

# *MA*SSACHUSETTS SCHOOL OF LAW

## STUDENT BAR ASSOCIATION

### *CONSTITUTION*

#### PREAMBLE

We, the students of Massachusetts School of Law, in order to develop and further scholastic attainment; to promote understanding among students, faculty, administration and alumni; to further professional and social interests; and to unify the students of the Law School to achieve these ends, do establish this Constitution of the Massachusetts School of Law Student Bar Association.

#### ARTICLE I

This organization shall be known as the Student Bar Association of the Massachusetts School of Law, hereinafter referred to as the SBA. The SBA is a self-governing body, separate and detached from the administration and faculty of the Massachusetts School of Law.

#### ARTICLE II

##### THE SBA:

Section 1. The SBA shall be the governing body of the Law School.

Section 2. The SBA shall have the power to formulate policies, manage the affairs of the student body, and have all powers prescribed by and necessary for the proper execution of this Constitution.

Section 3. The SBA shall have the powers to promulgate by-laws consistent with this Constitution. A two-thirds vote of the voting members of the SBA (Board of Governors and the Class Representatives) shall be necessary to pass or amend a by-law.

## ARTICLE III

### MEMBERS AND MEMBERS VOTING DEFINED:

#### Section 1. Board of Governors:

The Board of Governors shall be the SBA President, SBA Vice-President, SBA Secretary, SBA Treasurer, and three SBA Executors.

#### Section 2. Class Representatives:

- a. Upon petition of 30 signatures from active students, and approval by majority of the Board of Governors.
- b. Shall be a voting member of the SBA on all matters not specifically delegated to the SBA Officers or Board of Governors within this Constitution.

#### Section 3. The Student Judicial Court:

- a. Shall consist of three students in good academic standing and not on probation in accordance with Article VIII Section 2(b). The student justices shall be appointed by the appointed by the President and confirmed by a majority vote of the Board of Governors.
- b. Shall have authority as delegated under Article VII.

#### Section 4. SBA Faculty Advisor:

The SBA Faculty advisor is a non-voting faculty member who may attend meetings and has authority as prescribed by Article VIII.

#### Section 5. Voting:

- a. SBA voting members shall include and be limited to (1) the Board of Governors and (2) the Class Representatives in those matters not specifically delegated within this Constitution to the SBA Officers or Board of Governors.
- b. All voting SBA members in attendance, with the exception of the officer presiding over the full SBA meeting, shall be entitled to vote on all business coming before the SBA for its decision. The officer presiding over the full SBA meeting may vote only to break a tie. No SBA member may vote by proxy.

#### Section 6. Quorum: A quorum shall consist of one-half plus one of the voting members of the SBA.

## ARTICLE IV

### OFFICERS AND EXECUTORS:

#### Section 1. SBA President

The President shall be the representative or “face” of the SBA dealing with external affairs, and shall preside over all meetings of the SBA, hold the floor, determine the order of the agenda, and yield the floor. The President shall set the time and place of meetings, appoint committee chairs, and fill all vacancies with the approval of the majority vote of the remaining officers. The President shall exercise signatory authority over all financial instruments, shall be the joint named holder of the SBA account, and may collect SBA monies in the absence of the Treasurer. Unless by an act of God, emergency, or a hardship beyond a reasonable doubt, the President shall seek the concurrence of the Treasurer or approval by a majority vote by the Board of Governors prior to using SBA funds. The President shall notify the Treasurer of any SBA fund use in a timely fashion. The President shall perform all acts to maintain good corporate standing with the Secretary of the Commonwealth.

#### Section 2. SBA Vice-President

All committee chairs shall report to the Vice-President and the Vice-President shall have authority as pursuant to Article VI Section 2. The Vice-President shall in the absence, resignation, or inability of the President to discharge their duties, assume the office as Acting President until such time as the President may resume office or the balance of the term is exhausted. The Vice-President shall preside over all meetings of the SBA in the President’s absence, assuming all powers delegated to the Presidency as such.

#### Section 3. Secretary of the SBA

The Secretary shall be responsible for recording attendance and maintaining good records, and present minutes to all members in a reasonable fashion following every meeting. The Secretary shall keep and maintain a copy of the SBA Constitution and all By-Laws and a copy of all accrued minutes for the year. The Secretary shall have authority pursuant to Article V, Section 3(a). In the absence of the President and Vice-President the Secretary shall be presiding officer.

#### Section 4. SBA Treasurer

The Treasurer shall maintain accurate and current financial records of the SBA and shall be the joint holder of the SBA account. The Treasurer shall be responsible for collecting SBA monies and shall hold signatory authority over check writing in conjunction with the President. At the direction of the SBA and guidance of the Board of Governors, the Treasurer shall, when possible, affix their signature to documents authorizing fiscal acts of the SBA. The monies collected by the SBA fall under the authority of the Treasurer and should be submitted when possible to the Treasurer for deposit, unless the president has collected the funds.

#### Section 4. The Executors

The Executors shall be three Class Representatives in good standing and not on probation as proscribed by Article VIII, Section 2(b) appointed by the President and confirmed by a majority vote of the SBA Officers. They shall serve on the Board of Governors and will conduct what duties delegated to them by the Board. Executors shall serve one-year terms to commence and expire upon the 1<sup>st</sup> of September.

Section 5. Duties of All Officers:

Upon the conclusion of an officer's term, by limit, expulsion, resignation or any other means, each former officer has a duty to apprise their incumbent of the position's requisite duties, responsibilities and obligations to be subsumed. The former President and Treasurer shall extend any and all reasonable efforts to transfer the SBA account to the incumbent President and Treasurer before the SBA's first official meeting proscribed by Article V, Section 1. The former Treasurer must relinquish any and all financial records, including but not limited to, ledgers, statements, and electronic files containing SBA funds or financial account information, to the incumbent Treasurer before the SBA's first official meeting.

ARTICLE V

MEETING OF THE SBA:

- Section 1. Meeting of the SBA shall be called at the discretion of the President, provided that a meeting must be called at least every three school weeks. The President shall hold the first official meeting within three weeks of assuming office.
- Section 2. Any SBA Representative may present new business at the close of old business.
- Section 3. Attendance at all SBA meetings is mandatory.
- a. Unless written notice of absence shall be delivered in a timely fashion to the SBA President and SBA Secretary. Any member missing more than one meeting in a semester, without written notice approved by the SBA President or SBA Secretary, may be expelled from the SBA. At the next SBA meeting, the absentee shall have an opportunity to explain the absence. Thereafter, and at the same meeting, by majority vote of the Board of Governors they shall vote on a motion to expel the absentee.
  - b. In the event that either the President or Secretary must be excused from a meeting they shall follow the process of Section 3(a) of this Article, however, they will submit their request to the other.
  - c. Vacancies resulting from the expulsion of an SBA member shall be filled pursuant to Article IV, Section 1.
  - d. Any SBA member removed pursuant to Section 3(a) of this Article may appeal such expulsion to the Student Justices of the Student Judicial Court. The SBA shall be bound by a final decision of the SJC regarding a SBA member's expulsion under this Section.

Section 4. Meetings shall be open to the entire law school community. The presiding SBA officer may close a session. Any SBA member may move for a closed session, to be determined by a majority of those SBA members present and voting.

## ARTICLE VI

### COMMITTEES:

Section 1. The Board of Governors shall name all SBA ad hoc committees and the President shall appoint all standing committee chairs.

Section 2. Membership on committees shall be open to any SBA member and students selected by the chair of that committee, pending final approval of the Vice-President or majority of the Board Governors.

Section 3. All committee chair appointments shall require approval by a majority vote of the SBA.

Section 4. All committee chairs shall report to the Vice-President, in accordance with Article IV Section 2.

## ARTICLE VII

### INTERPRETATION:

Section 1. Interpretation of this Constitution shall be the duty of the Student Justices of the Student Judicial Court of the Massachusetts School of Law. Such interpretation may be overruled by a three-fourths vote of the membership of the SBA.

## ARTICLE VIII

### ELECTIONS AND VACANCIES:

#### Section 1. Elections:

- a. Elections for the SBA Officers shall be held annually during April, on a date determined by the Election Committee.

#### Section 2. Nominations

- a. *Election Committee:* The Election Committee shall be chaired by the SBA Faculty Advisor. In the Advisor's absence, a person who in no way holds a direct interest in the election and has been approved by a majority vote of the SJC shall be appointed in accordance with Article VI. The Committee must comprise of at least three members not running in the election selected in accordance with Article VI, and its chair. The Committee shall schedule a date for nominations. The Committee shall make petitions available at least thirty days

before elections. The Committee shall circulate, collect and validate petitions and platforms, disseminate information regarding elections and conduct the elections. This committee shall be mandatory with membership selection concluded by the third week of the Spring Semester.

- b. *Eligible Nominees:* Any student who has at least one year remaining in school shall be eligible for any SBA Officer position, Executor, or Student Justice position on the SJC, provided that no student is on academic probation or found in violation of the Student Disciplinary Code by a final decision of the Disciplinary Board, shall be allowed to run or participate as an SBA Officer, Executor or Student Justice. Vacancies resulting from academic probation or violation of the Student Disciplinary Code shall be filled in pursuant to Article IV, Section 1 and Article V, Section c.
- c. *Multiple Candidacy:* No candidate may run for more than one (1) office at the same time, to do so would not reflect the laws of the Commonwealth or the spirit of fair play.
- d. *Hierarchy of Offices* The rankings of the offices are listed in descending order: (1) Board of Governors - SBA President, SBA Vice-President, SBA Secretary, SBA Treasurer and Three SBA Executors; (2) Class Representatives; (3) Student Justices of the SJC.
- e. *Petitions and Platforms:* Nominations for SBA Officers require petitions signed by the ten members of the First year class and ten members of the Second or Third year class. The signature of an individual may appear on the petitions of more than one candidate for the same office. Platforms for all SBA Officers must be submitted with petitions.
- f. *Campaign Materials:* Posters may be no larger than 24" X 24". Outside of the Student Lounge, posters and other campaign materials may only be placed on bulletin boards, and candidates may only place on poster per bulletin board.
- g. *Conduct of Candidates:* No candidate shall actively solicit votes within ten feet of the ballot box during the elections. Furthermore, candidates shall conduct themselves in a professional manner throughout the campaign period.
- h. *The Ballot:* The Election Committee shall post a sample ballot at least two days before the election. All candidates are responsible for checking that they are listed on the ballot before the day of the election. The Election Committee shall not be held responsible for the failure of the candidate to check the ballot or inform the Election Committee of an error or omission.
- i. *Violation* of these rules should be reported to the SBA President and the Election Committee. Sanctions shall be imposed at the discretion of the Election Committee and shall include disqualification from the election.
- j. *Voting:* All students may vote in elections held in according to Sections 1(a) and (b) of this Article. Vote shall be by secret ballot. Plurality of votes cast shall be sufficient to elect members. Any ballot reflecting votes for more than one candidate for the same office shall be null and void as to that office. Write-in votes shall not be counted unless the office(s) would otherwise be vacant. Elections may be conducted online provided that the voting is secured, adheres to all other provisions of this section, and shall be administrated by the SBA Faculty Advisor. In the absence of the SBA Faculty Advisor, the Election Committee chair shall be administrator. The results of the election must be confirmed, in person, by the SBA Faculty Advisor, or at least one member of the SJC in the Advisor's absence.
- k. *Taking Office:* All elected members shall take office by the night of the annual Law Day Gala.
- l. *Vacancies:* In the event a vacancy should occur in the Board of Governors, the next in the

Hierarchy, with the exception of SBA Treasurer, shall immediately succeed to that office. Any Board of Governor or SJC vacancies that still exist shall be appointed by the President and approved by a majority vote of the remaining SBA Board of Governors provided that candidate is still a student at MSL and not on academic probation or in violation of the Disciplinary Code.

- m. *Officer Eligibility*: Any student on academic probation or found in violation of the Student Disciplinary Code, by a final decision of the Disciplinary Board shall be removed from office.

Section 3.        Validity of Petitions:

The Election Committee, upon a majority vote of the SJC, may void a petition. Such an action shall require a unanimous decision of the committee.

Section 4.        Determination by Election Committee of Invalid Election:

- a.                If the Election Committee shall determine, by unanimous vote of the committee, that an election is invalid due to procedural defects or other reasons, it shall, upon a majority vote of SJC, hold a new election within ten days of the date such election was deemed invalid.
- b.                The Election Committee shall make such determination within five school days after the election. The Committee must post written notice within one day after such determination, stating the reasons for the new elections.
- c.                If such a new election is held, only those candidates who were eligible at the time of the first election shall be eligible to be election in the new election.

Section 5.        Contest of Election Committee Determination:

- a. Any students may challenge Election Committee determinations. Such challenge must be made in writing to the election committee, within five school days. While such a challenge or an appeal therefrom is pending, no newly election SBA Officers, Class Representatives or SJC members shall be installed.
- b. If the Election Committee deems it necessary to make a determination on the challenge, it must do so within three school days of the challenge.
- c. Any student shall be competent and have standing to appeal to the SBA any determination of the Election Committee based on a challenge. Such an appeal shall be made in writing to the SBA President within three school days following the Election Committee determination. The President must hold a meeting within one week of receiving the written notice, and requires a two-thirds vote of the Board of Governors to affirm the appeal. This vote shall be final.

## ARTICLE IX

### AMENDMENT AND REVISION:

#### Section 1. Proposal:

Amendments to this Constitution are initiated by a two-thirds vote of the Board of Governors, or by petition to the SBA signed by not less than twenty-five percent of the student body. There shall be adequate publication of the proposed amendments for a period of two weeks before a referendum.

#### Section 2. Ratification:

This constitution is amended by a two-thirds vote of the members of the student body who vote on the referendum.

This Constitution, having been ratified by two-thirds of the ballots cast by the student body at a general election, shall become effective immediately (excluding any Section dated otherwise.) On ratification of this Constitution, all prior constitutions shall be null and void.

Effective Date: September 9, 2013.