

BY LAW NO. 1

LAW STUDENT ORGANIZATION (LSO) RECOGNITION POLICY

- I. The Director of Student Services sets the standards for LSO recognition policies. It shall be the duty of the Director of Internal Communications to notify the members of the Council of Leaders of these policies at the beginning of every semester.
- II. All Law Student Organizations are also required to follow the rules, regulations, and policies set forth in the SBA Constitution and the Bylaws.

Enacted: 2020

Legislative Committee Comments:

The 2018 Revision reflects the policy that the Director of Student Services controls and sets the procedures for the LSOs. Previously, the 1996 version of this By-Law included the procedures and standards for LSOs to follow. Revisions were made to reflect what was being done in practice. The LSO standards can be obtained from the Director of Student Services or their affiliated SCU site page. Section II was added via amendment by the 2017-2018 Board of Governors.

The 2020 revision clarified a spelling error.

BY-LAW NO. 2

COMMITTEE PROCEDURES

- I. SOLICITATION OF COMMITTEE MEMBERS
 - A. The Executive Officers shall solicit Association Members to sign-up for the various committees on “Club Day” at the beginning of Fall semester.
 - B. The Chair of a committee that does not currently meet its required number of members shall continue to reasonably solicit members until such requirement is met pursuant to Article VIII of the SBA Constitution.
 - C. Information shall be made available to provide students with the following information:
 1. A basic description of the committee and its functions, and
 2. The goals and aims of, and current issues concerning the committee.
 - D. It will be the duty of each committee to prepare and/or update information regarding its activities at the end of each term.
- II. COMMITTEE MEETING REQUIREMENTS
 - A. Committees shall meet at least twice (2) a semester, not including Summer semester.
- III. COMMITTEE APPOINTMENTS
 - A. The SBA President shall appoint the heads of committees within four (4) weeks of the election of the class representatives.

Enacted: 2020

Legislative Committee Comments:

The 2013 revisions reflect a change in the procedural process for the selection of the SBA Committees: Legislative, Social, Community Service, and Finance Committees. The Board of Governors and the SBA have not implemented an election process for the SBA Committees for the past number of years. With the deleted procedural requirements, the By-Laws now reflect the Committee recruitment process as applied in practice. The aim of the SBA is to foster the maximum amount of participation from the student body and removing the procedural barriers to participation is in line with achieving this goal.

The 2018 revisions clarified grammatical errors. In addition, it added sections II and III to ensure that committees are staffed to be able to actively participate to further established committee purposes.

The 2020 revisions were for formatting consistency associated with the SBA Constitution, Eleventh Revision (2020).

BY-LAW NO. 3

FINANCE

POLICIES

- I. The purpose of these policies is to allow each LSO to have a better understanding of what the Finance Committee and Treasurer consider when allocating funds to the various LSOs and the procedural steps required in allocating those funds. The policies herein must be adhered to, failure to do so could result in the denial of funding or reimbursement request. Any questions pertaining to these policies shall be directed to the Treasurer.
- II. DEFINITIONS
 - A. The term “LSO” as used herein will refer to any club, organization, or class that receives funds from the Student Bar Association.
 - B. The term “SBA” or “STUDENT BAR ASSOCIATION” as used herein will refer to all students currently enrolled in the School of Law at Santa Clara University.
 - C. The term “TREASURER” as used herein will refer to the individual(s) who is currently serving in the capacity of the Treasurer for the SBA.
 - D. The term “BOARD OF GOVERNORS” as used herein is defined in the Constitution of the Student Bar Association, Article IV, section 1A.
 - E. The term “BUDGET PERIOD” or “BUDGET CYCLE” as used herein will refer to the Fall Semester or Spring Semester in which funds are allocated.
 - F. The terms “CATEGORY” and “NAME OF EVENT” are synonymous.
- III. FINANCE COMMITTEE
 - A. Overview
 1. There are two (2) budget periods each calendar year, from the beginning of Fall Semester to end of Fall Semester and from beginning of Spring Semester to end of Spring Semester. Budget allocations cannot be transferred between budget periods. At the beginning of each budget period, the Treasurer will issue, to the Council of Leaders, an updated set of guidelines, including a list of “typical” limits on funding, updated forms, and other explanations as necessary.
 2. At the end of each budget period, all LSO spending will be published and posted.
 - B. Funding
 1. For each activity a club is requesting funding for, a SOBA form must be completed.
 - a) Funding shall be allocated in order of priority of the following categories: (1) Diversity and Outreach; (2) Career and Professional Development; (3) Community Service; and (4) Social Events.
 - (1) Diversity and Outreach: Activities and events that promote the culture and development of minority or

underserved groups. These groups include, but are not limited to, (1) women; (2) LGBTQ; (3) underrepresented ethnicities and races; or (4) any group which may reasonably be disadvantaged in the legal community.

(a) Examples of events that may fall under this category include, but are not limited to, (1) those which feature a minority-majority attorney panel, where panelists are from a minority or underrepresented group; (2) those which raise social awareness of adversity faced by diverse groups; or (3) those which celebrate the achievements of diverse groups.

(2) Career and Professional Development: Activities and events that promote legal education, career advice, and networking.

(a) Examples of events that may fall under this category include, but are not limited to, (1) attorney panels; (2) symposium tailored to issues affecting a particular legal industry; or (3) purchase of equipment and supplies for LSO promotional purposes.

(3) Community Service: Activities and events that support or provide assistance, whether legal or not, to local communities.

(a) Examples of events that may fall under this category include, but are not limited to, (1) food drives; (2) holiday card making; or (3) pro bono volunteering.

(4) Social Events: Activities and events whose primary purpose is socializing or relaxation, without the requirement that there be a pretext of developing career-orientated relationships.

(a) Examples of events that may fall under this category include, but are not limited to, (1) movie nights; (2) debate watch parties; or (3) LSO organized get-togethers.

b) The committee may also use these equitable considerations to determine its recommendations, including, but not limited to:

(1) Clubs which provide practical experience to supplement the classroom and contribute to the development of legal skills.

(2) Clubs which assist students to remain in law school.

(3) Clubs which engage students in issues confronting society.

(4) Clubs which provide information about the law school and legal system to the community.

(5) Clubs which provide and encourage recreational and social

events.

- (6) Clubs which raise funds or create projects for future held activities.

2. There are certain conditions which the Board of Governors has placed on the use of student funds.
 - a) All students must be allowed to participate in activities which are funded, in whole or in part, by SBA funds.
 - b) All fund allocations must be spent for the purpose in which they are allocated for and cannot be changed without recommendation by the Finance Committee and approval by a majority of the Board of Governors.
 - c) Ad hoc reimbursement requests cannot be made outside of the semester that the expenditure was incurred.
 - (1) This does not include the Summer semester. All requests for the Summer semester may be made during the following Fall semester.
 - d) LSOs are expected to make the information provided at the activity generally available to the entire law school community.
 - (1) This may include: recording a speaking event, providing minutes from the event, or allowing those unable to attend to provide questions to the speaker.
 - e) Failure to follow any of these policies will result in the withholding of present funds and will seriously jeopardize future funding.

C. Reimbursements

1. In order to receive reimbursement for SBA allocated funds the LSO must:
 - a) Fill out a reimbursement form and attach original receipts
 - b) Forms shall be submitted no later than 2 weeks after the date of their event.
 - (1) Exceptions may be granted with prior approval from the SBA Treasurer

Enacted: 2020

Legislative Committee Comments:

The 2018 Revision reflects the policy that the Law Finance department sets the finance policies, and removed superfluous language. Subsection B reflects a reiteration of policies from the Constitution and several others that have been done in practice.

The 2020 Revision provides further clarification on what a “Budget Period” or “Budget Cycle” pertains to. Per practice, it consists of two periods, coinciding with the semester system utilized at Santa Clara University School of Law. In addition, it provided more defined definitions as to the four LSO funding categories.

BY-LAW NO. 4

CLARIFICATION OF CONSTITUTIONAL PROVISIONS

- I. Article II, Section 8: Secretary
 - A. Secretary duties shall include posting the minutes of Board of Governors' meetings within seventy-two (72) hours of such meeting. This provision is necessary to give notice to students of any action taken by the Board of Governors. Such notice is necessary for implementation of Article VI.
- II. Article II: Executive Officers Use of Funds Allocated to the SBA
 - A. It shall be required that a majority of the Executive Board must approve of any expenditure made from the 30% allocation of funds to be used for SBA administrative purposes.
- III. Article II, Section 1: SBA Executive Board
 - A. The President may hold Executive Board meetings at their sole discretion. The President shall have the discretion as to whether or not, and to what extent, a non-executive member may attend said meetings.
- IV.

Enacted: 2018

Legislative Committee Comments:

The 2018 Revision reflects the removal of election rules from this section and the creation of By-Law No. 5. Section III reflects the practice that SBA Presidents would hold Executive Board meetings. Previously, there was no language in the By-Laws or the Constitution that authorized such meetings.

BY-LAW NO. 5

ELECTION RULES, POLICIES, AND PROCEDURES

I. OVERVIEW

- A. Pursuant to Article VII, Section 3, of the SBA Constitution, the Commissioner of Elections has the power to add additional rules and, therefore, shall be the executive in charge of elections.
- B. The Commissioner of Elections has the sole power to enforce the rules outlined in the SBA Constitution and the By-Laws in regulating an election. This includes enforcing the punishments in the By-Laws, including, but not limited to, implementing sanctions against candidates and expelling candidates from an election.
- C. Candidates may challenge any decision made by the Commissioner of Elections pursuant to the procedure set forth in Article VII, Section 5, of the SBA Constitution.
- D. In the event that the Commissioner of Elections is an executive position occupied by two people, they shall designate one of themselves as the primary Commissioner of Elections who may enforce the rules themselves.
- E. Although the Commissioner of Elections has the sole power to implement the rules, they may discuss violations and conduct hearings before the Board of Governors. Any recommendations issued from these hearings must be based on a vote from the Board of Governors due to Article VII, Section 5, of the SBA Constitution.
- F. The Commissioner of Elections shall not make any additional election rules that violate these By-Laws or the Constitution.
 1. A candidate who has been, or is being, investigated/sanctioned based on a rule, that itself is in violation of these By-Laws or the SBA Constitution, may challenge an election on that basis pursuant to Article VII, Section 5, of the SBA Constitution.
- G. Candidates may withdraw from an election at any time, as long as it is not during an active voting period.

II. INVESTIGATIONS

- A. The Commissioner of Elections shall, before, during, and immediately after an election period, reasonably investigate violations and attempted violations of the election rules by candidates.
- B. The Commissioner of Elections shall set up a process, prior to an election, where violations can be reported anonymously and shall promptly inform the student body regarding that election.
 1. The Commissioner of Elections shall have the discretion to maintain the anonymity of those candidates who have been accused, are being investigated, or have been sanctioned.
- C. The Commissioner of Elections may act on as much or as little evidence as they see fit.
 1. Candidates may challenge a punishment issued against them due to lack of evidence, which is reviewed before the Board of Governors pursuant to Article VII, Section 5, of the SBA Constitution.

2. Candidates may challenge an election on the grounds that the Commissioner of Elections failed to investigate a potential violation by another candidate, required too much evidence, or failed to enforce the relevant sanction against that candidate pursuant to Article VII, Section 5, of the SBA Constitution..

D. The Commissioner of Elections may, or may not, present their findings to the Board of Governors.

E. The Commissioner of Elections may make final election violation decisions with, or without, input by the Board of Governors unless otherwise noted.

III. ELECTION RULES

A. Duties

1. It shall be the duty of all candidates to read the SBA Constitution and the By-Laws, to be familiar with these rules, and to proactively communicate with the Commissioner of Elections regarding clarifications of these rules, potential violations by other candidates, and potential, albeit accidental, violations by themselves.
2. It shall be the assumption that all candidates have full knowledge of these rules throughout the election process.

B. Warnings

1. The Commissioner of Elections may not issue warnings in place of enforcing sanctions for Class I and II violations in accordance with Section IV of this By-Law.
2. The Commissioner of Elections may issue a warning in place of enforcing sanctions for Class III and IV violations in accordance with Section IV of this By-Law.

C. Timeline

1. Candidates may begin to campaign the week prior to the election.
 - a) Pursuant to Article VII, Section 2, of the SBA Constitution, the deadline for candidacy sign-ups shall be one week (7 days) prior to the beginning of voting. Campaigning may begin once that deadline passes.
2. The Commissioner of Elections may not decrease or increase the amount of time that campaigning can be done, except in the case of a re-vote.

D. Electronic Campaigning

1. Email

- a) Use of any school email system to campaign is prohibited.
 - (1) A violation of this provision shall constitute a Class II violation.
 - (2) A violation of this provision in which an email was sent to five or more students shall constitute a Class I violation.
 - (3) EXCEPTION: If a student requests an email from a candidate then the candidate may email that student and not be in violation of this provision.
- b) Requesting, encouraging, or having a third-party non-candidate use the school email system to campaign for a candidate is prohibited.
 - (1) If this occurs with the knowledge of the candidate then

it shall constitute a Class I violation.

(2) If this occurs without the specific knowledge of the candidate but occurs with their general consent it shall constitute a Class II violation.

c) Use of any other email system is prohibited. Violations shall mirror those of III(D)(1).

2. Limited Exception to Prohibition against Email

a) The use of the school email system can be used to campaign during periods where Santa Clara School of Law classes are held entirely or in-part online.

(1) The intent of this exception is to allow candidate outreach where, due to extenuating circumstances, Santa Clara Law is operating remotely and student to student interaction is severely limited.

(2) Candidates will be permitted to send two campaign emails to the student body per election period.

(3) Candidates must send emails for the purpose of campaigning through the LAW-SBA Listserv, where the email will be reviewed by the SBA Director of Internal Communications before receipt by the student body; or

b) Violations of the rules listed under this exception shall constitute a Class II violation.

3. Social Media

a) Generally, campaigning on social media is permitted.

(1) This includes, but is not limited to: Facebook, Instagram, Twitter, YouTube, Snapchat, etc.

(2) Any conduct that is not prohibited by these rules or any other rule for social media is permitted, unless banned by the Commissioner of Elections.

(a) For example, candidates may create Facebook events and send messages to students they are connected with on social media.

b) Candidates may not campaign on or in any official Santa Clara Law social media pages, groups, or accounts.

(1) A violation of this provision shall constitute a Class II violation.

c) Candidates may not send unsolicited messages to students that they are not connected with on social media.

(1) A violation of this provision shall constitute a Class II violation.

d) Candidates may not add other students on social media during an election for the purpose of campaigning to those students.

(1) A violation of this provision shall constitute a Class III violation.

4. Text Messaging

a) Campaigning via text messaging is permitted.

E. Campaigning Locations

1. Generally

- a) In-person campaigning is not restricted off-campus.
- b) In-person campaigning is permitted anywhere on campus except for the law library.

(1) A violation of this provision shall constitute a Class III violation.

2. Voting Stations

- a) Candidates are prohibited from using their own personal electronic devices to allow students to vote.

(1) A violation of this provision shall constitute a Class III violation.

(2) Candidates may use their personal devices to show students how to vote or to send a requested e-mail of the link to students and nothing further.

3. Tabling

- a) Candidates may use any open seat outside of the law library to campaign.
- b) Candidates shall not violate any tabling procedures set by the Law School Administration (see section G below).

4. Class Time

- a) In general, pursuant to Article VII, Section 3, of the SBA Constitution, campaigning generally may not be conducted during class time.

- b) Candidates may campaign any time before or after a class.

(1) Candidates shall make reasonable efforts to obtain the consent of the professor whose class they are campaigning around.

(2) Candidates must be truthful in their requests to professors regarding campaigning.

(a) A violation of this provision shall constitute a Class IV violation.

- c) Campaigning during class time is a Class IV violation.

(1) EXCEPTION: If a professor affirmatively requests a candidate to participate in any sort of campaigning activity during a class session, that candidate is exempt from this rule. However, this exception is waived if a candidate asks a professor to make this request. Candidates shall inform professors that they are generally not permitted to campaign during class time.

5. LSO Events

- a) Candidates may campaign before or after an LSO event. They must receive the consent of a member of the LSO's board prior to their announcement.

(1) Any campaigning done in the same space as an LSO event against the will of the LSO shall constitute a Class IV violation.

6. Posters/Public Displays

- a) The Commissioner of Elections shall set the policies for campaign posters and public displays (on-campus televisions) prior to an election pursuant to the current policies of the law school administration.

- b) The Commissioner of Elections shall designate a commensurate sanction for a violation of the policy.

F. Behavior

1. Coercion/Harassment

- a) Candidates may not engage in any coercive or harassing conduct in the process of campaigning. This conduct is exhibited when a candidate uses aggressive tactics and forceful methods to get students to vote for them.

(1) This conduct includes, but is not limited to: aggressively soliciting students to vote in person, continuing to solicit a student to vote even after they have indicated that they do not wish to vote in that moment, and observing a student as they vote.

(2) The standard to which this provision is subject to in a determination is whether a reasonable student would consider the conduct to be coercive or overly aggressive.

(3) A violation of this provision shall constitute a Class I violation.

2. Third-party Coercion/Harassment

- a) Candidates shall not permit third-party non-candidates to engage in coercive or harassing conduct to further their campaign. Candidates have an affirmative duty to prevent all coercive campaign conduct on their behalf.

(1) A violation of this provision done with the knowledge of a candidate, and without their intervention to prevent it upon learning of it, shall constitute a Class I violation.

3. Misinformation

- a) Candidates shall not spread untruthful information about fellow candidates in the process of campaigning.

(1) A verbal violation of this provision shall constitute a Class III violation.

(2) A violation of this provision done electronically is a Class II violation.

4. Obscenity

- a) Candidates shall not use any obscene, racist, homophobic, or otherwise discriminatory speech in their campaign materials, wherever their campaign materials appear.

(1) A violation of this provision shall constitute a Class I violation.

5. Considerations

- a) Candidates should recognize that “negative campaigning” is often poorly received by the electorate and considered unprofessional and/or counter-productive. Please be mindful.
- b) Elections, for better or worse, are one of SBA’s prominent yearly encounters with the school-at-large, and annoying the student body during this en masse encounter is ultimately counter-productive to SBA. Please be mindful.
- c) No discussion or conversation by the Board of Governors should be aimed to cast a doubt about the potential acts which could have been done or was ought not to have done by the candidate, when such candidate is already on the Board and is standing for re-election.

G. Incorporation

1. Any conduct done in the act of campaigning that is in violation of any other rule or policy set by the school administration, is illegal according to state or federal laws, or in violation of the Rules of Professional Conduct shall also be a violation of these rules and the Commissioner of Elections has the discretion to implement any sanction as they see fit.

H. Other

1. Spending

- a) Candidates may spend no more than \$50.00 on an election
- (1) The Commissioner of Elections may increase this amount if an election is extended.
- (2) A violation of this provision shall constitute a Class III violation.
- b) Candidates may accept monetary or other donations to their campaign. The value of any donation counts towards the \$50.00 spending limit for that candidate’s campaign.
- c) Candidates must be prepared to provide the Commissioner of Elections with receipts upon twenty-four (24) hours of a request at any time once campaigning has started and at any point afterwards.

2. Handouts

- a) Candidates shall not give handouts.
- (1) A violation of this provision shall constitute a Class IV violation.
- (2) Handouts include fliers, stickers, business cards or the like.

3. Bribery

a) Candidates may not promise or provide anything in exchange for votes.

(1) A violation of this provision shall constitute a Class II violation.

(2) This provision is violated when consideration is given directly in exchange for a vote in a quid pro quo context.

4. Endorsements

a) Public endorsements for individual candidates by organizations are not permitted. However, it is the affirmative duty of the candidate to request the organization to retract the endorsement in whatever fashion it was made.

(1) Failure by the candidate, upon their learning of the endorsement, to act to have it retracted shall have committed a Class III violation.

b) Public endorsements made by members of the Board of Governors are not permitted. Members of the Board of Governors are permitted to privately discuss the qualifications and experience of candidates. However, they must be truthful in their statements.

(1) A candidate who is complicit in a public endorsement made by a member of the Board of Governors or is otherwise complicit in the spreading of untrue information about another candidate by a member of the Board of Governors has committed a Class III violation.

(2) A member of the Board of Governors who is a candidate in an election and spreads untrue information about a candidate in another election has themselves committed a Class III violation. They shall be sanctioned themselves in their own election.

(3) No candidate can ever be sanctioned in an election for their past conduct in a prior election unless otherwise noted.

5. School Logo

a) Candidates shall not use Santa Clara University's logo or branding on their campaign materials, or any other type of imagery that may imply an official affiliation with the school.

(1) A violation of this provision shall constitute a Class IV violation.

6. Excessive Violence

a) Any candidate who commits any violation so excessively and to such a degree that the results of an election cannot be considered legitimate shall have committed a Class I violation and a revote shall be done pursuant to a vote by the Board of Governors.

(1) If this determination is being made outside of the election challenge process, pursuant to Article VII, Section 5, it shall be up to the Commissioner of Elections to determine whether the violation was excessive.

7. Retaliation

a) Any candidate or anyone acting on the candidates behalf either known or unknown who has been sanctioned, investigated, or has been informed that they have been reported as potentially being in violation of these rules shall make no effort to try to identify their accusers.

(1) This can be satisfied by verbal statements alone.

(2) A violation of this provision is a Class I violation.

IV. SANCTION

A. The Commissioner of Elections shall inform the student body of any and all sanctions at the time that they are put in place.

B. Sanctions shall follow the below Class Schedule unless otherwise stated in the By-laws.

C. Class I

1. Any candidate who is found to have committed a Class I violation shall be expelled from the election they are participating in.
2. The Commissioner of Elections shall either remove that candidate from the ballot and extend the voting period by a day to allow students who voted for that candidate to re-vote or end the voting immediately and hold a new election, for that position, the following week.
3. Any candidate who has committed two or more Class I violations during an election period shall be banned from all future SBA elections pursuant to a vote by the Board of Governors.

D. Class II

1. Any candidate who is found to have committed a Class II violation shall not be permitted to further campaign on social media, text messaging, or any other electronic means.
 - a) The candidate shall remove all past posts and events.
2. Any candidate who is found to have committed a Class II violation shall also be subject to the sanctions of Class III and Class IV.
3. Any and all conduct done by a candidate, after the issuance of this sanction, that is not compliant with this sanction shall be considered a Class I violation.

E. Class III

1. Any candidate who is found to have committed a Class III violation shall no longer be allowed to make campaign expenditures or accept campaign donations.
 - a) Any items already purchased prior to the issuance of this sanction shall be returned or disposed of.
2. Any candidate who is found to have committed a Class III violation shall also be subject to the sanctions of Class IV.
3. Any and all conduct done by a candidate, after the issuance of this

sanction, that is not compliant with this sanction shall be considered a Class I violation.

F. Class IV

1. Any candidate who is found to have committed a Class IV violation shall no longer be permitted to make public announcements regarding their campaign before or after any class session or before or after an LSO event. They may continue to campaign outside these contexts. They may no longer have their poster displayed in any places designated by the Commissioner of Elections if a location has been designated.
2. Any and all conduct done by a candidate, after the issuance of this sanction, that is not compliant with this sanction shall be considered a Class I violation.

Enacted: 2020

Legislative Committee Comments:

This By-Law was enacted in 2018 due to issues with elections that caused re-votes for the 2017 and 2018 SBA President elections. Previously, the only rules governing elections existed in the Constitution and under By-Law No. 4. The By-Laws had previously created an Election Committee, which was replaced in favor of stricter rules and the ability of the Commissioner of Elections to consult the Board of Governors. The Election Committee was initially created in 2013 in reaction to the prior rule that candidates were automatically ineligible if they broke a rule, regardless of whether it was a minor rule.

The 2020 Revision made changes for the purpose of adapting campaign rules to reflect the challenges of the remote status of Santa Clara School of Law during the Coronavirus pandemic and to allow for more interactive campaigning while classes are conducted online. Additionally, several changes were made to the language of By-Law No. 5 for the purpose of consistency and without intent to change the meaning or function of the By-Law.

