

# University Of Cincinnati College Of Law Student Bar Association Constitution

## PREAMBLE

We, the students of the University of Cincinnati, College of Law, in order to represent our interests and opinions, the interests of those who will follow, to provide for our democratic government, to aid in the furtherance of scholastic achievement, to foster understanding and cooperation amongst our faculty, students, and alumni and to promote the general welfare of our student body, do ordain and establish this Constitution for the Student Bar Association of the College of Law.

## OATH OF OFFICE

I, [state your name], promise to uphold the Constitution of the Student Bar Association and to serve the Student Bar Association with the utmost integrity. Serving in this capacity, I understand that my foremost goal is to abide by the student body's needs and desires. At all times, I will strive to promote these interests.

### Article I

The Student Bar Association is the official representative organization of the students of the College of Law and shall count among its members every student who matriculates into the College in pursuit of a degree.

### Article II

§1 The Executive Council shall be the supreme legislative body of the Student Bar Association.

§2 The Student Bar Association President shall be the Chief Executive Officer.

§3 The Student Court shall have original jurisdiction over all cases and controversies arising under this Constitution, Rules or Enactments of the Council.

### Article III

§ 1 The Council shall be composed of two (2) elected representatives from the third year class, two (2) elected representatives from the second year class, one (1) representative from each section of the first year class, one (1) representative from each chartered student organization and the Vice President, Treasurer, and Secretary. Each of the foregoing members shall be voting

members. Voting rights shall not be extended to any other individuals. The Council shall also include the Student Bar Association President who shall vote only when there exists a tie in a simple majority vote; otherwise the Student Bar Association President shall not vote, even when the vote would change the result.

§2 The class representatives shall be elected by the student body of their respective classes, except in the case of first year representatives, who shall be elected by the student body of their respective sections. The President, Vice President, Secretary, and Treasurer shall be elected by the whole student body of the law school. The method of election of each member addressed in this section of Article DI shall be by procedures set forth in the by-laws. Eligible representatives must be on record with the Student Bar Association secretary.

§3 Each student organization representative shall be elected or appointed by his or her respective organization in accordance with that student organization's constitution.

§4 Each student organization shall have elections, transitional meetings and file the required documentation (see Bylaws) with the Secretary of the Student Bar Association via email no later than April 15. A transitional meeting is defined as a meeting between the outgoing officer and the incoming officer to transfer information to the incoming officer to ensure a smooth change in positions thus enabling the organization to remain consistently current.

§5 The term of office for the first year representatives shall begin on the date on which they are elected in the Fall Elections, pursuant to the by-laws and end on the date of the swearing-in ceremony held in the Spring, pursuant to Article VI, Section 2. The term of office for second year representatives shall begin on the date on which they are sworn in by the outgoing council and shall end on the date of the following year's swearing-in ceremony. The term of office for third year representatives shall begin on the date on which they are sworn in by the outgoing council and shall end at midnight of the day of their hooding ceremony the following year, pursuant to Art. VI, Section 2. The term of office for the President, Vice President, Treasurer, and Secretary shall begin on the date on which they are sworn in, and end on the date of the following year's swearing-in ceremony pursuant to Art. VI, Section 2. The swearing-in ceremony shall take place before April 15 of each year.

## **Article IV**

§ 1 The Council shall have the exclusive power to charter student organization and to revoke or suspend such charter; to require any student organization under its jurisdiction to change its constitution, rule or practice to conform to Council or University mandates; to approve or reject any proposed changes in the constitutions or rules of any student organizations under its jurisdiction; to recommend to the proper University or College officials any action or policy that the council deems to be in the best interest of the student body; to establish and abolish cabinet offices under the President; to remove, for cause, any officer, appointment, or representative; to establish rules for the operation of its internal business; to enact legislation pursuant to its powers.

§2 No provision shall empower the Council to order Student court to change its constitution, rules or practice.

§3 The Chief Justice of Student Court may not be an Executive Officer of the S.B.A. he or she may, however, attend a meeting for the purposes of substituting for the Student Court representative, but in this capacity, the Chief Justice shall not have voting rights.

§4 The President of the Student Bar Association may simultaneously be a justice on the Student court. However, in the event of any case or controversy arising under this Constitution, Rules, by-laws, or enactments of this council over which the Student Court has original jurisdiction pursuant to Article JJ, section 3, the President shall recuse his/herself from his/her duties relating to the Student Court until the resolution of such case or controversy.

§5 The preceding enumerated powers shall not be interpreted so as to prohibit the exercise by Council of any and all powers necessary to perform its governing function and execute its mission as pronounced by the Preamble.

## **Article V**

§1 The Council shall hold meetings at least every three (3) weeks during the first and second semesters exclusive of reading and examination periods. The first meeting of each semester must be held at the earliest possible date. If any emergency situation should arise over the summer requiring the prompt attention of the Council, the authority of the council shall automatically vest in the Executive Officers who will be responsible for convening to address the situation.

§2 Additional meetings may be called by the President, by petition to the President by six (6) voting members of Council, or by a majority vote of the Council. If such meeting is to be held after more than twenty-four (24) hours, notice must be placed in each member's law school mailbox. If such meeting is to be within twenty-four (24) hours, notice must be placed in each members' law school mailbox and an attempt to reach each member via at least one (1) telephone call to their listed home phone number must be made. Failure to comply with this notice requirement shall render all conduct of business null and void. In the absence of extenuating circumstances, notice of future meetings, including summer meetings, shall be made at the close of Announcements of regular business meetings. Absence from a meeting called with less than Twenty-four (24) hours notice shall not accrue to a member's attendance record.

§3 All meetings of the Council shall be open to all members of the Student Bar Association as described in Article I, the faculty and administration. Any person who wishes to speak shall be acknowledged by the presiding officer.

§4 A majority of Council members shall constitute a quorum for the transaction of business except amending the Constitution when a quorum of two-thirds (2/3) shall be necessary. Any allocation of Student Bar Association funds or property not within the Student Bar Association budget, not already accounted for in a specific organization's pre-existing budget, and exceeding the dollar amount set forth in the By-laws (\$100) must be approved by two-thirds (2/3) of the Council members present.

§5 No individual shall represent more than one chartered and one non-chartered S.B.A. organization, no elected S.B.A. representative may represent more than one (1) S.B.A. organization, no Executive officer may represent any voting organization.

## **Article VI**

§1 The Executive Officers of the Student Bar Association shall be the Student Bar Association President, Vice President, Treasurer, and Secretary. These officers must be full time law students and shall comprise the Executive Board of the Student Bar Association.

§2 The Executive Officers shall be elected by the entire student body in the Spring Election, to be held no later than March 15th. The second-year and third-year representatives shall also be elected in the Spring Election. The first-year representatives shall be elected in the Fall Election to be held before fall break.

§3 First-year students shall not be eligible to run for the office of President or Vice President. In addition, a second-year student may only run for the President or Vice President if he or she plans to be a full time student at the College of Law the following year.

## **Article VII**

§ 1 The Student Bar Association President shall be the Chief Executive of the Student Bar Association and shall act as the official representative of the student body.

§2 The President shall be the presiding officer of the Council. He or she shall be the official representative of the Council and shall be responsible for the execution of all Council enactments; recommend legislation to the Council; appoint executive committees as needed; nominate with the advice and consent of Council all cabinet officers, committee chairs, and commissioners; receive and transmit to the Council all official communications from student organizations, faculty, administration or extra-University body or individual; may vote only in the event of a tie, but shall retain the privilege from the floor.

§3 The President shall nominate, with the advice and consent of Council, a Commissioner of Elections, whose job it will be to oversee the Spring and Fall Elections, and whose specific duties will be set forth in the By-Laws. .The Commissioner shall be a second-year student at the time of his or her appointment. The President shall nominate the Commissioner no later than February 1st. The Commissioner's term of office shall begin on the date of his or her confirmation by the Council, and shall end as soon as the Fall Elections are completed.

§4 All individuals appointed to Student Bar Association positions by the President may be removed by the President.

§5(a) In the event of a vacancy in the office of the President, the Vice President will assume the duties of the President and appoint a new Vice President.

§5(b) In the event of a vacancy in the office of Vice-President, the President shall select, with the advice and consent of the Council, a new Vice President to fill the remainder of the term.

§6 In the event of a vacancy in the office of Treasurer, the President shall select, with the advice and consent of Council, a new Treasurer to fill the remainder of the term.

§7 In the event of a vacancy in the office of Secretary, the President shall select, with the advice and consent of Council, a new secretary to fill the remainder of the term.

§8 The Student Bar Association Vice President shall be in charge of all S.B.A.-sponsored, non-committee, extra-curricular student programming. The Vice-President shall preside over the council in the absence of the President. In this capacity, the Vice President shall have full authority to act on behalf of the President and to perform all necessary functions inherent to the office of President; and shall only vote in the case of a tie. Further, in the case of a permanent absence of the President, resignation of the President, or removal of the President via impeachment proceedings, the Vice President shall select, with the advice and consent of the Council, an individual to assume the responsibility of the office of the Vice- President. Additionally, the Vice President shall chair the Rules Committee and shall convene said committee no less than once a semester.

§9 The Student Bar Association Treasurer shall manage the funds of the Association; make disbursements therefrom according to the appropriations of the Council and as set forth in the by-laws, publish and distribute to the members of the Executive Council a budget and a financial report at least four (4) times during the academic year; report to Council at its request. The Treasurer shall be responsible in conjunction with the University advisor for all fiscal matters of the student organization; shall collect and receive all funds paid to the student organization and shall deposit them in the official depository. The Treasurer shall have, in conjunction with the University advisor, final approval of all student organization expenditures; shall co-sign all checks with the University advisor in payment of bills. The Treasurer shall abide by all the policies and guidelines set down by the Student Bar Association; shall complete the Student Bar Association Final Year-End report by June 30th of the respective year; shall educate his or her successor on the obligations of this position; shall keep the account and books, which at all times must be open to inspection by the President, Executive Council, or any authorized auditor; shall make reports at the meetings of the Student Bar Association and at other times as the president or Executive Council may direct. Failure to abide by these aforesaid policies will result in Financial Probation of the Student Bar Association.

§10 The Student Bar Association Secretary shall record the deliberations and enactments of the Council; shall maintain a record of all roll call votes; receive, prepare and deliver all correspondence of the Association as directed by the President or Council; preserve and compile records of the Association; post or distribute as determined by Council and this Constitution all agendas, minutes, voting, and attendance records. Furthermore, the Secretary shall publicly post in a conspicuous area of the law school the minutes and attendance record of each meeting at least one week prior to the next meeting. The Secretary shall keep current the website and organizations constitution. Additionally, the Secretary shall be responsible for all publicity for the Student Bar Association including, but not limited to, posting notice of all meetings at least

one week prior to said meetings, posting notice of upcoming S.B.A. events, and posting notice of any and all S.B.A. deadlines that must be met by Council members or member organizations.

§11 In the absence of both the President and Vice President, the Treasurer shall preside over meetings of the Council. IN the absence of the President, Vice President, and Treasurer, the Secretary shall preside over meetings of the Council. In the absence of all four Executive officers, the meeting shall be cancelled.

§12 A vacancy in the position of class representative for any class will be filled by the person finishing next in the original election, to be determined by the Election Committee. If there is no such person, an election will be held within ten (10) days of the announcement of the vacancy, pursuant to any applicable Rules of Procedure, By-laws, and legislation of the Executive Council.

§13 Following the Spring Elections, and as soon as the identities of the new Executive Officers are known, and before the first Council meeting run by the new Officers, the outgoing President shall schedule a meeting between the outgoing Officers and the new Officers. At this meeting, the outgoing Officers shall educate their successors on the duties and responsibilities of their positions. All relevant paperwork and office keys shall be surrendered to the new officers at this time.

## **Article VIII**

§ 1 Each section of this Article must be expressly complied with or else the impeachment process will fail. To initiate impeachment proceedings, the initiator shall meet with highest non-impeached officer to discuss the timeline set forth in this Article.

§2 Any member of the S.B.A. may initiate the impeachment process against any member of the Executive Council. The initiator must provide notice to the intended subject of the impeachment before taking any further steps.

§3 Within two weeks of providing notice to the subject of the impeachment, the initiator must obtain written signatures of two-thirds (2/3) of the Executive Council in order to proceed. Signatures from the Officers may not be counted towards the requisite two-thirds (2/3) majority. No signature shall be obtained until the notice requires in Art. , Sec. 2 has been given.

§4 At the end of the two week period proved for in Art. VIE, Sec. 3, the initiator shall submit the signature list and a written explanation of the reason he or she is seeking to impeach a member of the Council to the subject of impeachment, the S.B.A. faculty advisor, and the Officers.

§5 The subject of the impeachment attempt shall have one week from the date that the documentation of Art. YE, Sec. 4 was submitted to reply in writing to these charges. This reply shall be submitted to the faculty advisor and the Officers.

§6 Within one week of receiving the written reply required in Art. VDI, Sec. 5, the Officers and the faculty advisor shall meet to consider the issue(s) presented and draft their recommendation on proceeding with the impeachment process.

§7 Within two weeks of receiving the written reply required in Art. VM, Sec. 5, a meeting of the Executive Council shall be held. The Officers shall make a full report of the charges brought against the subject, the subject's reply, and the Officer/Advisor recommendation. A vote for or against the impeachment shall be taken of the Executive Council at this meeting. Impeachment of the subject requires a three-fourths (3/4) majority of the Council. The Officers, excluding the President, may participate in the impeachment vote.

§8 If the reasons for the impeachment included the misuse of funds or property, the faculty advisor shall determine the amount of restitution to be paid by the subject of the impeachment.

§9 The subject of the impeachment is at any time after the initiation of the impeachment proceedings free to resign his or her post and pay restitution if determined by Art. VIII, Sec. 8 in order to stop the impeachment proceedings.

§10 Any person unreasonably pressured to cast their vote in a particular way anybody involved in the impeachment proceeding shall report the activity or incident to the faculty advisor. This report may be taken into consideration in the impeachment process.

## **Article IX**

§1 This Constitution may be amended by:

**A. An affirmative vote of two-thirds (2/3) of the members filling Council seats; or**

**B. A two-thirds (2/3) vote of the students voting in a constitutional initiative.**

§2 A constitutional initiative may be initiated by a petition of twenty-five percent (25%) of the eligible voters of the College. Each initiative shall be on forms provided by the Election Commissioner. For an initiative to pass it must receive two-thirds (2/3) of the votes in an election in which no less than thirty percent (30%) of the eligible votes cast ballots.

## **Article X**

Nothing in this Constitution shall be construed in such manner as to be in conflict with the law or with any University By-law or Regulation.

## **Article XI**

§1 The Executive Board shall consist of the President, Vice President, Treasurer, and Secretary.

§2 The Executive Council shall consist of the Executive Board plus all class representatives.

§3 The General Council includes all chartered and un-chartered organizations and the Executive Council.