

CONSTITUTION
of the
Michigan State University
College of Law
Student Bar Association



**Student Bar Association
Michigan State University College of Law**

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ARTICLE I: NAME, PURPOSE, AND AFFILIATION

A) Name

The name of this organization is the Michigan State University College of Law Student Bar Association [hereinafter “SBA”].

B) Purpose

The purpose of the SBA is:

- 1) to promote, establish, and run such activities and organizations as are deemed beneficial to the Michigan State University College of Law [hereinafter “College of Law”] and to represent student concerns and interests; and
- 2) to promote academic and social interaction among the students, faculty, alumni, administration, and board of trustees of the College of Law; and
- 3) to develop a mutual awareness and appreciation of the profession of law among the College of Law and community at large, including the American Bar Association; and
- 4) to serve as a representative of the student body to the faculty, alumni, administration, and board of trustees of the College of Law; and
- 5) to promote professionalism among law school students by providing an opportunity to participate in an integrated Bar modeled on the State Bar of Michigan; and
- 6) to promote service in the College of Law and the community at large; and
- 7) to promote and encourage diversity in the College of Law and the community at large.

C) Affiliation

The SBA is affiliated with the College of Law and Michigan State University. The SBA uses these schools' names with their permission.

ARTICLE II: IDENTITY AND DEFINITIONS

A) Authority

The SBA is an organization operating within the State of Michigan and under the Student Handbook of the College of Law.

B) Fiscal Year

The fiscal year of the SBA runs from July 1-June 30 of each year.

C) Governing Documents

- 1) The SBA shall operate under the guidelines set forth in this Constitution and in any bylaws for the organization.
- 2) In any conflict between the Constitution and the Bylaws, the Constitution shall supreme.
- 3) The President shall be the final interpreter of this Constitution and any laws and policies promulgated thereunder. Such rulings shall be made in consultation with the Parliamentarian and are subject to appeal as provided by Robert's Rules of Order.
- 4) SBA Bylaws
 - a) All documents (standing rules, finance operating procedures, and any other policies or procedures) created under authority of this Constitution shall be collected in the SBA Bylaws.
 - b) This manual will be maintained in the SBA office and available electronically via TWEN and/or the SBA website.
 - c) The Vice President and the Communications Director shall jointly maintain the Bylaws and ensure that it is current and up-to-date.
 - d) Any amendment to the Bylaws shall be implemented upon the approval of a majority of the representatives at an SBA General Board Meeting.

D) Definitions

- 1) A "full week of school" shall constitute at least four class days.
- 2) "Academic Year" is as defined by the Registrar.
- 3) "First Year Students" are those in good standing who have completed no more than 28 credits.
- 4) "Second Year Students" are those in good standing who have completed more than 28 credits, but no more than 56 credits.
- 5) "Third Year Students" are those in good standing who have completed more than 56 credits.
- 6) "Resolution" is a measure passed by a majority vote of the General Board to express the sentiments of the SBA on matters affecting the student body.
- 7) "Bill" is a binding measure passed by a majority vote of the General Board directing the actions and policies of the SBA within its legislative powers.
- 8) "Senator" is defined as a voting member of the General Board.
- 9) "Duly Elected" consists of Senators who receive the requisite votes according to Article IV of this Constitution.

- 10) Senators are “Present” for the purposes of voting when they are physically present at a meeting.
- 11) “Good Standing” shall mean that a SBA member or candidate has complied with all requirements under the Bylaws and this Constitution.
- 12) “Term of Office” consists of the period of time from the point a Senator (or Executive Officer) is elected until the next election of the position, or until the individual graduates, whichever occurs first.

ARTICLE III: EXECUTIVE BRANCH

A) Duties of Executive Board

The Executive Board shall:

- 1) consist of the SBA President, Vice President, Finance Director, Community Affairs Director, and Communications Director.
- 2) In addition to powers as enumerated in this Constitution, the Executive Board shall have all powers enumerated in the SBA Bylaws.
- 3) have the power to meet, discuss, and take appropriate action to represent the best interests of the student body.
- 4) meet and pass decisions in meetings.
- 5) have the authority to establish committees subject to the bylaws, and select the membership of all committees.
- 6) appoint representatives and liaisons to other college, university, and public committees, commissions and similar bodies on behalf of the student body subject to the advice and consent of a majority of the General Board.
- 7) make financial decisions outside of approved budget allocations.
 - a) Such decisions must be ratified by a majority of the General Board.
- 8) appoint any and all student liaisons to outside organizations, as needed. Such appointments shall be made at the end of the academic year preceding the year for which such liaisons shall serve and whenever a vacancy may arise.
- 9) establish office hour policies for itself and the General Board. This policy will be retained in the SBA Bylaws.

B) Duties of Executive Positions

- 1) President

- a) The President shall have all powers necessary to maintain the efficiency and efficacy of the SBA, including the ability to redistribute and assign tasks to all committees and officers of the SBA. Any such decision may be overruled by a two-thirds majority of the General Board.
 - b) The President shall serve as Chairperson of all meetings of the General Board.
- 2) Vice President
- a) The Vice President shall have the power to execute all presidential duties in the absence of the President.
 - b) Maintain attendance records for all members of the SBA.
 - c) Oversee the committee chairs and committee activities.
- 3) Finance Director
- a) The Finance Director shall facilitate and oversee all committees and activities involving finances, fundraising, and oversight of the various student organizations within the SBA and the College of Law.
- 4) Community Affairs Director
- a) Act as liaison between the Student Body and the SBA.
 - b) Coordinate events external to the College of Law that are non-enumerated SBA obligations.
 - c) Coordinate interaction between the College of Law and the surrounding legal, governmental, and academic communities.
- 5) Administrative Director
- a) The Administrative Director shall take and maintain detailed minutes at all meetings of the Executive Board and General Board.
 - b) Be responsible for the maintenance and oversight of the SBA's TWEN site and website.
 - c) Oversee all marketing and promotion of the SBA, events coordinated by the SBA, and all other marketing projects as assigned by the Executive Board.
 - d) Implement the SBA's informal newsletter on at least a monthly basis.
 - e) Serve as the Election Coordinator for the annual SBA elections along with any special elections held throughout the Administrative Director's term in office.
 - f) Retain a copy of all communications relevant to the SBA.

ARTICLE IV: LEGISLATIVE BODY

A) Composition

- 1) There shall be 36 members of the SBA General Board. The General Board shall consist of the Chairs of Standing Committees, as well as at least the representatives to be divided as follows:
 - a) One (1) representative from each section of the First Year Class (1L),
 - b) Three (3) representatives from the Second Year Class (2L),
 - c) Three (3) representatives from the Third Year Class (3L),
 - d) One (1) representative in a non-JD program within the College of Law.

- 2) If after a second election the Board is unable to fill the specified positions included in Section A(1)(a-d) of this Article, each position shall be filled by an at-large Senator selected in said election.
- 3) The remainder of the General Board shall consist of at-large Senators.

B) Duties

The SBA General Board:

- 1) shall adopt an annual budget for its operation,
- 2) shall approve policies for the disbursement and monitoring of all funds overseen by the SBA,
- 3) may acquire and allocate any further funds that may come to it by gift, or any lawful function or enterprise conducted by it,
- 4) shall adopt rules for its own proceedings,
- 5) shall serve table time hours as recommended by the Community Affairs Director and ratified by a 2/3 majority vote of voting senators.
- 6) shall adopt bills and resolutions
- 7) shall hold all other legislative power of the SBA, exercised by majority vote, unless otherwise stated in the SBA Constitution or inconsistent with federal and state laws, the Bylaws, policies of the university and/or the College of Law.

C) Meetings

- 1) The SBA General Board shall meet according to the schedule set by the Executive Board prior to the start of each semester.

D) Terms of Office

- 1) Senators shall assume office upon being duly elected and shall serve until the next election for the Senator's seat. No term shall extend past the last day of examinations during the Senator's semester of graduation.
- 2) Committee chairs shall serve for the entirety of the academic year following the one in which they are selected.
- 3) Any members of the previous Executive Board who were not elected to the Executive Board shall become Senators on the General Board, subject to a Senator's terms of office at said General Board Meeting.

E) Quorum

- 1) The necessary quorum for the transaction of any and all business matters of the SBA shall be established if a majority of the voting representatives of the SBA are present at the meeting.
- 2) There will be no provision for absentee or proxy voting.

F) Forfeiture

- 1) Any SBA member who has graduated, resigned, withdrawn, or been dismissed from the College of Law has forfeited his or her office.
- 2) An SBA member who shall begin any period of off-campus study or work during the Fall or Spring terms that will make it impossible to physically attend Executive Board, General Board or Committee meetings on a regular basis shall forfeit his or her office effective immediately upon commencement of that period of off-campus study or work.

ARTICLE V: ATTENDANCE

- 1) All SBA members shall be automatically removed from office after exceeding the number of absences allowed as defined in the SBA Bylaws.

ARTICLE VI: ELECTIONS AND QUALIFICATIONS

A) Qualifications

- 1) To be placed on a ballot, a candidate for an At-Large Representative shall:
 - a) Be an enrolled **MSU** College of Law Student currently in good standing and;
 - b) Have twenty (20) total signatures from fellow MSU College of Law students.
 - c) If a candidate has previously served as a member on SBA, he or she shall submit the following as part of his or her application:
 - i) The minimum table time hours requirement for the most recent semester(s) from the academic year he or she previously served as a member on SBA;
 - ii) The amount of table time hours he or she completed for the most recent semester(s) from the academic year he or she previously served on SBA; and
 - iii) The amount of absences he or she accrued during his or her last academic semester of service.
 - d) Should a negative discrepancy between the minimum table time hours requirement and the table time hours completed be greater than the maximum amount of absences permitted, the candidate's application shall be considered incomplete.

- e) Subsection (d) shall only apply if the candidate exceeded his or her allotted absences during the most recent semester(s) he or she served on SBA.
- 2) To be placed on a ballot, a candidate for a Section/Class Representative shall:
- a) Be an enrolled **MSU** College of Law Student currently in good standing and;
 - b) Have twenty (20) total signatures coming from his or her respective class.
 - c) If a candidate has previously served as a member on SBA, he or she shall submit the following as part of his or her application:
 - i) The minimum table time hours requirement from the most recent semester(s) from the academic year he or she previously served as a member on SBA;
 - ii) The amount of table time hours he or she completed for the most recent semester(s) from the academic year he or she served on SBA; and
 - iii) The amount of absences he or she accrued during his or her last academic semester of service.
 - d) Should a negative discrepancy between the minimum table time hours requirement and the table time hours completed be greater than the maximum amount of absences permitted, the candidate's application shall be considered incomplete.
 - e) Subsection (d) shall only apply if the candidate exceeded his or her allotted absences during the most recent semester(s) he or she served on SBA.
- 3) A candidate may run for both At-Large Representative and Class Representative provided he/she meets the signature requirements in Article IV, §A(2). If a candidate wins a Class Representative seat, his/her name will be removed from consideration of the At-Large position.
- 4) A candidate for any of the Executive Board positions shall:
- a) Be a current, or former, representative in good standing of the SBA.
 - b) Be nominated and seconded by SBA Senators.
 - c) Have at least one full term of office remaining at the time of the election.

B) Selection Process:

- a) Post Speech Deliberation
 - i. Upon completion of a candidate's five (5) minutes to deliver a presentation for his or her candidacy, the Senators, in the absence of all candidates running for an Executive Board position in current deliberation, shall collectively have, for each Executive Board Position deliberated, **an equivalent of one (1) minute per present voting SBA Member, plus five (5) minutes.**
 - ii. Unused time for a particular Deliberation round may not be transferred to remaining Deliberation rounds for other Executive Board decisions.
 - iii. Each Senator deliberating a particular Executive Board position shall be permitted no more than one (1) minute to speak for each Executive Board position deliberation round.

- iv. If any Senator chooses to speak less than the one (1) minute allotted for any particular Deliberation Round, he or she may not use his or her remaining time in any Deliberation Round.
- v. If a particular Deliberation Round is completed with more than five (5) minutes remaining in the time allotted per Section (a)(i), any Senator may speak for up to one (1) minute as a continuance of the Deliberation Round; however, no continuance may exceed the time allotted in Section (a)(i).
- vi. In the event that no candidate receives a majority vote, the aforementioned further “discussion round” in Article IV (B)(1)(c)(ii) shall be subject to the procedure for “Post Speech Deliberation.”
- vii. Post Speech Deliberation shall adhere to Robert’s Rules of Order.

C) Procedures

1) Nomination Process:

- a) All candidates running for an Executive Board Position shall be nominated during the Nomination Process.
- b) The Nomination Process shall begin at the conclusion of the first General Board meeting that occurs in the Second Semester and shall conclude forty-eight (48) hours prior to when Elections begin.
- c) At the General Board meeting that precedes Election Day, the Executive Board shall present all current nominees to the General Board prior to the conclusion of the Nomination Process.
- d) Upon receipt of a nomination and its second for any Executive Board position during the Nomination Process, a Senator may run for other positions on the Executive Board during Elections if he or she does not obtain a majority vote for the Executive Board position for which he or she was originally nominated; however, such a Senator must be nominated and seconded upon pursuit of subsequent Executive Board Positions.
- e) SBA Members may nominate no more than one (1) Senator for each position on the Executive Board during the Nomination Process.
- f) In the event any Executive Board Position has a candidate running unopposed at the conclusion of the Nomination Process, the provisions articulated in the ‘Nomination Process’ shall not apply for such a position.

2) The President, Vice President, Finance Director, Community Affairs Director, and Communications Director:

- a) Shall be elected at a meeting held in February, the date of which shall be selected by the current Executive Board.
- b) Shall be elected by a majority of current SBA members present at this meeting,
 - i. Majority shall be defined as greater than 50% of all present voting members.
- c) If more than two candidates run and none of the candidates receive a majority, then one-half of the candidates (rounded down) with the fewest votes shall be eliminated, and an additional election held with the remaining candidates.
 - i. In the event that only two candidates remain and there is a tie, the chair of the election meeting shall break the tie-vote.
 - ii. A new discussion round must occur between each round of voting, whether or not there are only two candidates, to allow for further

discussion. The allowed speaking time, however, may be shortened.

- d) Shall be elected in the following order: President, Vice President, Finance Director, Community Affairs Director, and Communications Director.
- 3) Committee Chairs
- a) Qualifications
 - i. An Executive Board member is not eligible to serve or apply for Chairship of any standing Committee.
 - ii. Only current SBA members, or those who have previously served a minimum of one semester on the SBA, are eligible to apply for the following year's Committee Chair positions.
 - b) Application Process
 - i. Each candidate must submit a Statement of Interest and take part in an interview.
 - ii. The newly elected Executive Board within thirty (30) days from its election shall submit its recommendations to the General Board for the Chairperson of the Standing Committees.
 - 1. Within fifteen (15) days, the Executive Board shall set forth the structure of the Standing Committees for the next year and release applications for Chairpersons of those Standing Committees.
 - 2. The period for submitting applications shall be at least seven (7) days.
 - 3. The Executive Board shall give reasonable notice to those qualified to be Chairpersons at the beginning of the application process.
 - c) Selection Process
 - i. The recommended Chairpersons shall be presented at the General Board meeting following the application process and confirmed by the General Board with a majority up/down vote.
 - 1. If the recommended chairs are not confirmed in the up/down vote, then the General Board will vote on the individual chair selections, requiring a majority vote.
 - 2. If a recommended Chairperson is NOT confirmed by either vote, then the Communications Director will solicit nominations for an election to occur immediately following the nomination period. The period to solicit nominations shall not be less than seven (7) days.
 - 3. At the General Board Meeting immediately following the end of the nomination period, an election will occur for any persons nominated for a vacant Committee Chair position that were not confirmed in accordance with Article IV, Section B(2)(c). The election guidelines will follow those in accordance with Article IV, Section B(1)(b)-(c)
 - 4. From the point they are confirmed to the close of the spring semester, the incoming Chairperson will shadow and assist all official duties of the outgoing chair.
 - d) Vacancies
 - i. If a Committee Chair cannot complete their duties, the Community Affairs Director shall assume the responsibilities of the Committee Chair until the next meeting of that Committee.
 - ii. At the next meeting of that Committee, the Community Affairs Director shall serve as the Chairperson until a new Chairperson is elected by a majority vote.

- iii. Eligible candidates for a new Chairperson shall be current members of the Committee.
- iv. The Executive Board shall make a recommendation to the General Board regarding the candidate to fill the vacancy.
- v. The General Board will confirm or deny that Executive Board's recommended candidate.
- vi. The Chairperson shall serve until the completion of that term.

4) At-Large & Class Representative Elections

- a) The SBA Executive Board with the assistance of the Committee Chairs shall, in consultation with the faculty/staff advisor, conduct the At-Large and Class Representative Elections.
- b) Candidates for At-Large and Class Representatives may solicit the signatures required by Section A of this Article during the first two full weeks of school in the fall semester.
 - i. These signatures shall be submitted to the Communications Director by 5:00pm on the Friday of second full week in the fall semester.
- c) Elections shall be held during the third full week of school in the fall semester.
 - i. Elections shall be held from 10:00am until 5:00pm Monday through Thursday of said election week.
 - ii. The results of the election shall be tabulated and announced by Friday 5:00pm of said election week.
- d) One Representative shall be elected from each section of the following constituency:
 - i. First Year Class.
- e) Three (3) Representatives shall be elected from each of the following constituencies:
 - i. Second Year Class; and
 - ii. Third Year Class.
- f) One (1) Representative shall be elected from the following constituency:
 - i. LLM Program.
- g) The remaining positions shall be comprised of At-Large Representatives elected by the College of Law student body.
- h) Vacancies
 - i. If there is a vacancy for an At-Large or Class Representative position, an election shall take place to fill said vacancy.
 - ii. No individual election may last longer than one (1) week.
 - iii. All applicants must complete the election materials as instructed by the Communications Director to be considered for appointment.
 - iv. The Communications Director shall facilitate the election process to fill a vacancy and will present all valid and successful candidates to the Executive Board for further consideration.
 - v. Upon the Executive Board's recommendation, each applicant shall have the opportunity to present themselves for no more than (5) minutes to the General Board for its deliberation and approval.
 - vi. The General Board's deliberation process shall adhere to the procedure as outlined in Article IV (B)(2).

- vii. Upon a majority vote from the General Board, successful candidates may fill any vacancy contemplated in Article (B)(4)(h).
- viii. If the General Board cannot agree to fill a vacancy upon a majority vote, said vacancy shall be determined by an Executive Board majority.
- ix. Successful candidates will commence service on the General Board immediately upon being elected and accepting the position herein.

4) Miscellaneous Procedures

- a) There shall be absentee ballots available in the Registrar's Office for those students who are not able to vote during regularly scheduled elections.
- b) The Election Coordinator(s) shall bring any discrepancies or problems with elections or election procedures before the Faculty Advisor.

ARTICLE VII: IMPEACHMENT, REMOVAL, RECALL, AND SUCCESSION

A) Impeachment and Removal of all SBA Members

- 1) Any Executive Officer or Senator may have impeachment and removal proceedings initiated against them by any Senator for any just cause. This motion must be seconded.
- 2) The Senator making the motion shall present a bill specifically enumerating the grounds for impeachment to the entire SBA, in the new business portion prior to the next regularly scheduled meeting.
- 3) Removal from office shall require a Constitutional two-thirds majority vote of Senators.
- 4) The vote for Impeachment and removal may not occur the same meeting the bill is introduced.
- 5) A single Impeachment Process may not occur longer than the course of two regularly scheduled meetings.
- 6) In the event that the President is being impeached, the Vice President will preside over the impeachment process.

B) Recall of Elected Officials

All Elected Officials will be subject to recall under the following procedure:

- 1) Filing of a petition with signatures equaling one-fourth of the persons represented by the elected official.
- 2) The petition shall contain a bill stating grounds for recall. The petition shall be filed with the Vice President.
- 3) A special recall election shall be held within two weeks of the filing of such petition.

- 4) A majority vote of the official's constituents is required for removal of any Elected Official.
- 5) If the recall is successful, the Executive Board shall fill the vacancy governed by the established procedures in Article VI of this Constitution.

C) Succession

- 1) In the event that a vacancy is created in the office of the President, whether by removal or resignation, the Vice President shall assume the office of President. If the Vice President declines to accept the position of President, a special election among SBA members shall be held.
- 2) In the event that a vacancy is created in the Executive Board, for an office other than the President, except as provided in Section C(1) of this Article, whether by removal or resignation, the vacancy shall be filled via a special election.
- 3) Special elections shall follow the procedure outlined in Article VI of this Constitution, except that the date of the election shall occur at the next meeting of the General Board.

ARTICLE VIII: FISCAL MATTERS

A) Budget

- 1) The SBA shall adopt a balanced budget every academic year upon approval of a two-thirds-majority of the SBA.
 - a) This budget shall be submitted every academic year by the Finance Director.
 - b) This budget shall be submitted in writing to the SBA General Board.
- 2) The SBA shall either approve or disapprove the entire budget.
 - a) Approval: Upon approval by a two-third majority of the SBA the budget shall be binding and in full effect.
 - b) Disapproval: Upon disapproval by a two-thirds majority of the SBA the budget shall then be voted on line-by-line by a simple majority of the seated members of the SBA actually elected.

B) Authorization Resolution

- 1) No person shall be authorized to incur any obligation or enter into any contract on behalf of the SBA without the prior authorization of the Finance Director. Every such resolution shall specify:
 - a) the name of the vendor,
 - b) the purpose of the undertaking,
 - c) the account to which the disbursement, when made, will be charged,
 - d) the name of the officer or agent of the SBA empowered to act on its behalf, and
 - e) the amount of the obligation authorized, if known, or if unknown, the maximum amount authorized, and the unit price, hourly rate or other measure of computation to be used.

- f) For obligations and/or contracts above the amount of \$2,000, the approval of the President is also required.

ARTICLE IX: SBA CONSTITUTION: AMENDMENT PROCEDURES

- 1) Any proposed amendment to the SBA Constitution should follow the legislative process as enumerated in the SBA Bylaws.
- 2) A Bill amending this Constitution shall be introduced at a regularly scheduled meeting and shall not be acted upon until the next regularly scheduled meeting.

ARTICLE IX: HONOR CODE, DISCRIMINATION, AND SEXUAL HARASSMENT POLICY

- 1) Honor Code Policy
 - a) The SBA fully supports the application of the College of Law Student Honor Code. Any process or procedure set forth in this Constitution shall also be subject to the provisions of the Honor Code.
- 2) Discrimination Policy
 - a) The SBA condemns discrimination and will not discriminate on the basis of age, color, gender, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight, and will tolerate none by any student, officer, or group. The SBA fully supports the application of the College of Law Discrimination Policy.
- 3) Sexual Harassment Policy
 - a) The SBA condemns and will not tolerate sexual harassment of students, faculty, and staff. The SBA fully supports the application of the College of Law Sexual Harassment Policy.