

Constitution

Student Bar Association of the Florida International University College of Law

TABLE OF CONTENTS

PREAMBLE 3

ARTICLE I – NAME 3

ARTICLE II – MEMBERSHIP 3

ARTICLE III – SBA BOARD 3

ARTICLE IV – DUTIES OF OFFICERS 4

ARTICLE V – ELECTION OF OFFICERS 6

ARTICLE VI – REMOVAL 8

ARTICLE VII – BUDGET AND STUDENT ORGANIZATIONS 9

ARTICLE VIII – AUTHORITY 11

ARTICLE IX – AUTHORITY TO INTERPRET THE CONSTITUTION 11

ARTICLE X – RATIFICATION AND AMENDMENT 12

CONSTITUTION

Student Bar Association of the Florida International University College of Law

PREAMBLE

We, the students of the Florida International University College of Law, in recognition of our commitment to achieve the highest standards of ethics and scholarship, to provide service to the community, and to promote diversity of the student body, do hereby accept the responsibilities of self-government and establish this Constitution.

ARTICLE I – NAME

The official name of this organization shall be the Student Bar Association of the Florida International University College of Law ("SBA").

ARTICLE II – MEMBERSHIP

Section 1. Membership.

A member of the SBA ("member") shall be any student who is currently enrolled at the College of Law. Each member shall have the right to vote in any election or ballot put before the membership. Faculty of the College of Law shall be considered ex-officio members of the SBA, but shall not have the right to vote.

Section 2. Honorary Membership.

The Board may award honorary memberships pursuant to the bylaws.

ARTICLE III - SBA BOARD

Section 1. Officers.

The SBA Board ("Board") shall consist of the following elected Officers: one (1) President; two (2) Vice Presidents - Day Division; one (1) Vice President - Evening Division; one (1) Treasurer; one (1) Secretary; one (1) American Bar Association-Law Student Division Representative ("ABA-LSD Representative"); one (1) Florida International University Student Government Association-Law Student Division Representative ("ABA-LSD Representative"); two (2) 1L Representatives - Day Division Section A; two (2) 1L Representatives - Day Division Section B; one (1) 1L Representative - Evening Division; two (2) 2L Representatives - Day Division; one (1) 2L Representative - Evening Division; two (2) 3L Representatives - Day Division; one (1) 3L Representative - Evening Division; one (1) 4L Representative.

Section 2. Meetings.

The Board shall meet bi-weekly throughout the academic year, with all regularly scheduled meetings to be designated by the Board at the first meeting of each semester. Any currently enrolled student or College of Law faculty member may attend meetings of the Board. Any such visitor may address the Board upon recognition by the President. A majority of the Board, excluding vacant offices, shall comprise a quorum.

Attendance by officers is mandatory, and nonattendance may be sanctioned as provided in the bylaws.

Section 3. Voting.

The Board may approve a measure or proposal by a simple majority vote through a voice vote, except where a super-majority vote is required by this document or the bylaws. Each Officer shall have one (1) vote on all matters before the Board. In the event of a tie, the President shall cast an additional tie-breaking vote.

Section 4. Voting Via Electronic Mail.

The Board may set guidelines for electronic mail voting in the bylaws. Notwithstanding the bylaws, the President may call for an emergency electronic mail vote.

Section 5. Emergency Meetings.

The President may convene an emergency meeting of the Board, and the Secretary shall post reasonable notice of such to the Membership.

Section 6. Committees.

The President shall have the authority to appoint a committee for any purpose. Creation of any such committee and appointment of its members and chair shall be subject to approval by the Board. Any student enrolled at the College of Law may be appointed to a committee. The President shall have the authority to dissolve any committee with the approval of the Board.

The chair or any member of any committee may be removed by the Board.

Section 7. Bylaws.

The Board may adopt bylaws consistent with this Constitution. The bylaws shall establish procedures for the conduct of SBA affairs and the furthering of SBA goals.

A proposed bylaw shall be submitted in writing to the Secretary by any member of the Board. The Secretary shall disseminate the proposed bylaw to the entire Board. The Board shall vote on the adoption of the proposed bylaw. A simple majority at any meeting with a quorum shall suffice for adoption of a proposed bylaw.

The Secretary shall be responsible for maintaining a complete file of approved bylaws including date of adoption and effective date records.

All bylaws shall continue in effect unless rescinded by the Board.

Section 8. Executive Board.

The SBA Executive Board shall consist of the following Officers: President, Vice Presidents – Day Division, Vice President – Evening Division, Treasurer, and Secretary.

ARTICLE IV - DUTIES OF OFFICERS

Section 1. President.

The President shall serve as the chief executive of the SBA and shall have the following duties:

- (a) To act as the primary representative of the membership.
- (b) To preside over and to set the agenda for meetings of the Board and of the membership.
- (c) To create committees and appoint committee chairs and members with the approval of the Board.
- (d) To sit as a voting member of the Board with the power to cast a tie-breaking vote

when necessary.

- (e) To serve as Chair of the Student Organization umbrella meetings.
- (f) To share fiscal responsibility and authority with the Treasurer, which shall include the authority to approve and sign all expenditure requests.
- (g) To serve as Chair of the Election Committee.
- (h) To serve as advocate for any student who is accused of violating the College of Law Honor Code and who requests such assistance from the Board.
- (i) To serve as SBA representative to the faculty
- (j) To attend all faculty meetings.

Section 2. Vice Presidents.

The Vice-Presidents shall have the following duties:

- (a) To alternate in presiding over Board meetings in which the President is absent.
- (b) To sit as voting members of the Board.
- (c) To perform other duties that the President assigns or delegates.

Section 3. Treasurer.

The Treasurer shall have the following duties:

- (a) To receive revenues and expend membership funds as directed or permitted pursuant to the approved budget.
- (b) To maintain records of all receipts and expenditures.
- (c) To prepare reports concerning membership finances as directed by the Board and this Constitution.
- (d) To coordinate and administer the SBA's participation in the FIU Student Government Association's ("FIU SGA") annual budget process.
- (e) To sit as a voting member of the Board.

Section 4. Secretary.

The Secretary shall have the following duties:

- (a) To certify with the Registrar the current class and division of each Officer at the beginning of each semester.
- (b) To maintain a current record of the names, addresses, telephone numbers, and email addresses of the Officers and to forward such to each Officer and to the Associate Dean for Admissions and Student Services.
- (c) To provide notice of Board meetings and membership meetings to the membership and to the Associate Dean for Admissions and Student Services.
- (d) To maintain a permanent record of all Board proceedings, committee reports, and other communications.
- (e) To prepare copies of the agenda and any proposals for each Board meeting as requested by the President.
- (f) To record and post the minutes of each Board meeting within five (5) days of the adjournment of such meeting, which shall include a record of attendance, motions, votes, and resolutions.
- (g) To maintain a current copy of the SBA Constitution for permanent reference in the office of the Associate Dean for Admissions and Student Services and on reserve in the law library, which shall include all amendments thereto and all policies in effect that have been adopted by the Board.
- (h) To distribute a current copy of the SBA Constitution to each new Officer upon election.

Section 5. Division Representatives.

The Division Representatives shall have the following duties:

- (a) To serve as official representatives for each respective class and division thereof at Board meetings.
- (b) To facilitate student organization activities with the approval of the Board.

Section 6. ABA-LSD Representative.

The ABA-LSD Representative shall have the following duties:

- (a) To contact both the ABA-LSD's Circuit Governor and Main Office with his or her name, address, and telephone number within a reasonable time after election.
- (b) To subscribe to the ABA-LSD School Representatives' discussion group within a reasonable time after election.
- (c) To develop a plan for obtaining goals and objectives related to ABA-LSD membership, programs, and activities with the approval of the Board.
- (d) To increase membership in the ABA-LSD at the College of Law.
- (e) To inform the Membership concerning ABA-LSD activities and programs, including but not limited to, contests, competitions, available positions, meetings and events.
- (f) To serve, with the President, as an official representative of the College of Law at designated ABA-LSD meetings.
- (g) To serve, with the President, as an official liaison between the College of Law and other law schools within our ABA-LSD Circuit.
- (h) To serve as Chair of the College of Law's chapter of the ABA-LSD.
- (i) To report to the President regarding the activities of the ABA-LSD.

Section 7. SGA Representative.

The SGA Representative shall have the following duties:

- (a) To report to the President regarding the activities of the SGA.
- (b) To assist the Treasurer in coordinating the SBA's participation in the annual FIU SGA budget process.
- (c) To serve as an official liaison between the Board and the SGA.

ARTICLE V - ELECTION OF OFFICERS

Section 1. Election Committee.

The Election Committee shall coordinate and supervise all elections for Officers, which shall be administered by the Associate Dean for Admissions and Student Services and his or her representatives. The President shall serve as Chair of the Election Committee. The Election Committee will be composed of at least two (2) members of the SBA, one being the President, and the other being appointed by the President and approved by a majority of the SBA Board. No member who is seeking office during the election shall be appointed to the Election Committee. In the event that the President is seeking office during the election, the Board shall appoint the Chair of the Election Committee accordingly.

The Election Committee shall propose Campaign and Election Rules for approval by the Board, which shall include the dates, polling times, campaign rules and policies, nomination forms, and criteria for disqualification. Accordingly, the Election Committee shall fix the dates for the opening of nominations, closing of nominations, candidates' forums, campaign period, and the polling dates.

The President shall supervise all polling during the elections and shall ensure that adequate voting times exist for both day and evening students.

Section 2. Elections.

Elections shall take place in the fall, in the spring, and as necessary to fill vacancies as follows:

- (a) The fall election process for 1L Day and Evening Representatives shall commence with nominations during the second week of the fall semester and shall be completed by the end of the fifth week of the fall semester.
- (b) The spring election process shall commence with nominations no earlier than March 1st and shall be completed prior to Barristers's Ball.
- (c) The Board shall appoint a replacement for any vacant non-Executive Board office to serve out the rest of the Board member's term. The Board shall make such appointment within four (4) weeks of the vacancy.

Elections shall be determined by a plurality of the eligible votes cast for that office. The election results shall be certified by the Secretary and the Election Committee Chair and posted within twenty-four (24) hours from the close of polling.

In cases where there is more than one office, such as day representatives, voting shall be cumulative: each voter shall be entitled to cast as many votes as there are offices but shall not be entitled to cast more than one vote for a single candidate.

Section 3. Run Off Elections.

If the election of any position of the Board results in a tie with two or more candidates each having received the same number of votes, then the winner for that position shall be determined by a separate run-off election to be administered not more than one (1) week after the subject election.

Section 4. Term.

The term of office for all Officers shall be for the year between spring elections, except that 1L Representatives shall serve from the fall election until the spring election that immediately follows. Any Officer who fills a vacancy shall serve for the remainder of the term for that office.

Section 5. Qualifications.

Each candidate who seeks office must be enrolled at the College of Law for the entire term of office that he or she is seeking and must be a member of the class and division for the expected term of office.

- (a) Each candidate must vow to uphold this Constitution.
- (b) Each candidate must be in good academic standing with the College of Law. Any member who is on academic probation shall not be permitted to seek office.
- (c) Any candidate seeking the office of the President shall have completed his or her foundation curriculum and shall be in good academic standing, both as defined by the office of the Registrar.
- (d) The Election Committee shall post the official list of candidates within twenty-four (24) hours after the close of nominations.
- (e) The campaign period shall be determined by the Election Committee.
- (f) Candidates shall not campaign within the immediate sight or sound of a polling station.

Section 6. Oath of Office.

The newly-elected Officers shall take the Oath of Office within one (1) week following the spring

election, which shall be administered by the incumbent President and after which the newly-elected Officers shall assume all of the rights and duties of the Board. 1L Representatives shall similarly take the Oath of Office within one (1) week following the fall election.

Oath of Office

I, _____, in recognition of the SBA's commitment to achieve the highest standards of ethics and scholarship, to provide service to the community, and to promote diversity of the student body, do hereby accept the duties and responsibilities _____ of the Board and swear to uphold the Constitution of the Student Bar Association of the Florida International University College of Law.

ARTICLE VI - REMOVAL

Section 1. Resignation.

Any Officer may resign from office by forwarding a letter, in writing, to the President, the Secretary, and to the Associate Dean for Admissions and Student Services.

Section 2. Removal.

The Board may remove any Officer for malfeasance in office, which includes, but is not limited to, misuse of funds, incursion of debt or expenditures of funds without budgetary authority, conviction of any violation of the Honor Code, substantial and willful failure to perform his or her duties as an Officer, or substantial and willful violations of this Constitution.

Section 3. Removal Process.

The removal process may be initiated by any member who files a petition with the Board. Said petition shall state with particularity the grounds for impeachment and removal from office.

- (a) The Secretary shall forward a written copy of the impeachment petition to the accused Officer, along with a copy of this Constitution. The accused Officer shall have at least one (1) week during which to file a written response with the Secretary. The Secretary shall then distribute a copy of the petition and the response to each Officer and to the Associate Dean for Admissions and Student Services.
- (b) A Special Meeting of the Board shall be convened no earlier than three (3) days after the receipt of the petition and the response by all of the Officers and by the Associate Dean for Admissions and Student Services. All voting Officers shall be present in order for the Special Meeting to convene. The Special Meeting shall be dedicated to the determination of whether there is probable cause to impeach the accused Officer, which shall be confirmed only upon the affirmative vote to impeach by two-thirds ($\frac{2}{3}$) of the entire Board taken by roll-call during the Special Meeting. Subsequently, the Board shall draft the articles of impeachment, which shall state with specificity the grounds for such.
- (c) No later than ten (10) days after the Board has voted to impeach the accused Officer, the removal proceeding shall be initiated and conducted as follows:
 - (1) The Board shall appoint the Removal Committee, which shall consist of seven (7) members of the College of Law who are not Officers and who shall be randomly selected from the membership. An initial pool of ten (10) candidates shall be randomly selected from among those members who agree to serve on the Removal Committee, after which the accused Officer shall have the right to three (3) peremptory strikes in order to reduce the number of committee

- members to seven (7).
- (2) Any member who is appointed to serve on the Removal Committee shall have the affirmative duty to recuse himself or herself for any reason that may cause a reasonable person to doubt the member's ability to remain objective throughout the proceeding.
 - (3) The President shall appoint the Removal Committee Chair from among the Removal Committee members. Upon appointment of the Removal Committee Chair, the Board shall submit at least one article of impeachment to the Removal Committee Chair, the accused Officer, and the Associate Dean for Admissions and Student Services.
 - (4) No earlier than three (3) days after the receipt of the articles of impeachment by all of the parties that are indicated in section 3(c)(3) of this Article, the Removal Hearing shall be convened, during which the accused Officer shall be given the opportunity to be heard and the opportunity to present evidence and witnesses on his or her behalf. All of the members of the Removal Committee shall be present throughout the entire Removal Hearing.
 - (5) The Board shall appoint one Officer to present evidence and witnesses to support the articles of impeachment during the Removal Hearing, and the accused Officer shall have the right to cross examine witnesses.
 - (6) After all of the evidence has been presented and closing statements have been heard, the Removal Committee shall deliberate. Subsequently, the accused Officer shall be removed from office only upon the affirmative vote to do so by five-sevenths (5/7) of the entire Removal Committee, which shall be taken by secret ballot. The verdict as to whether the accused Officer shall be removed from office shall be announced by the Removal Committee Chair at the close of the Removal Hearing.
- (d) The Secretary shall give notice of the Special Meeting and of the Removal Hearing to the Membership at least three (3) days prior to each.
 - (e) In the event that the President or the Secretary is the accused Officer, the President's or Secretary's duties that are pursuant to this article shall be carried out by an Officer who has been designated by the Board to do so.

ARTICLE VII - BUDGET AND STUDENT ORGANIZATIONS

Section 1. Budget.

The SBA shall derive its operating budget through a percentage of the Student Activity Fees that is charged to each student on a semester basis as allocated by the FIU SGA. These funds may be supplemented by additional fundraising activities that shall be approved by the Board. The Board shall be the administrator of this fund, along with the Associate Dean for Admissions and Student Services.

The President and the Treasurer shall prepare and propose the budget to the Board for approval. The Board may approve the proposed budget as a whole or may approve individual line items by a simple majority vote of the entire Board. Upon adoption of the budget, the Treasurer shall prepare and submit a copy of the approved budget to the Secretary, who shall place a copy on reserve in the law library and who shall submit a copy to the Associate Dean for Admissions and

Student Services.

Section 2. Student Organizations.

Only those student organizations that have been officially recognized by the Board ("Student Organizations") shall request and receive funds from the Board.

- (a) In order to be recognized, an organization must submit to the Board a copy of the organization's mission statement and constitution, as well as a list of the organization's officers and faculty advisor.
 - (1) At minimum, an organization must have a President, a Treasurer, and a faculty advisor.
 - (2) The Board shall individually approve the establishment of a Student Organization by a simple majority vote of the Board. The Board shall not decline to recognize an organization except for violation of section 3(a)(3) of this Article or for substantial similarities or duplication between the proposed organization and an existing Student Organization.
 - (3) The establishment, membership, and privileges of all Student Organizations shall be open to all Members equally, without regard to race, national origin, age, gender, disability, sexual orientation, creed, or religion. Any Student Organization that violates the aforementioned shall not be eligible for the privileges of Student Organizations, which includes funding by the SBA.
 - (4) The SBA shall serve as the umbrella organization for all of the Student Organizations of the FIU College of Law.
- (b) The Treasurer shall prepare and forward budget packets to all Student Organizations. A list of the Student Organizations and copies of all budget materials that have been submitted to the Board for consideration shall be forwarded to all Officers and to the Associate Dean for Admissions and Student Services.
- (c) Funding for Student Organizations is at the discretion of the Board.

Section 3. Reporting Duties.

At the beginning of each semester, the Treasurer shall prepare, in writing, a comprehensive report listing all receipts and expenditures and all other account activity of the SBA for the previous semester, which shall include a detailed account for each Student Organization. The Treasurer shall forward his or her report to the Secretary, who shall distribute copies to all of the Officers and to the Dean for Admissions and Student Services. All financial records shall be open to inspection by any member, but the Treasurer shall remove personal and confidential information from the records.

At the end of each term of office, the incumbent Treasurer shall prepare a year-end report, which shall be distributed to the newly-elected Officers and to the Dean for Admissions and Student Services.

Section 4. Reimburse

Only an item that has been pre-approved by the Board shall be reimbursed, and each subsequent request for such must be supported by the submission of an original receipt to the Treasurer. The Treasurer of the Board and, if applicable, the Treasurer of the Student Organization shall certify that each request is valid and that each is pursuant to a line-item allocation.

Section 5. Authority.

Fiscal responsibility and authority shall be shared by the Treasurer and the President, which shall include the authority to approve and sign all expenditure requests.

ARTICLE VIII - AUTHORITY

Section 1. Parliamentary Rules.

The parliamentary rules that are contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the SBA in all cases to which they are applicable and in which they are not inconsistent with this Constitution.

Section 2. Prohibition on Waiver.

The SBA may not suspend or waive a provision of this Constitution unless such is expressly provided herein.

Section 3. Authority.

The authority of the SBA shall be exercised by the Board or by the Board's delegates through the agents or agencies that are established under this Constitution, except that each Officer shall have such specific authority as is enumerated in this Constitution.

The Board may use its discretion to carry out necessary and proper actions that are for the general welfare of the membership, as a whole, and that are not in conflict with this Constitution.

The provisions of this Constitution are subordinate only to the rules and regulations of the FIU College of Law and its respective higher governing authorities.

ARTICLE IX – AUTHORITY TO INTERPRET THE CONSTITUTION

Section 1: The interpretation of this Constitution in effort to resolve any questions, discrepancies, conflicts, or ambiguities as to its meaning shall be determined by a majority vote of the three-member SBA Supreme Court.

Section 2: Each member of the SBA Supreme Court shall have completed his/her foundation curriculum, and be a current student of FIU Law in good academic standing as defined by the registrar.

Section 3: Subject to the SBA bylaws, members of the SBA Supreme Court shall be appointed by the President; and subject to approval by majority vote of the Board.

- (a) Preference shall be shown to students in the evening program for one seat on the SBA Supreme Court. However, in the event that no evening student is willing or eligible to be on the SBA Supreme Court, the seat may be filled by a third day program student.
- (b) Members of the SBA Supreme Court shall remain in their offices while in good academic standing as defined by the registrar, but shall be subject to impeachment by the SBA Board for judicial misconduct, as defined in the SBA bylaws.

ARTICLE X - RATIFICATION AND AMENDMENT

A proposed amendment or revision of this Constitution shall be presented to the membership for approval after the submission of a petition to the Board, which has been signed by a majority of the members or by two-thirds ($\frac{2}{3}$) of the Officers.

This Constitution and any amendments subsequent thereto shall go into effect upon a majority of votes cast in favor of such at any regular SBA election or special ballot that shall be called by the Board for such purpose. At least one-third ($\frac{1}{3}$) of the entire membership must vote on the proposed amendment or revision in order for the voting result to be valid.