

**PEPPERDINE UNIVERSITY SCHOOL OF LAW
STUDENT BAR ASSOCIATION CONSTITUTION**

PREAMBLE

We, the students of Pepperdine University School of Law, in order to establish a stable form of self-government, in order to promote the institutional reputation of the School of Law and to offer social and educational benefits to the students of the School of Law, do ordain and establish this Constitution.

ARTICLE I

Repealed

Section 1: The previous Student Bar Association Constitution is hereby repealed and declared void.

ARTICLE II

Name and Responsibilities

Section 1: This organization shall be known as the Pepperdine University School of Law Student Bar Association (hereinafter SBA).

Section 2: The SBA shall be responsible for the functioning of student self-government, activities and disbursements.

ARTICLE III

Membership

Section 1: Each student registered and attending class at the School of Law as a full time law student, a JD/MBA, a JD/MPP or any additional joint graduate program student enrolled full time at the Malibu campus, shall be deemed a voting member of the SBA.

Section 2: The school year begins with the first day of classes each fall term.

ARTICLE IV

Governing Body

Section 1: The governing body of the SBA shall be the Board of Representatives (hereinafter the Board), which shall be the representative body of the entire SBA.

A. The Board of Representatives shall be comprised of:

1. A President
 2. A Vice President
 3. A Treasurer
 4. A Secretary
 5. The SBA Representatives (as defined in Article VI, Sections 1-3)
- B.** The Board of Representatives shall have the power to pass legislation, polices, rules, expenditures, appropriations, resolutions or any other transactions necessary to carry out the responsibilities of the Student Bar Association.
- C.** The Board of Representatives shall have the power to establish any standing and special committees it deems necessary to carry out the responsibilities of the Student Bar Association. The provisions established by the Board of Representatives in the Bylaws will govern committees, committee chairs and committee members.
- D.** A quorum (as defined in Article IX, Section 3) must be present in order for the Board of Representatives to vote on proposed legislation, polices, rules, expenditures, appropriations, resolutions or any other transactions relating to the business of the Student Bar Association.
- E.** A majority vote of the quorum present of the Board of Representatives shall be sufficient to pass legislation and expenditures. In the event of a tie, the President will be required to cast the deciding vote.
- F.** A super-majority (two-thirds) of the quorum present of the Board of Representatives shall be sufficient to pass expenditures. The Secretary using roll call procedures will conduct voting on monetary issues.
- G.** All members of the Board of Representatives are required to abstain from any votes involving clubs of which they are a member, except for general appropriations for more than 3 clubs. In addition, members are required to abstain for votes in which they have either a personal or monetary interest involved; excluding votes involving committees or other SBA related activities. These abstentions do not effect the quorum requirements and the passage of legislation will occur upon a majority vote of the remaining members of the Board.
- H.** Members of the Board of Representatives will not be allowed to give proxy votes to other members of the Board for the purposes of voting.

Section 2: The governing body for the summer months shall consist of the current officers and the current SBA representatives who will be returning to the School of Law the following Fall Semester. These students shall have the full responsibilities of the Board of Representatives as detailed in Article IV, Section 1, Subsections B-H during this period.

ARTICLE V

Student Bar Association Executive Board

Section 1: The officers of the SBA shall be the President, the Vice President, the Treasurer and the Secretary.

Section 2: Duties of the President:

- A.** To be the official spokesperson and representative of the SBA.
- B.** To preside over all meetings of the Board of Representatives and to, in accordance with the constitution, enforce the parliamentary procedures adopted by the SBA.
- C.** To perform all duties that pertain to the Office of SBA President which includes, but is not limited to, the signing of all documents entering the Student Bar Association into legally binding contracts. However, the President may delegate this authority in writing.
- D.** To create any standing or special committees and to appoint or remove all chairpersons and members of the committees created by the SBA. The President will also have the authority to delegate the selection of committee members to the appointed chairperson.
- E.** The President will be allowed to vote only in the event of a tie.

Section 3: Duties of the Vice-President:

- A.** To be an official spokesperson of the SBA.
- B.** To assume the Office of President should the duly elected President resign, be recalled, fail to satisfy membership requirements (as set forth in Article III, Section 1), or is otherwise unable to serve.
- C.** To act as a voting member of the Board of Representatives, unless providing over a meeting in the absence of the President.

Section 4: Duties of the Treasurer:

- A.** To be an official spokesperson of the SBA.
- B.** To be the keeper of all financial records and budgetary approvals of the SBA.
- C.** To transact all financial matters relating to, or affecting, the SBA and as required by the Board of Representatives, except the signing of contracts which legally bind the SBA.
- D.** To act as a voting member of the Board of Representatives, unless presiding over a meeting in absence of the President and Vice President.

- E. To assume the Office of President should the duly elected President and Vice President resign, be recalled, fail to satisfy membership requirements (as set forth in Article III, Section 1), or otherwise be unable to serve.

Section 5: Duties of the Secretary:

- A. To be an official spokesperson of the SBA.
- B. To be the keeper of minutes of all Board of Representative meetings, to maintain accurate records of legislation passed and committees formed by the Board of Representatives.
- C. To post the minutes of all Board of Representative meetings.
- D. To be in charge of paperwork, office organization and publicity for the SBA.
- E. To act as a voting member of the Board of Representatives, unless presiding over a meeting in the absence of the President, Vice-President and Treasurer.
- F. To assume the Office of President should the duly elected President, Vice President and Treasurer resign, be recalled, fail to satisfy membership requirements (as set forth in Article III, Section 1), or otherwise be unable to serve.

Section 6: All student members as defined by Article III are eligible to run for officer positions. In the event a member of the Honor Board is elected to the Executive Board, they must resign from the Honor Board in order to assume office on the Executive Board.

Article VI

SBA Representatives

Section 1: There shall be one SBA representative elected by each first year section. Representative candidates must be officially enrolled in the section for which they are running. Students may only vote for a candidate in the section in which the student is officially enrolled.

Section 2: There shall be three SBA representatives elected by the second year class as a whole and three SBA representatives elected by the third year class as a whole. Representative candidates must be officially enrolled in the year for which they are running (as set forth in Article VII, Section 7). Students may only vote for a candidate in the year in which the student is officially enrolled (as set forth in Article VII, Section 7).

Section 3: SBA representatives shall be voting members of the Board of Representatives and shall attend meetings for the purpose of representing their constituents.

Article VII

Elections

Section 1: Timing of elections

- A.** The general election for officers shall be held within three weeks after the commencement of the Spring Semester classes. The student body as a whole votes for all officer positions. Following election, new officers are considered “elect” and will attend meetings and otherwise assist the outgoing officers until assuming full responsibility of the officer position the first Monday of the first week in March.
- B.** General elections for SBA representatives shall be held within four weeks after the commencement of the Fall Semester classes. The term of office for SBA representatives shall begin on the seventh day following the general election in which they were voted into office. In the event of a run-off election (to be held pursuant to Article VII, Section 3), the term of office shall begin on the second day after the run-off election.
- C.** Special elections will be held whenever necessary according to the provisions of this Constitution. Special elections do not need to be held for vacancies in which no more than three months remain in the term of office. In the case of such a vacancy, the President will have the power to nominate an interim replacement for the position. The member-designate must be approved by a 2/3 vote of the Board of Representatives and will serve out the remainder of the term of office.
- D.** Run-off elections will take place whenever necessary as determined by Section 3 of this article.

Section 2: Notice of any general or special election shall be posted conspicuously around the school at least 1 week prior to such date. Notice of nominating procedures shall be posted concurrently with the notice of any general or special election date. Candidates shall be placed on the ballot in the order in which the Election Committee (as set forth in Article VII, Section 4) has accepted them as candidates.

- A.** Conspicuous notice shall consist of:
 - 1.** Notice of the impending election in the Dicta; and
 - 2.** Notice of the impending election posted on the SBA bulletin board.
 - 3.** Any other method, if any, as determined by the Election Committee.
- B.** It shall be the duty of the Election Committee to post the notice conspicuously.

Section 3: General and special elections of officers and representatives shall be by a majority of the votes cast. However, a candidate for an officer position or first year representative position

must receive at least 1/3 of all votes cast for the respective position. A candidate for a second or third year representative position must receive 1/9 of all votes cast for the respective position, or else a run-off election between all candidates with the two highest vote totals will be required for that position. Where multiple seats are available, the run-off will include all candidates with the two highest vote totals per available seat. A run-off election shall be held within one week of the general election and will be governed by the Election Committee, but is not bound by the notice provisions required for the general and special elections. In any general, special or run-off election, votes cast for candidates not nominated will not be counted. In the event a candidate runs unopposed for any position, the candidate's name shall be placed on the ballot for the particular office sought and the candidate will be elected to the position sought upon receipt of at least one vote.

Section 4: For any election there must be an Election Committee. The president will appoint the Election Committee. The President will also appoint a chairperson. The Election Committee shall consist of five (5) SBA representatives or officers from the Board of Representatives who are not seeking an office in the current election. In the event there are less than five SBA officers or representatives eligible to sit on the election committee, the committee shall consist of an odd number of eligible officers or representatives. The names of the members of the Election Committee shall be made known to all SBA members prior to the nominating procedures beginning for candidates. The Election Committee members shall have the primary responsibility for administering the election in an impartial manner. The responsibilities of the Election Committee shall include:

- A.** Printing the ballots, making the ballot boxes and publicizing the election.
- B.** Presiding over the election balloting, in conjunction with Honor Board members, to ensure a fair and democratic election.
- C.** Notifying candidates of election procedures, the candidates' forum, names of the members of the Election Committee, and the exact results of the election in which they were involved. The posting of election results must be made public to the members of the SBA in a timely manner.
- D.** Conducting a candidates' forum in the law school cafeteria at noon on the day prior to the beginning of voting and determining the format for the forum.
- E.** Determining the course of action to be taken should a prima facie showing be made as to the irregularity of process or procedures during an election.
 - 1.** Should members of the Election Committee be made aware of a possible violation of the rules set out in this Article or any other writing fashioned by the Election Committee:
 - a.** A meeting of the entire Election Committee shall be held, at which time a determination will be made by majority vote whether remedial action is necessary.

- b.** Upon a finding that remedial action is necessary:
 - 1)** A vote shall be taken by the Election Committee to recommend a certain remedy. Available remedies shall include:
 - a)** Disqualification of a candidate (if s/he is the source of the violation or caused someone else to violate rules on her/his behalf).
 - b)** Invalidating the ballots cast on the day of the violation (if they can be determined).
 - c)** Invalidating all ballots cast (if the ballots cast on the day of the violation cannot be determined or if the violation took place prior to Election Day).
 - d)** Reprimanding violators with instructions to discontinue their conduct that violates the rules set forth in this Article or fashioned by the Election Committee.
 - e)** Any other remedy the Election Committee deems fair and appropriate.
 - 2)** Once a remedy is agreed upon it shall be implemented
 - 3)** A written record of the Election Committee's findings shall be made and posted to the SBA message board for one week from the date a remedy is approved.
- c.** Upon a finding that no remedial action is necessary the election process will continue without interruption.

2. Procedure for contesting election results:

- a.** Due to irregularity of process or procedures: within one week of the results being posted, should a prima facie case of irregularity of process or procedures be shown which was not previously brought to the attention of the election committee during the election itself, the procedures detailed above in Article VII, Section 4 (E) will govern the finding of an appropriate remedy.
- b.** Due to a perceived miscounting: within one week of the results being posted, any candidate may request that a recount be taken – the results of this recount will be final.

c. If the election is not contested within one week of posting it will be declared official.

F. Counting of the ballots in the presence of at least one Honor Board member.

G. Posting such results in at least two conspicuous locations around the school.

Section 5: Candidates will be allowed to give speeches in classrooms pursuant to approval from the respective professor. There will be a limit set by the Election Committee on the amount of money allowed to be spent by candidates for purposes of campaigning. Prospective candidates must receive twenty (20) signatures on a petition in order to place their name on the ballot for representative positions and twenty-five (25) signatures for an officer position. Postings by candidates are limited in size to no greater than 8 ½ x 11 and may only be posted in areas designated by the election committee.

Section 6: Vacancies due to resignation, recall, or failure to satisfy membership requirements (as set forth in Article III, Section 1) shall be filled by special election according to the provisions of this Article. In the event that a vacancy occurs due to no candidates running for the position, one special election will be held to attempt to fill the position. If the position is still not filled after this special election, the position will remain vacant until the next regularly scheduled election.

Section 7: For the purposes of officer and representative elections, the determination of a candidate's section and year shall be made by the Election Committee, in consultation with the registrar, on the basis of the candidate's official student records.

ARTICLE VIII

Funding

Section 1: Any recommended change in SBA fees shall be initiated by the Board of Representatives and requires ratification by a two-third (2/3) vote of the Board, subject to appropriate review by the University. Conspicuous publication of an anticipated vote on a change in SBA fees is required to allow students to give input on the manner.

Section 2: Funding of official clubs of Pepperdine School of Law shall be conducted as outlined by the Board of Representatives in the Bylaws.

ARTICLE IX

Meetings

Section 1: All meetings of the Board of Representatives shall be open to all SBA members and shall be held as often as deemed necessary by the President or a majority of the Board of Representatives.

Section 2: Meetings may also be called by petition, submitted to the President, of fifteen (15) percent of the general membership of the SBA.

Section 3: All meetings will be presided over by the President (or in his/her absence by the next officer down the line of succession). A quorum shall consist of a majority of the entire Board of Representatives and must include one Executive Board Member.

Section 4: Emergency votes for the Board of Representatives may be conducted by the President or by a President's appointee via telephone, email, or other means of contact. A quorum of contact shall consist of a majority of the current Board of Representatives. A good faith effort must be made to make contact with every member of the Board of Representatives during an emergency vote.

Section 5: Officer meetings may be periodically held for officers to determine meeting agendas, delegate responsibilities, carry out financial matters, or any other business deemed necessary for the officers to conduct. These meetings do not have to be publicized and minutes need not be taken as they are not official meetings of the SBA Board of Representatives.

Section 6: Notice of the meeting shall be posted by noon of the day preceding the meeting.

Section 7: The minutes of all meetings shall be posted the day after the meeting and remain posted until the next meeting.

Article X

Section 1: Initiative

- A.** The membership of the SBA may initiate proposals by means of a written petition signed by fifteen (15) percent of the SBA and submitted to the Board of Representatives.
- B.** A majority vote of the votes cast in favor of the initiative proposal shall be sufficient to adopt any initiative proposal.
- C.** Voting on such initiatives shall take place between five and thirty days after receiving the petition.

Section 2: Referendum

- A.** An act of the Board of Representatives shall be subject to a referendum by the general membership of the SBA.
- B.** A petition signed by fifteen (15) percent of the membership of the SBA and submitted to the Board of Representatives shall make requests for a referendum.
- C.** A majority vote of the votes cast in favor of the referendum shall repeal the act.

- D. Voting on such referendums shall take place between five and thirty days after receiving the petition.

Section 3: Removal: Any officer or representative who engages in conduct deemed unbecoming a member of the Board of Representatives or who fails to carry out their assigned duties in good faith, shall be removed by a unanimous vote of the entire Board of Representatives, excluding the vote of the individual beinsubject to removal. The person removed shall be replaced by a special election for the position vacated.

Section 4: Recall

- A. Recall procedures may be initiated against any officer of member of the Board of Representatives by a petition signed by at least ten percent (10%) of their respective constituents and submitted to the Board of Representatives.
- B. A majority vote of at least fifty percent (50%) of an officer or representative's constituency in favor of the recall petition shall be sufficient to remove the officer or representative.
- C. Voting on such recalls shall take place between five and thirty days after receiving the petition.

Section 5: Any vote required of the SBA pursuant to this article shall be conducted according to the procedures governing special elections detailed in Article VII.

Article XI

Amendments

Section 1: An amendment or change to this Constitution may be placed on the ballot either:

- 1) After it is proposed in writing by a member of the Board of Representatives and ratified by a majority of the Board of Representatives OR
- 2) After a petition signed by fifteen percent (15%) of the SBA membership is submitted to the Board of Representatives along with the proposed written amendment or change.

Section 2: The Constitution shall be amended by a majority vote of the votes cast.

Section 3: Voting on the amendment(s) or change(s) to this Constitution shall take place between five and thirty days after the receipt of the writing by the Board of Representatives and be governed according to the provisions in Article VII.

Article XII

Parliamentary Authority

Section 1: The parliamentary authority for the SBA shall be Robert's Rules of Order, Revised, or any other method formally or informally adopted by the Board of Representatives and enforced by the President.

Article XIII

Ratification

Section 1: This Constitution shall become effective two weeks after ratification by the majority of the votes cast.

Section 2: The ratification process shall be conducted in accordance with the election procedures set forth in Article VII.

Article XIV

General Powers

Section 1: All powers not specifically delegated in this Constitution are hereby cosigned to the SBA Board of Representatives, which will operate in the best interests of the SBA.

STUDENT BAR ASSOCIATION CONSTITUTIONAL BYLAWS

The bylaws are the means by which the provisions of the Student Bar Association (hereinafter SBA) Constitution are upheld and contain provisions which supplement the SBA Constitution. The bylaws have the same force and effect as the clauses contained in the Constitution. To be changed or amended, the bylaws require a 2/3 vote of the Board of Representatives (hereinafter the Board).

Article I

Committees

Section 1: Committee chairs will be allowed to act in his or her official capacity pursuant to instructions from the President. Committee chairs and members may be called before the Board of Representatives to give reports upon the request of any member of the Board of Representatives.

Section 2: The Board of Representatives may remove Committee chairs and members upon a 2/3 vote of the Board after showing of just cause.

Section 3: Committee chairs and members must obtain approval from the Board of Representatives before committee members may enter into contracts involving expenditures supplied by the SBA.

Article II

Funding

Section 1: Officers have authority to expend amounts up to \$150 for office supplies, copies or other needed materials to keep the SBA functioning properly. Any appropriation above \$150 for SBA related expenses must be approved by a majority vote of the Board.

Section 2: Club Funding

A. Twice Yearly Funding Periods

1. Only clubs registered as official by the Dean's Suite will be eligible for money from the SBA.
2. The Board of Representatives has the power to determine the process in which to fund and reimburse clubs each term. The rules must be determined each term by the second week of school.
3. A President's appointee shall conduct an InterClub Council (ICC) Meeting by the third week of school each term to notify clubs of funding and reimbursement procedures.

4. The Board of Representatives may call club presidents or members before it for budgetary purposes.

Section 3: Non-club Funding. Funding measures brought to the Board of Representatives by organizations or individuals not addressed in Article II, Section 2 shall be voted upon by the Board of Representatives and are subject to approval by a 2/3 vote of the Board, pursuant to Article IV, Section 1.

Section 4: Emergency funding. The President and Treasurer, acting together, can authorize emergency funding, consistent with prior SBA decisions, in situations determined by them to be emergencies. Any such funding must be reported to the Board of Representatives at the next regularly scheduled meeting or during periods of adjournment, by other timely notification.