

The Constitution

OF THE STUDENT BAR ASSOCIATION SANTA CLARA UNIVERSITY SCHOOL OF LAW

Twelfth REVISION, 2022

PREAMBLE

We, the students of the Santa Clara University School of Law, do establish this Constitution for the Student Bar Association to represent the interests of law students in their relationship with faculty, administration, alumni and the surrounding community, and in order to facilitate effective leadership, promote diversity, and encourage the development of professional relationships.

ARTICLE 1: Membership and the Student Bar Association

All students enrolled in the Santa Clara University School of Law shall be Members of the Student Bar Association and shall be entitled to vote in any duly held election provided for by this Constitution and its bylaws. Any member may serve as an Officer or Representative consistent with this Constitution and its bylaws, unless found in violation of the Honor Code.

ARTICLE II: SBA Executive Board

Section 1. Student Bar Association Executive Board

The Student Bar Association (hereinafter “SBA”) Executive Board shall consist of the following Executive Officers: President(s), Vice President(s), Vice President(s) (Part-time), Vice President of External Affairs(s), Risk Management Officers(s), Treasurer(s), Secretary(s), Director(s) of Community Service, and Director(s) of Internal Communications. Individuals cannot hold more than one Executive position simultaneously. Individuals also shall not hold a class representative and an executive board position simultaneously. Each Executive Position will only have one vote regardless of whether the position is held by two people.

The SBA Executive Board shall be responsible for the administration of Association services, programs, and activities. All Executive Officers shall be members of and attend all meetings of the Board of Governors and shall faithfully execute this Constitution and its bylaws in performance of their duties.

Section 2. Term of Office

The SBA Executive Board shall be elected in the Spring Semester, no later than April 1. Officers shall serve from the day following certification of the election results till the last day of final exams of the following Spring Semester. Certification shall constitute as the moment election results are distributed to the Association Membership.

During the overlap of service from the certification of the election results until the last day of final exams, hereinafter the Transition Period, the departing Executive Officers shall assist in the training and transition of newly elected Executive Board members. Newly elected Executive Board members may participate in all relevant meetings during the Transition Period, but shall not vote on any matter during this period.

Section 3. President

The President shall represent the SBA generally in dealings with Santa Clara University, the School of Law, Law Student organizations (hereinafter “LSOs” or “Association Organizations”), and any other group or agency. The President shall administer, supervise and assist the Executive Board in the performance of services, programs, and activities consistent with the interests of the SBA. The President shall direct, supervise, and coordinate all appointments of Chairpersons to SBA Committees set forth in Article VIII, unless otherwise specified by this Constitution. The President shall have the power to appoint Ad Hoc Committees and shall select one of the elected American Bar Association/Law Student Division Representatives, herein referred to as ABA/LSD Representatives (See Article VI: ABA/LSD Representatives) to act as Head Representative within one week of their election. The President serves as one of the two official voting delegates for SBA at the ABA Law Student Division Assembly. The President shall also serve as Chair of the Board of Governors.

Section 4. Vice President (Full-Time)

The Vice President (Full-Time) shall direct, supervise and coordinate all SBA Committees unless otherwise specified by this Constitution, and shall act as Chair of the Social Committee and as Co-Chair of the Orientation Committee. The Vice President (Full-Time) shall serve as Vice Chair of the Board of Governors. The Vice President (Full-Time) shall be responsible for designing and ordering merchandise for the law school. The Vice President (Full-Time) shall assist the other Executive Officers in the performance of their duties.

Section 5. Vice President (Part-Time)

The Vice President (Part-Time) shall serve as Commission of Elections pursuant to Article VII, or shall appoint a Commissioner should there be a conflict of interest, and as Co-Chair for the Orientation Committee. The Vice President (Part-Time) shall assist the other Executive Officers in the performance of their duties. Upon election, the Vice President (Part-Time) must have a good faith intention of remaining in the part-time program.

Section 6. Vice President of External Affairs

The Vice President of External Affairs shall foster communication and build relationships with Bay Area Law Schools, Bar Associations, Alumni and other external resources that promote law student interests. The Vice President of External Affairs shall coordinate and conduct external advocacy and lobbying efforts on

behalf of student interest and Law Student Organization initiatives. The Vice President of External Affairs shall maintain communication and build relationships with the undergraduate Associated Student Government at Santa Clara University, as well as with student representatives from other Santa Clara University graduate and professional degree programs. The Vice President of External Affairs shall act as student representative on the Dean Committees for Alumni Relations and External Affairs. The Vice President of External Affairs shall also assist the other Executive Officers in the performance of their duties.

Section 7. Treasurer

The Treasurer shall keep safe and secure the funds of the SBA and protect them against unauthorized and improper use. The Treasurer shall receive and disburse funds as provided in this Constitution and keep account of the financial status of the SBA. The Treasurer shall act as Chair of the Finance Committee, which also includes preparing guidelines for funding requests prior to the beginning of the budget cycle in conformance with the Finance Policy By-laws. The Treasurer shall submit a bi-yearly budget to the Executive Board on behalf of the Finance Committee.

The Treasurer shall liaise with the Law Finance Office on behalf of the SBA. The Treasurer shall stay up-to-date on changes in policy enacted by the Law Finance Office that affect LSOs or the SBA. Any request for reimbursement must be approved by the SBA Treasurer and one other member of that organization's from the executive board of said organization. Any request for reimbursement by a member of the Executive Board must be approved by the Treasurer and the President. If either the Treasurer or the President is making the request, then one of the Vice Presidents shall step in to approve the request. The Treasurer shall not approve the distribution of any Association funds unless it is authorized under an approved budget. The Treasurer shall coordinate and oversee the annual recuperation of funds not spent by Association Organizations at the conclusion of Fall semester.

The Treasurer shall make the SBA's financial records of the SBA available to any Association Member upon request and shall post a summary budget status report at least twice per budget cycle, including the initial approved budget and a mid-year status report. The Treasurer shall be reasonably involved, if necessary, in reducing expenses incurred by the Executive Officers in their operations. The Treasurer shall assist the other Executive Officers in the performance of their duties.

Section 8. Secretary

The Secretary shall direct, supervise, and coordinate the information and communication services for programs and activities of the SBA. The Secretary shall record and archive the minutes of all Executive Board and Board of Governors meetings, as well as create and publish a weekly SBA newsletter. The Secretary shall make all records available to Association Members within seventy-two (72) hours of their request. The Secretary shall act as Co-Chair of the Legislative Committee. The Secretary shall assist the other Executive Officers in the performance of their duties.

Section 9. Director of Internal Communications

The Director of Internal Communications shall promote all Student Bar Association Executive Board Initiatives through the creation of marketing materials for all programs and events. The Director of Internal Communications shall disseminate information and marketing materials through all relevant

channels of communication available. The Director of Internal Communications shall maintain and promote the Student Bar Association Blog and websites and publish the electronic version of the weekly SBA Newsletter. The Director of Internal Communications shall also assist the other Executive Officers in the performance of their duties.

Section 10. Director of Community Service

The Director of Community Service shall represent the SBA, in matters of Community Service, in dealings with Santa Clara University, the School of Law, Association Organizations, and any other group or agency. The Director shall supervise and assist the Executive Board in the performance of services, programs, and activities relating to and consistent with the Community Service interests of the SBA. The Director shall act as the Chair of the Community Service Committee. The Director shall direct, supervise, and coordinate all appointments of Chairpersons and members to the aforementioned Committee, as set forth in Article VIII. The Director shall develop and promote community service activities on behalf of the SBA.

Section 11. Risk Management Officer.

The Risk Management Officer shall promote student safety and wellness at all Student Bar Association-sponsored events. The Risk Management Officer will represent the SBA in matters related to event safety and student wellness, in conjunction with Santa Clara University, the School of Law, student organizations, and any other group or agency. Risk Management will work with Presidents and Full-Time VP to address safety concerns pertaining to all SBA events.” Safety can include but not limited to alcohol consumption, venue security, transportation, health restrictions or provisions.” Duties relating to Barrister’s Ball include, but are not limited to, alcohol consumption, venue security, transportation safety, etc. Risk Management will also be in charge of organizing a pre-Barrister’s Ball informational meeting for the Student Body that details the safety expectations of the event. Risk management will assist the President(s) and Full-Time VP in addressing any safety concerns that arise from the student body. Addressing concerns can including talking with students and bringing issues to administration. Risk management may work with Presidents to organize safety trainings for the student body if deemed necessary. The Risk Management Officer will be a primary liaison between the SBA, the University, and the Law School in policy discussions regarding event safety, student wellness, and mitigation of foreseeable risks, while striving to maintain the integrity and experience of student events and affairs.

Section 12. Diversity, Equity, and Inclusion Officer

The Vice President of the Diversity, Equity, and Inclusion, or “DEI,” shall be an Executive Officer of SBA and shall serve as the chair of the DEI Committee. Beyond their role as the chair of the DEI Committee, this officer shall act as a liaison between SBA, the DEI Committee, and Santa Clara University Board, hereafter “the Administration,” in order to promote diversity centered initiatives. The chair will only ever approach the Administration after the express urging of the Committee Members. This officer will not take independent action to speak for affinity organizations so as to preserve their voice and autonomy. Additionally, the position will produce and promote SBA workshops and activities that highlight the POC community. If desired by the affinity organization, this officer may also help a member affinity organization with their own events. The mobilization and empowerment of students to have conversation about current topics, especially those surrounding race, will be a priority of the programs.

The position will take reasonable measures to consult with the POC community on campus when planning programming for the sake of messaging and sensitivity. To this end, the VP of DEI will sit in on EJEC meetings to understand how best to be an advocate for diverse interests on campus.

The Executive Officer will prioritize communication both within SBA and with the student body surrounding diversity initiatives. This person will give monthly reports to SBA on the status of diversity initiatives, and will come out with statements about current issues within the community when they arise. When circumstances require, they will meet with the Dean to discuss issues and the Administration's plan of action to address those issues.

The Executive Officer of DEI will be required to host at least one event per fall and spring semester that promotes diversity on campus. Additionally, at least one of SBA's shielded dates will be dedicated to DEI initiatives. This officer will communicate with professors to see if they are willing to provide extra credit for students attending DEI sponsored events. Finally, the VP of DEI will oversee the anonymous tip line. Attending programs designed to attract diverse staff or faculty members will also be a requirement of the position.

Comments

Section 1: Each Executive Board role may be occupied by one or two people. If two people intend to occupy the same role, the parties shall collaborate with one another, divide the duties of the role, and will have a reasonable belief that they can collaborate. This belief will be memorialized in writing and submitted to the elections commissioner. Each position shall only be allocated one vote. For example, if there are Co-Vice Presidents they may only vote as one unit.

Section 8: A budget cycle or budget period shall assume the same definition as stated in the Finance Policy Bylaws.

Section 10: Director of Community Service was established by a vote of the Board of Governors in 2015- 2016. Presidents in their power to establish an ad hoc committee created the Community Service Committee which has become an important committee. As of 2017, the Director of Community Service was formally acknowledged as a member of the SBA Executive Board.

Section 11: Vice President of Risk Management was established by a vote of the Board of Governors in 2019-2020. As of 2020, the Vice President of Risk Management was formally acknowledged as a member of the Executive Board.

ARTICLE III: Class Representatives

Section 1. Class Representatives

Class Representatives and Alternates shall promote the interests of their class/division constituencies and shall faithfully execute this Constitution and its bylaws in performance of their duties. One Class

Representative shall be elected for each sixty (60) Association Members in each class/division constituency, but shall not exceed four (6) Class Representatives per full-time class/division. There shall be no more than four (4) Class Representatives for part-time students.

Section 2. Term of Office

Class Representatives shall be elected in the Fall Semester, no later than four (4) weeks after the start of the semester. Class Representatives shall serve from the time the elections are certified until replaced by the Class Representatives elected in the Fall Semester of the following year. Certification shall constitute as the moment election results are distributed to the Association Membership.

Section 3. Duties of Class Representatives

Class Representatives shall attend all meetings and vote on all issues before the Board of Governors and solicit opinions, suggestions, and information from Association Members. Class Representatives shall inform Association Members of and assist the Executive Board in executing SBA services, programs, and activities. Representatives shall hold at least one public forum a semester for their respective class, in order to allow class members to voice issues and discuss remedies. Class Representatives shall serve on at least one of the Committees provided for in Article VIII of this Constitution.

Comments:

Section 3: Class Representatives are to hold office hours throughout the year in addition to the public forum for their respective class. Office hours are an informal way for Association Members of the respective class to engage with their representatives on a frequent basis. The Public forum is a formal meeting which shall conform to the notice requirements of a public Board of Governors meeting. Part -Time Representatives will represent all part-time students, regardless of the year they are technically considered by the School of Law.

ARTICLE IV: Board of Governors

Section 1. The Board of Governors

The Board of Governors shall consist of the Executive Officers and Class Representatives and Alternates as provided by this Constitution. The Board of Governors shall serve as the elected governing body of the SBA. The Board of Governors shall support, promote, and encourage the goals and interests of the SBA.

Section 2. Meetings

The Board of Governors shall hold both public and nonpublic meetings as required throughout the academic year. The Board of Governors shall hold public meetings during the regular school year as required. All Association Members shall have the right to attend, observe, and participate in discussions at public Board of Governors meetings. The Board of Governors shall provide to Association Members the time, place, and agenda for public meetings at least five (5) business days prior to the date of the scheduled meeting. Public meetings shall include discussions related to LSO annual budget.

The Board of Governors may also hold nonpublic meetings which shall relate to any non LSO budget

matter. These meetings may be made public at the discretion of the Board of Governors. If any money is allocated during a nonpublic meeting the results of a nonpublic shall be made available to any Association Member upon request.

A Board of Governors meeting may be called by the President or by at least three (3) members of the Executive Board or by at least five (5) Class Representatives representing at least two (2) classes. Whoever calls the Board of Governors meeting is the presiding officer(s), and shall only vote in the event of a tie.

Four (4) Executive Officers and one-half plus one (1.5) of the Class Representatives shall constitute quorum. Executive Officers and Class Representatives shall each have one vote. Except as otherwise provided in this Constitution, any action taken by the Board of Governors shall pass with a simple majority of the members present. The effect of any action shall be delayed for seventy-two (72) hours to allow Association Members to challenge the action, pursuant to Article V of this Constitution.

Section 3. Creation of Bylaws

At its first meeting, the Board of Governors shall reapprove the By-Laws from the previous academic year, which shall be any statement of policy or procedure necessary for the implementation of this Constitution and its purpose, and shall be attached to this Constitution, unless otherwise amended.

The Board of Governors shall have the power to amend the existing By-Laws or create new ones. Any new By-Law shall be approved by a majority of the Board of Governors body. Upon approval, any newly created or amended bylaw shall be posted in a public area or public platform for seventy-two (72) hours after its approval. If, after this seventy-two (72) hour period, no Association Member has challenged the By-Law pursuant to Article V of this Constitution, the By-Law shall enter into force. Any By-Law adopted by the Board of Governors and effective under this section shall be binding until modified or rescinded by the Board.

Section 4. Approval of the Budget

The Board of Governors may make any changes to and shall have final approval of the Finance Committee's proposed annual Association budget. The final budget shall be approved by a simple majority.

Section 5. Action

Action may only be taken when quorum is met. Action shall include but not be limited to: passing legislation, granting, withholding or rescinding club funding, and reviewing, amending or approving the Association budget, and initiating, passing or repealing changes to the By-Laws of this association.

Should the Board of Governors wish to, they may submit any action, either proposed or suspended, to a vote of the Association Membership, by directing the Vice President (Part-Time) to hold a school wide vote on the matter. Before this can occur, a majority of the Board of Governors body must approve the submission. The action needs a majority of Association Members in order to pass.

Comments

Section 2: Business days shall be Monday through Friday. The Treasurer on behalf of the Board of Governors shall maintain a line item record of all Executive Boards expenditures. This record shall be made available to any association member upon request. Simple majority constitutes those among the Board of Governors body present and voting.

Section 4: A majority of the Board of Governors body shall be fifty-one (51) percent of the total membership.

Section 5: A majority of the Board of Governors body, as well as of Association Members, shall be fifty-one (51) percent of the total membership.

ARTICLE V: ABA/LSD Representative

Section 1. American Bar Association/Law Student Division Representatives

The American Bar Association/Law Student Division (hereinafter “ABA/LSD”) Representatives serve as the crucial link between the ABA Law Student Division and the SBA, and shall faithfully execute this Constitution and its By-Laws in performance of their duties. There shall be no more than five (5) ABA/LSD Representatives, and the President shall appoint one (1) to act as Head Representative.

Section 2. Term of Office

The ABA/LSD Representatives shall be elected in the Spring Semester, no later than April 1. Representatives shall serve from the day following certification of the election results to the last day of final exams of the following Spring Semester. Certification shall constitute as the moment election results are distributed to the Association Membership. The departing ABA/LSD Representatives shall assist in the training and transition of newly elected ABA/LSD Representatives during the Transition Period.

Section 3. ABA/LSD Representative Duties

Upon election, the ABA/LSD Representatives shall register as a representative with the ABA Law School Division and develop an Action Plan based on the needs of the SBA. The Representatives shall submit an annual budget for any and all planned ABA competitions and events to the Finance Committee. The Representatives are expected to keep Association Members informed about ABA Law School Division activities and programs, and the Representatives are expected to attend the Board of Governors meetings, but shall have no vote. They shall count towards Quorum.

ARTICLE VI: Membership Proposals

Section 1. Membership Proposal

Any Association Member may submit a policy or procedure to the Board of Governors for consideration. A submission shall include the proposal, reasons warranting its adoption, name(s) of the author(s), and name(s) and phone number(s) of the person(s) to contact. Before consideration, the Board must allow proponents and opponents of the proposal to present their views during the Board of

Governors' meeting.

Section 2. Member Challenge

Association Members may challenge any policy, procedure, or funding action taken by the Board of Governors by providing A) proper notice to challenge an action and B) presenting a valid Petition of Challenge.

A) Notice to challenge an action taken by the Board of Governors must be presented to an Executive Officer within seventy-two (72) hours of publication of such action. Notice shall be proper if it states an intention to challenge a specific action taken and if it has been signed by at least thirty (30) Association Members. If a valid petition of challenge is not received by an Executive officer within seventy-two (72) hours of the publication of notice, then the petition shall be considered abandoned.

B) A Petition of Challenge shall be valid if it calls for the vacation or quash of a specific policy, procedure, or funding action, and has been signed by at least one-hundred (100) Association Members and has been presented to an Executive Officer. Presentation of a valid petition of challenge shall suspend the challenged action indefinitely and shall require the Board of Governors, at its next meeting, either to vacate the action or to direct the Commissioner of Elections to hold a binding Association-wide vote on the action.

Comments

Section 2: The seventy-two (72) hour time requirement shall not include holidays or weekends.

ARTICLE VII: Elections & Voting

Section 1. Association Elections

The Commissioner of Elections shall be responsible to run the SBA elections in the fall and spring. The Commissioner of Elections shall run these elections in a fair and impartial manner, and shall avoid even the appearance of impropriety in administering the election process. At the completion of the election period, the Commissioner of Elections shall supervise the counting of the votes and announce the results within forty-eight (48) hours.

Section 2. Election Schedule

The election of SBA Executive Officers and ABA/LSD Representatives shall be held for three consecutive days, ending no later than April 1. The election of SBA Class Representatives and Alternates shall be held for three consecutive days, ending no later than four (4) weeks after the start of the semester.

The deadline for candidacy sign-ups shall be one week before the election. The Commissioner of Elections shall have the authority to fix the times and places and means of voting, so long as such place shall be convenient to Association Members and voting occurs a minimum of six (6) hours each election day, with two (2) of these hours scheduled after 5:00 P.M. business day.

Adjustment to the schedule for election of SBA Executive Officers and ABA/LSO Representatives shall be

permitted to extend an election period where, due to extenuating circumstances, the Board of Governors determines that an adjustment is necessary.

Section 3. Campaign Rules

The Commissioner of Elections shall hold two Candidate Forums prior to the election, one of which must be after 5:00 P.M. on a business day. During the Candidate Forums, each candidate will be given equal time, not less than three (3) minutes, to announce his/her qualifications. Candidates may also hold individual or group forums to speak to Association Members. Candidates may not campaign, nor hold individual or group forums, during any active class or in such a way as to interfere with any active class.

Candidates may only run for one Executive Board position in any given election. Candidates may post advertisements, qualifications, or other information to inform students of their candidacy in areas designated by the Commissioner of Elections. Such poster shall not be larger than 11" x 17" and a smaller size may be specified based on the number of candidates for an office, so that all candidates have equal opportunity to display campaign materials.

Under no circumstances may such advertisements, qualifications, or other information be posted in classrooms. No campaigning may be conducted in designated balloting area(s) on the days the elections are taking place. The Commissioner of Elections has the discretion to add any additional campaign rules, as necessary.

Section 4. Voting Procedures

Each Association Member may cast only one vote for each Executive Office candidate. Each Association Member may cast a total number of votes equal to the number to be elected for Class Representatives and ABA/LSD Representatives, pursuant to Articles III and VI of this Constitution, respectively. In any election of SBA Class Representatives, each Association Member shall only vote for the class and division in which they are enrolled. Association Members enrolled in a joint degree program shall vote as members of the class in which they entered studies at the School of Law, except that in their fourth year of enrollment they shall vote as members of the fourth year part-time division.

Each Executive Officer must be elected by a plurality of the votes cast. The Class Representatives and ABA/LSD Representatives shall be filled consecutively by those candidates receiving the highest number of votes. Two Alternates shall be the next two candidates receiving the highest number of votes. Where necessary, run-off elections shall be held.

Section 5. Election Challenges

Only candidates may contest the results of an election on the basis of violations of this Article. An election challenge must be written, specific, and detailed, and delivered to the Commissioner of Elections within seventy-two (72) hours after the election results are announced. The Commissioner shall then request the President to call a Board of Governors meeting, where voting members shall determine whether a new election need be held. The Board of Governors shall post its decision, with a detailed

explanation, within twenty-four (24) hours.

Uncontested election results shall automatically become final. Election records shall be kept for one year and may be examined by any Association Member.

Section 6. Recall

An SBA Executive Officer, Class Representative, or ABA/LSD Representatives shall be recalled from office by means of a valid recall petition verified by the Commissioner of Elections. Recall is defined as removal, which does not preclude the individual from rerunning.

A valid petition for recall will include a short statement explaining the reason for the recall and a total amount of signatures equal to a minimum of 33 % (1/3) of the represented Association Members. For Class Representatives, the represented Association Members will be their respective class. The Vice President (Part-Time) shall verify that the petition conforms to the requirements listed above and that all signatures are valid. If the recall petition is successful, the Vice President (Part-Time) shall hold a new election. If the party to be recalled is the Vice President (Part-Time), then the President shall act as the Commissioner of Elections during the recall proceedings.

Section 7. Resignation

An officer or representative may resign by delivering a letter of resignation to the Board of Governors.

Section 8. Vacancies (Excluding Recall)

In the event of any vacancy of office, the duties will be delegated amongst the board members until an election can be held. In the event that the President is absent or becomes unable or unwilling to serve as required by the Constitution or its By-Laws, the Executive Officers shall assume the duties, authority and responsibilities of the President in the following order of succession until a special election is held: Vice President (Full-Time) Internal, Vice President (Full-Time) External, Vice President (Part-Time), Vice President of Risk Management, Treasurer, Secretary, Director of Community Service, and Director of Internal Communications.

The vacant position shall be announced in the weekly newsletter and publicly posted. Association Members shall be given a minimum of seventy-two (72) hours to submit applications for the vacancy. The elected Executive Officers shall nominate an Association Member who has submitted an application. Within three weeks of the nomination and before assuming office, the Board of Governors body must approve the nominee by a majority vote.

Should the position still remain vacant, the Commissioner of Elections shall have authority to call a special election to fill the vacant position, which shall be conducted pursuant to the provisions of this Constitution and its bylaws.

In the event that the position of Vice-President (Part-Time) is vacant, within five days of the vacancy

occurring, the Executive Board shall hold a special meeting in which they will select an Executive Board member to perform the duties associated with the Commissioner of Elections for that year. The Executive Board will then call a public Board of Governors meeting, wherein the Executive Board shall propose their nomination to the Board of Governors, who will then vote on the nominee.

Comments

Section 1: Necessary shall mean that without the schedule adjustment, all who wish to run in the election may not be able to; or that as a result of circumstances, continuing the elections as scheduled would be impractical or contrary to the democratic process. Extenuating Circumstances shall mean serious and exceptional factors that are outside the control of Santa Clara University School of Law, which substantially and adversely affect the student body during the given period (e.g. COVID-19 Pandemic). Should these Extenuating Circumstances delay the completion of elections, postponement shall occur as long as the circumstances make it impractical to hold elections.

Section 3: Business days shall be Monday through Friday. The limitation on running for only one position at a time shall not apply to ABA/LSD representatives.

Section 8: Being approved to perform this role shall not make that Executive Board member the official Vice-President (Part-Time). The role of the Elections Commissioner is to manage the school election and ensure they conform with the requirements listed in the Constitution. A majority of the Board of Governors body shall be fifty-one (51) percent of the total membership.

ARTICLE VIII: Committees

Section 1. Composition Generally

Committees shall be composed of Association Members via appointment process. The Association Members shall then serve as described in this Constitution and its By-Laws. Each such Committee shall establish its own procedures and subcommittees, consistent with fundamental fairness and the purposes expressed in this Article. The President shall appoint all Committee Chairs, unless otherwise specified in this Constitution.

Section 2. Community Service Committee

The Community Service Committee shall develop and promote community service activities on behalf of the SBA. The Director of Community Service shall act as Chair of the Community Service Committee, which shall consist of no less than five (5) Association Members, selected pursuant to this Constitution and its By-Laws. The Community Service Committee shall meet monthly with the Dean of the Law School, or their designee, to discuss current and proposed service activities.

The Community Service Committee shall be funded by the Executive Board on a bi-yearly basis. A minimum of ten percent (10%) in funds allocated to the Board shall be reserved for the Community Service Committee.

However, with a two-thirds (2/3) majority approval of the total Board of Governors body, the amount may be increased or decreased for the current fiscal year as needed. The use of Association funds and their reimbursement are subject to the provisions of this Constitution and its By-Laws.

Section 3. Finance Committee

The Finance Committee shall make recommendations to the Board of Governors concerning the expenditures of Association funds. The Treasurer shall act as Chair of the Finance Committee, which shall consist of no less than five (5) and no more than ten (10) Association Members, none of which may be 1Ls unless given special dispensation by the SBA President(s) and SBA Treasurer, selected pursuant to this Constitution and its By-Laws. The Committee shall meet at least once per semester and as needed to consider requests for funding.

The Committee shall submit a recommended budget to the Board of Governors at least one week prior to their budget meeting for approval. Any subsequent special allocation, reallocation, or new expenditure shall be presented by the Chair to the Board of Governors for approval. The allocation of Association funding shall occur as provided by this Constitution and its By-Laws.

The proposed budget is to be presented to the Board of Governors within six weeks from the start of the academic semester. If special circumstances do not allow for the treasurer(s) to propose the budget within the first six weeks, then they must notify the school of the reason for the delay, and provide an expected date that the budget will be completed to the school at least one week before the constitutional due date. The annual Association budget shall be posted in a public area or public platform for seventy-two (72) hours after its approval. If, after this seventy-two (72) hour period, no Association Member has challenged the budget pursuant to Article V of this Constitution, the allocation of Association funds, as approved by the Board of Governors, shall be final.

Section 4. Legislative Committee

The Legislative Committee shall make decisions regarding the interpretation of this Constitution, and shall create and recommend amendments to the Constitution to the Board of Governors. The Secretary shall act as Co-Chair of the Committee, along with a Co-Chair selected by the President from the Class Representatives. The Committee shall consist of its Co-Chairs and not less than five (5) Association Members selected pursuant to this Constitution and its By-Laws.

Any decision regarding the interpretation of this Constitution is final and binding and must be handed down within three (3) calendar days of the request for an interpretation to be made. The Committee must maintain records of all amendments to and all currently applicable interpretations of this Constitution, along with an archives section showing no longer applicable amendments and interpretations for the previous five (5) years. Such records shall be made available upon request by Association Members.

Section 5. Orientation Committee

The Orientation Committee shall plan, organize, and administer services, programs, and activities that introduce new students to the School of Law and the SBA. These services, programs, and activities shall aid new students in their transition to Santa Clara University. This includes services such as the assignment and renting of lockers. The Vice President (Full-Time) and the Vice President (Part-Time) shall serve as Co-Chairs of the Orientation Committee, which shall consist of not less than three (3) Association Members, selected pursuant to this Constitution and its By-Laws.

Section 6. Social Committee

The Social Committee shall sponsor social events for Association Members. The Vice President (Full-Time) shall act as Chair of the Social Committee, which shall consist of no less than five (5) Association Members, selected pursuant to this Constitution and its By-Laws.

The Social Committee shall be funded by the Executive Board based on the academic year. The use of Association funds and their reimbursement are subject to the provisions of this Constitution and its By-Laws.

Section 7. Student Action Committee

The Student Action Committee shall be chaired by the President of the Student Bar Association or a student appointed by the SBA President. The Student Action Committee shall consist of (1) all elected class representatives serving on Dean Committees, Santa Clara University committees, or other Subcommittees created by the Student Action Committee Chair; and (2) any other interested students who wish to serve on the Student Action Committee.

The Student Action Committee shall serve to maximize law student influence at Santa Clara University School of Law. Members shall work to research items raised by students, disseminate information, and work with faculty and administration to enact positive change where appropriate. The Student Action Committee shall centralize communication between law students, faculty, and administration and provide an open forum for students to raise ideas, issues, and concerns.

Section 8. Diversity, Equity, and Inclusion Committee

The Diversity, Equity, and Inclusion Officer will chair a committee for the purpose of making SBA a better ally to diverse students, alumni, and faculty members. The Diversity, Equity, and Inclusion Committee may be composed of a maximum of two members of each affinity Law Student Organization, however affinity LSOs are not required to participate in the committee. Members of the DEI Committee may use the committee to coordinate shared interests and to further goals of diversity and representation to the Administration. The SBA President(s) can attend DEI meetings. To pass initiatives within the group itself, there must be a $\frac{2}{3}$ member vote. The content, method, and frequency of communications between the DEI and the Administration will be determined by the members of the DEI on a case by case basis. The ultimate goal of this position and committee is to further the interests of LSOs and of diverse student groups. Therefore, it is for DEI members, and not SBA Executive Officers, to dictate the tenor and substance of the Committee.

The Vice President of Diversity, Equity, and Inclusion shall be funded by the Executive Board on a bi-yearly basis. A minimum of five percent (5%) in funds allocated to the Board shall be reserved for the Diversity, Equity, and Inclusion Officer to fulfill their duties and responsibilities.

Section 9. Ad Hoc Committees

At the request of any Executive Officer, the SBA President may appoint such other committees as are reasonably necessary to execute this Constitution and its By-Laws (e.g. Elections & Voting Procedures Committee). Each such committee shall continue for the duration of the term of office of the Officer who requests it. The requesting Officer shall direct and supervise any committee that they request to be appointed.

ARTICLE IX: The Advocate

Section 1. School of Law Newspaper

Recognizing the value of an independent press to the student body, the SBA shall encourage and support a student-run newspaper for the School of Law, also known as The Advocate. However, the SBA shall have no control or influence over the operation or management of The Advocate, except as provided in this Constitution.

Any Association Member may challenge the selection of a newly appointed Editor-in-Chief of The Advocate. Such challenge shall be brought before the Board of Governors for review. In order to override the Editorial Board's selection of the Editor-in-Chief, the Board of Governors must determine by a four-fifths (4/5) majority of the total body that the selection process has been compromised.

Section 2. Funding

The SBA shall fund the digital publication of The Advocate. All other forms of publication shall be funded at the discretion of the editorial board, subject to the funding allocated by the SBA with all other necessary funding being secured by the editorial board.

All funds granted to The Advocate are subject to the same recuperation as all student clubs and organizations, pursuant to Article X of this Constitution. The Editor-in-Chief is required to turn in an expense report to the SBA Treasurer no later than April 15th of each fiscal year.

ARTICLE X: Allocation of Association Funds

Section 1. Allocation of Association Funding Generally

The SBA shall fund services, programs, and activities consistent with the implementation of this Constitution and its By-Laws, including Association Organizations and a student-run School of Law newspaper, pursuant to Article IX of this Constitution. 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.

Section 2. Funding of the Executive Board

The Executive Board shall be allocated up to 30% of the general funds available to the SBA for the administration of services, programs, and activities consistent with this Constitution and its By-Laws. Any additional funding must be requested pursuant to Article VII, Section 3, of this Constitution. The Executive Board shall provide funding, as needed, for Representatives and Committees.

Any funds allocated to the Executive Board may not be deposited in an off-campus account and shall be publicly disclosed to the Board of Governors and Association Members, pursuant to Article II, Section 6, of this Constitution. In the event that the Executive Officers aforementioned expenses are relieved, wholly or partially, the Board of Governors, by a two-thirds (2/3) vote of those present and voting, may reallocate Executive Officers funds under this Section. Such reallocation of funds is valid only during the school year in

which the reduction was approved.

Section 3. Funding of Association Organizations

Association funds shall be allocated to recognized Association of Student organizations that sponsor activities, programs, or services in which all Association Members may participate or by which they benefit, pursuant to this Constitution and its Bylaws.

If an organization fails to meet the requirements of this Constitution or its Bylaws, funding may be revoked by a majority of the Board of Governors body. Additionally, the Finance Committee shall not recommend, and the Board of Governors shall not approve, any funding requests from organizations that do not schedule at least 25% of their general meetings or activities after 5:00 P.M. on a business day.

For the fall semester, LSO's must submit Student Organization Budget Allocation (SOBA) forms by August 10th in order to be eligible for funding. For the spring semester, LSO's must submit SOBA forms by December 20th.

Any request for reimbursement must be approved by the SBA Treasurer and one other member from the executive board of said organization, and must comply with all other provisions provided by this Constitution and its By-Laws. All club treasurers are expected to keep track of spending and submit a detailed report to the SBA Treasurer no later than the second Friday of April.

Section 4. Recuperation of Funds

All funding that has been allocated to student organizations that is not spent by the end of each semester will be recouped and deposited back into the SBA General Fund.

Comments

Section 2: If the Board of Governors over allocates funds for a specific event, and all funds are not utilized, then the Board of Governors can vote to transfer the unused funds to other LSO activities. For example, if a third party were to fund, in whole or in part, Barrister's Ball, the Board of Governors can vote to transfer the unused funds to another activity or back to the SBA General Fund.

Section 3: A majority of the Board of Governors body shall be fifty-one (51) percent of the total membership. Business days shall be Monday through Friday.

ARTICLE XI: Process to Ratify Amendments

Section 1. Amendments

This Constitution may be amended by a two-thirds (2/3) majority of those Association Members voting in an Association-wide election. An amendment may be initiated either by the Board of Governors, or in the same

manner as prescribed under Article V of this Constitution.

Section 2. Adoption, Citation, and Saving Clauses

The adoption of this Constitution shall be by a two-thirds (2/3) majority of those Association members voting in an Association-wide election. If adopted, this Constitution may be cited as the “SBA Constitution (Eleventh Revision, 2020).” Upon adoption, this Constitution shall take immediate effect and all previous Constitutions and By-Laws shall be repealed and superseded. A copy of this Constitution is publicly posted.