check the official school calendar for conflicting events before scheduling an event. This rule is not intended to cover academic-type programs such as, but not limited to, career panels, public policy discussions, and professional networking events. Student groups and student leaders are expected to self-police this resolution and alert the Executive Council of violations of this resolution. The Executive Board maintains the right to grant exceptions to this resolution. The Executive Council shall have the authority and discretion to punish violators of this resolution.”

d. **Resolution 4, adopted December 2, 2007:**

“All students and student groups are invited and encouraged to attend SBA meetings and present any proposals, events, initiatives, etc. that they may wish, but are on notice that the SBA will refrain from endorsing or taking any official positions or stances.”

e. **Resolution 5, adopted March 1, 2009**

“The incoming SBA Vice President shall select a member of the newly elected SBA to be the chair of the Career Development Office Committee in the Spring Semester for the upcoming academic year. The Committee shall consist of one elected officer from each class.

The Committee shall remain in communication with the Career Development Office during the summer. The Committee members shall solicit feedback from their respective classes each semester and obtain student comments and recommendations on the Career Development Office services. The Committee shall consolidate the student feedback and present it to the Career Development Office staff at least once a semester. The Committee shall provide a brief summary of the results of the meeting with the Career Development Office at the following scheduled SBA meeting.”

f. **Resolution 6, adopted November 15, 2009**

“The Budget Committee may, at its discretion, giving due consideration to any extenuating circumstances, authorize the reversion back to the SBA account, of any fundraising money from any student organization that has been inactive for three consecutive semesters.”

g. **Resolution 7, adopted February 21, 2010**

“Committees must meet once between full SBA body meetings any time there is any open or pending issue that needs discussion. Open or pending issues will be determined and assigned by the SBA Executive Board and Executive Council. Proper meeting type can be decided by Chairperson.”

h. **Resolution 8, adopted February 21, 2010**

“The SBA President shall designate, in writing, to the member and the SBA Secretary, as an "absentee" any officer, including appointed officers, of the SBA Executive Council who shall, within a single school year, miss two unexcused or a total of three meetings of the SBA Executive Council. The absentee member’s continued participation in the SBA is automatically put up to a vote by the full SBA Executive Council. The absentee member shall be given an opportunity to explain the absences before any vote is taken and due consideration should be given to the member's overall SBA involvement; however, the vote must still take place. For purposes of this section, an excused absence may include: illness; injury; medical emergency in the immediate family; mandatory class-required event (beyond mere homework or studying obligations), imminent job opportunity (such as an interview or similar circumstances). For purposes of this section, an unexcused absence shall include: forgot about it; too busy to make it; inadvertently scheduled something else for the same time; don't care to explain why I can't be there; just don't feel like it; or any other substantially equivalent reason. The

SBA President shall publish a written policy regarding excused and unexcused absences from SBA Executive Council meetings. For purposes of this section, a meeting includes a meeting scheduled but not commenced due to the inability to obtain a quorum. Any member who shall be removed from office by the mechanism set in place in this article shall thereafter be prohibited from running for SBA office in the immediately subsequent year. ”

**i. Resolution 9, adopted November 21, 2010**

Any student organization accepting funds from the SBA shall:

- A. in the case of a general body meeting:
  - 1. schedule two distinct meetings. One such meeting must be concluded prior to 4:00pm. The subsequent meeting must not commence until at least 5:00pm. Both meetings must be announced at least three days in advance via the student organization listserv.\* Student organizations should still aspire to give as much additional advance notice as possible; Or
  - 2. schedule just one single meeting on the condition that this single meeting is announced at least two weeks in advance via the student organizations listserv AND it is held during twilight hours (between 5:00pm and 6:00pm).
- B. in the case of a food or product or ticket sale in which table-hours are held:
  - 1. hold table-hours extending into both day and evening hours, as defined in (A) (1) above. Table-hours must be announced at least three days in advance via the student organizations listserv; Or,
  - 2. give at least one week notice via the student organizations listserv so that students can make appropriate arrangements to have another student make the purchase on their behalf.
- C. in the case of any student organization sponsored occurrence other than those described in (A) and (B) above, announce the event at least two weeks in advance via the student organizations listserv.
  - 1. Should a student group wish to sponsor an occurrence that would be less than two weeks from the date they announce it, they may request a waiver of the two week requirement from SBA by sending an email to [sbaexecboard@gmail.com](mailto:sbaexecboard@gmail.com), explaining the details of the event and the reasons for not being able to provide two weeks' notice via the student organizations listserv. The waiver must be approved by a simple majority of the SBA Executive Board within (48) hours.

- D. be subject to financial penalties to be determined by the Budget Committee in the event of a failure to comply with items (A), (B), or (C) above.
- E. This amendment will come into effect beginning with any events scheduled on or after January 1, 2011.  
\*Example: An event scheduled to take place on Monday must be posted to the listserv no later than the previous Friday.

j. **Resolution 10, adopted April 5, 2012: Revised Attendance Policy**

I. Absentee

- A. The SBA President shall designate, in writing, to the officer and the SBA Secretary, as an 'absentee' any officer, including appointed officers, of the SBA Executive Council, who shall, within a single school year, miss two meetings of the SBA Executive Council.
- B. Absentee status creates a rebuttable presumption that the Absentee's membership in the SBA should be removed. An Absentee remains a member of the SBA.
- C. The Absentee's continued recognition by and participation in the SBA shall be automatically put up to a vote by the full SBA Executive Council at the next general SBA Executive Council meeting. If an officer becomes an Absentee due to his/her absence at the last SBA Executive Council meeting of the academic year in the Spring, the vote shall take place at that last SBA Executive Council meeting.
  - 1. The Absentee must earn a simple majority vote (51%) by the SBA Executive Council present at the meeting to retain status as an officer. There must be a quorum to take the vote. If a meeting is scheduled and does not meet the quorum, the vote shall be postponed to the next meeting where the quorum is met. In the interim, the absentee shall remain a member of the SBA Executive Council.
  - 2. The Absentee shall be given an opportunity to explain the absences before any vote is taken and due consideration should be given to the officer's overall SBA involvement; however, the vote must still take place. If the officer becomes an Absentee due to his/her absence at the last SBA Executive Council meeting of the academic year in the Spring, the Absentee shall be afforded the opportunity to submit a written statement to the SBA President and SBA Secretary to be read on the Absentee's behalf; however, the vote must still take place.

3. Upon a favorable vote that results in the Absentee's reinstated status of an officer, the officer's attendance record does not restart at zero absences. Therefore, the officer remains subject to automatic removal for any subsequent absences.
4. Upon an unfavorable vote, the Absentee is removed from office upon notification in writing. The Absentee may file an appeal within ten (10) days of notice of removal from office to the SBA Executive Board for reconsideration. The SBA Executive Board must unanimously vote to veto the SBA Executive Council's vote to reinstate the SBA member.
5. In the event of a tie, the SBA President shall cast the tie-breaking vote.

## II. Automatic Removal from SBA

- A. Any officer, including appointed positions, of the SBA Executive Council, who shall, within a single academic year, miss a total of three (3) absences shall be automatically removed from office upon notification in writing.
- B. An officer removed from the SBA under Subsection A may appeal his/her removal, in writing, to the SBA Executive Board.
  1. The SBA Executive Board must unanimously vote to reinstate the officer as an Absentee.
  2. If the SBA Executive Board unanimously votes to reinstate the officer as an Absentee:
    - a. The Absentee status creates a rebuttable presumption that the Absentee's membership in the SBA should be revoked.
    - b. The Absentee's continued recognition by and participation in the SBA shall be automatically put up to a vote by the full SBA Executive Council at the next general SBA Executive Council meeting. If an officer becomes an Absentee due to his/her absence at the last SBA Executive Council meeting of the academic year in the Spring, the vote shall take place at that last SBA Executive Council meeting.
    - c. The Absentee must earn a simple majority vote by the SBA Executive Council to retain status as an officer.
    - d. The Absentee shall be given an opportunity to explain the absences before any vote is taken and due

consideration should be given to the officer's overall SBA involvement; however, the vote must still take place. If the officer becomes an Absentee due to his/her absence at the last SBA Executive Council meeting of the academic year in the Spring, the Absentee shall be afforded the opportunity to submit a written statement to the SBA President and SBA Secretary to be read on the Absentee's behalf; however, the vote must still take place.

- e. Upon a favorable vote that results in the Absentee's reinstated status of an officer, the officer's attendance records does not restart at zero. Therefore, the officer remains subject to automatic removal for any subsequent absences.
  - f. Upon an unfavorable vote that results in the Absentee's removal from office, the officer is removed from office, upon notification in writing.
  - g. In the event of a tie, the SBA President shall cast a tie-breaking vote.
  - h. The SBA Executive Council's vote pursuant to this section under II(B)(2) may not be appealed.
3. If the SBA Executive Board does not unanimously vote to reinstate the officer, the officer is effectively removed from office upon notification in writing. The SBA Executive Board vote may not be appealed.

This resolution shall take effect June 1, 2012.

For purposes of this resolution, a meeting includes a meeting scheduled but not commenced due to the inability to obtain a quorum. The SBA Secretary shall take attendance at such a meeting.

The purpose of these amendments is to increase overall attendance at SBA Executive Council meetings. There are only six (6) SBA Executive Council meetings in the academic year; therefore, two (2) absences constitute 33% of total meetings, and three (3) absences constitute 50% of total meetings. The previous distinction between excused and unexcused absences was unclear, and ultimately, it does not change the fact that missing 33% or more of the total number of SBA Executive Council meetings should not be taken lightly. If an SBA officer becomes an Absentee due to absences beyond the SBA officer's control, the SBA officer will be afforded an opportunity to explain the circumstances surrounding the absences to the SBA Executive Council. The purpose of this policy is to discourage students from missing the "maximum" number of meetings without suffering any consequences. The built in appeal processes provide due

process to SBA officers. The SBA Executive Board should take pains to notify SBA officers of the attendance policy and keep an up-to-date attendance record.