

Chapman University, Dale E. Fowler School of Law
STUDENT BAR ASSOCIATION
CONSTITUTION

PREAMBLE

We, the students of the Chapman University, Dale E. Fowler School of Law (“Law School”), recognize the following purposes and goals of our student government:

- A. To act as a means for student self-government;
- B. To provide an effective medium for the expression of students’ views;
- C. To provide a clear channel of communication among students, faculty, administration, and alumni of the Law School;
- D. To sponsor and maintain such services and activities as may be deemed beneficial to the Law School community, and specifically to the students;
- E. To facilitate the understanding and development of policies for the Law School with regard to student affairs.

In order to provide the governing instruments for the conduct of all matters as delegated by the University to this organization, subscribing to the regulations and policies of Chapman University, and with the authority of the President, do hereby establish this Constitution of the Chapman Student Bar Association.

ARTICLE I: Name

The name of this organization shall be the Chapman Student Bar Association (referred to in the rest of its governing documents as “SBA”).

ARTICLE II: Membership

- A. The SBA shall be comprised of all students of the Law School, including all registered J.D. candidates and all eligible L.L.M. candidates.
- B. All SBA members shall pay an SBA fee, to be proposed and adopted in accordance with the Bylaws.
- C. All SBA members and members of the Law School faculty and administration shall have the right to attend proceedings of the student government, the SBA Board.

ARTICLE III: Student Government

- A. The SBA shall be governed by the SBA Board (“Board”). The Board is a body of elected representatives working to create a positive and open environment. The Board’s primary charge is to be responsible for the diverse interests, needs, and concerns of the SBA. In order to achieve these responsibilities, and in accordance with the overall objectives of the Law School:
1. The Board will be an approachable body that represents students’ rights and concerns and is accountable and responsible to the SBA for all legislative and executive decisions.
 2. The Board will foster and maintain open communication between the students, faculty, staff, alumni, and the Law School community.
 3. The Board will allocate funds to support student organizations, while providing balanced programming for cultural, educational, and social events.
 4. Members of the Board have a personal responsibility to uphold the inherent duties and ideals set forth by the SBA and the Board.
 5. All legislative powers of the SBA shall be vested in the Board, where consistent with other provisions of the SBA’s governing documents.
 6. All powers not belonging to the Board will remain with the SBA.
- B. Each individual member of the Board will uphold the ideals of the students they represent and the School of Law they attend by utilizing the full potential of their abilities toward their duties. The members will serve as leaders and role models, establishing a cohesive work environment within the Board, with emphasis on respect, performance, and accountability.
- C. The Board shall be comprised of an Executive Board (see Article IV) and Representatives (see Article V).
- D. The Board shall hold meetings at least once per month.
1. Excluding those meetings, in whole or in part, which are closed by a majority vote of the Board members present and voting, all meetings, votes, deliberations, and discussions of the Board shall be open to all SBA members to observe. Open meetings shall be normal operating procedure for the Board, with meetings being closed only for those circumstances or in light of those mitigating circumstances that require secrecy. Breach of confidence of a closed session shall be an Honor Code violation, and may result in possible impeachment and removal, in accordance with Article VII of this Constitution.
 2. Notice of all meetings of the Board shall be given to the members and the SBA in a timely manner; no meeting shall be held without at least 24 hours notice to the SBA.

3. The Board shall meet at the request of a majority of the Executive or by a petition of a majority of the elected Board.
- E. A majority of the SBA Board shall constitute a quorum in order to do business.
- F. All actions, with the exception of amendments to the governing documents, shall be by majority vote of those present and voting.
- G. There shall be no voting by proxy.

ARTICLE IV: The Executive Board

A. Enumeration, Terms, Duties, and Election

1. The executive and administrative powers and responsibilities of the SBA shall be vested in the Executive Board (“Executive”) of the SBA.
2. The Executive shall include the President, Vice President, Treasurer, Secretary, and Parliamentarian.
3. The power of the Executive shall be vested in the President, as outlined in the SBA’s governing documents.
4. The term of each officer of the Executive shall run for one year, beginning with the first SBA meeting following their election in the Spring and ending with the first SBA meeting following the next year’s election.
5. In order to ensure that graduating students have representation until the end of the school year, 3L and 4L members of the Executive shall remain on the Board as *members emeritus* until the end of the academic year; such members shall retain the ability to vote, except on the election of the next year’s Executive.
6. Members of the Executive shall have no more than one excused absence per semester.
7. Members of the Executive shall be responsible for the enforcement and execution of the SBA’s governing documents.
8. Members of the Executive shall remain members of the Board, and retain their voting privileges.
9. The Executive shall meet whenever a member of the Executive requests such a meeting, with at least twenty-four hours notice of said meeting.
10. Any actions take by the Executive shall be subject to a veto by a two-thirds vote of those members of the Board present.
11. The power to form the Executive shall vest exclusively with the elected Board, as outlined in the Election Code.
12. The Executive shall assume office immediately following election of the Executive, as outlined in the Election Code.

B. Officers

1. The President shall:

- a. Be a law student who has completed their first semester, is in good academic standing, and intends to serve the full term of office;
- b. Be the chief executive officer of the SBA;
- c. Be responsible for the prompt and orderly execution of all resolutions adopted by the Executive and/or Board;
- d. Preside over all duly constitutional meetings of the Board;
- e. Preside over all duly constituted meetings of the Executive, exclusive of impeachment proceedings involving the President;
- f. Appoint all committee chairpersons for both standing and ad hoc internal committees of the SBA;
- g. Nominate the student members of all student-faculty committees;
- h. Serve as the official representative of the SBA outside the law school;
- i. Be a signatory on all SBA checks and requisition forms;
- j. Appoint the members of the Law School's Honor Council;
- k. Be the official liaison to the National Student Bar Association and work with the American Bar Association – Law Student Division (ABA/LSD) representative; and
- l. Be paid a stipend of \$1,000 per semester, subject to revocation by a two-thirds vote of the Board.

2. The Vice President shall:

- a. Be a law student who has completed their first semester, is in good academic standing, and intends to serve the full term of office;
- b. Serve as Co-Chair of the Council of Presidents;
- c. Be responsible for the effective operation of committees as authorized by the Board regarding students who serve on standing, ad hoc, and student-faculty committees;
- d. Be responsible for assigning Board members to the various standing, ad hoc, and student-faculty committees;
- e. Exercise the duties and powers of the President in the President's absence;
- f. Assume the office of President whenever a permanent vacancy arises;
- g. Be responsible for all internal SBA Board social activities;
- h. Serve as the Elections Coordinator, as outlined in the Election Code; and
- i. Be a signatory on all checks and requisition forms, if necessary.

3. The Treasurer shall:

- a. Be a law student who has completed their first semester, is in good academic standing, and intends to serve the full term of office;
- b. Be the chief fiscal officer of the SBA;

- c. Be responsible for reporting both the current and allocated budget amounts to the Board at each meeting;
- d. Be the chair of any SBA budget committee;
- e. Be in charge of all fiscal matters relating to the collection and disbursement of SBA funds, and keep clear and comprehensive records of all such transactions;
- f. Prepare financial statements and present them to the Law School community, as defined by the Bylaws;
- g. Submit an annual budget, which must be approved by a majority of Board members present; and
- h. Post the annual budget, as passed by the Board, in a conspicuous place within a reasonable time after its passage.

4. The Secretary shall:

- a. Be a law student who has completed their first semester, is in good academic standing, and intends to serve the full term of office;
- b. Be in charge of maintaining all files, with the exception of any budget related matters;
- c. Be in charge of maintaining any website or TWEN page for the SBA and its student government;
- d. Keep accurate and complete minutes of all meetings;
- e. Be in charge of administration of all SBA correspondence to Board and Executive members;
- f. Be responsible for public relations for the SBA, under the direction of the Executive;
- g. Prepare the unapproved minutes, and make them available to Board and Executive members prior to the following meeting;
- h. Post the approved minutes in a conspicuous place within 48 hours of their approval by the Board;
- i. Maintain an official roster (including names, phone numbers, and email addresses) of the Board and Executive, and student representatives on student-faculty committees;
- j. Publish all SBA activities, programs, and information;
- k. Be a signatory on all checks and requisition, if necessary in the absence of the Vice President; and
- l. Maintain accurate attendance records and be responsible for ensuring compliance, as described in the Bylaws.

5. The Parliamentarian shall:

- a. Be a law student who has completed their first semester, is in good academic standing, and intends to serve the full term of office;
- b. Ensure that the Board and Executive strictly adhere to the approved version of *Robert's Rule of Order* during formal meetings of the Board, the specific edition of which shall be chosen by the Executive;

- c. Serve as Sergeant at Arms for the Board;
- d. Ensure that all amendments to the SBA's governing documents are updated in the publicly available documents; and
- e. Advise the Board on procedural matters relating to the SBA's governing documents.

ARTICLE V: The Representatives

A. Enumeration, Terms, Duties, and Election

- 1. There shall be elected nine representatives from each of First, Second, and Third year classes, up to three eligible L.L.M. representatives, and up to two representatives from the Fourth year class, so long as it exists.
- 2. At no time shall more than thirty-two regular members and a maximum of five *members emeritus* serve as representatives on the Board.
- 3. The term of each representative shall run for one year, beginning with the first SBA meeting following their election in the Spring (except for First year representatives, whose first meeting following election will be in the Fall) and ending with the first SBA meeting following the next Spring's election.
- 4. The L.L.M. representative's term ends when he or she graduates or when a replacement is elected, whichever comes first.
- 5. Representatives shall have no more than one unexcused absences per semester. A Representative who accrues more than three unexcused absences shall be automatically removed, as defined and in compliance with the Bylaws, and the resulting vacancy shall be filled in accordance with Article VIII.
- 6. Any actions taken by the Board shall be subject to a veto by the President, which can be overruled by a two-thirds vote of those members of the Board present.
- 7. The Vice President, serving as the Election Coordinator and in compliance with the Election Code, shall oversee the election of new representatives.
- 8. External ABA Representative. Should a member of the law student body be elected to the ABA Board of Governors s/he will be offered a position on the SBA subject to a two-thirds vote of the Board to serve on the ABA committee and to be a full voting member on the SBA.

ARTICLE VI: Recall

A. Any SBA member may initiate a recall against a member of the Board by:

- 1. Obtaining signatures, on a "Petition to Institute Recall," of twenty percent of the constituency from which the member was elected; and
- 2. Presenting the Petition to the Board at a meeting of the Board.

- B. Once the recall has been initiated, the Vice President should then hold a recall election, in accordance with the procedures outlined in the Election Code.
 - 1. If the recall has been initiated against the Vice President, then the President shall appoint another member of the Executive (other than the Vice President) to preside as the Election Coordinator.
- C. A recall election shall be considered successful (resulting in the removal of the member in question) if the recall election results are at least two-thirds in favor of recall.
- D. If a recall is successful, the resulting vacancy will be filled in accordance with Article VIII of this constitution.

ARTICLE VII: Impeachment and Removal

- A. Any Board member may initiate impeachment proceedings for any member of the Board by a motion, supported by at least six Board members, and the affirmative vote of a simple majority of the Board members present and voting.
- B. Upon impeachment, a closed session of the Board shall meet within no less than five and no more than ten days in order to consider the removal of the board member for malfeasance, nonfeasance, or misfeasance in office.
- C. At the conclusion of the session, the impeached member may be removed by a two-thirds vote of those members of the Board present.
- D. If a removal is successful, the resulting vacancy will be filled in accordance with Article VIII of this constitution.

ARTICLE VIII: Vacancies

- A. If the position of President becomes vacant for any reason, the position will be filled by the Vice President; or, if that office is vacant, by the method described in Section B of this Article.
- B. If an Executive position other than the Presidency becomes vacant for any reason, the position will be filled by appointment by the President, with consensus or two-thirds approval of the Board members present and voting.
- C. The Board may choose to fill a vacancy of an Executive office temporarily while the procedures in Section B of this Article are being carried out. If so, the President, with the majority approval of the Board, will appoint a Board members to take on the responsibilities of the position until a permanent replacement is chosen.

1. The temporary office holder is not eligible to run in an election, but is eligible for a permanent appointment.
 2. In no way shall this situation be construed to allow an individual to have more than a single vote.
 3. The temporary office holder has all the rights, duties, and privileges of a permanent holder of the office.
- D. If an elected position other than an Executive position becomes vacant for any reason, the position will be filled by one of the methods below, the decision of which shall be made by a majority vote of the Board.
1. Election by the constituency from which the vacant seat in question is intended to be elected; or
 2. Appointment by the President, with consensus or two-thirds approval of the Board members present and voting.
- E. Those individuals chosen to fill a vacancy, either by the Board or by the President, must meet the same requirements that would have been necessary to be elected into the position they are chosen to fill.
- F. The procedures included in this Article shall be used to fill any vacancies existing if an election fails to fill all open Board seats.

ARTICLE IX: Initiatives

- A. Any SBA member may petition the Board to adopt or rescind legislation by presenting to the Board a petition signed by no less than one hundred SBA members.
- B. Upon receipt of such petition, the Board shall perform one of the following two actions:
 1. Immediately comply with the petitioned for action by taking the necessary vote. If the vote results in the petitioned for outcome, the requested action shall take effect. If the vote does not result in the petitioned for outcome, then the Board shall take action in compliance with the following Subsection 2.
 2. Hold a referendum, in compliance with the Election Code, to be held not less than five and no more than ten days following the presentation of the petition to the Board.
- C. The SBA shall be bound by the results of any referendum, provided that at least one-third of the SBA membership shall have voted in such a referendum. Failure to meet the one-third threshold shall result in the failure of the initiative.

ARTICLE X: Balanced Budget and Fiscal Responsibility

The SBA shall maintain a balanced budget. To achieve this mandate, the SBA Board shall operate in accordance with the established procedures outlined in the Bylaws for submission and approval of the Board's budget.

ARTICLE XI: Bylaws

- A. The Bylaws (including all its Appendices) may be amended by a two-thirds vote of the Board members present.
- B. This Constitution shall take precedence over all Bylaws of the SBA, and shall be interpreted as invalidating any Bylaws which are not consistent with this Constitution.

ARTICLE XII: Amendments to the Constitution

- A. This Constitution may be amended by only two methods, described below.
- B. Amendments may be proposed by initiative of the SBA.
 - 1. Any SBA member may present the Board with a petition signed by no less than twenty-five percent of the SBA.
 - 2. An amendment proposed by initiative need not be approved by the Board, and shall be submitted directly to the SBA for ratification, as provided for in Section D of this Article.
- C. Amendments may be proposed directly by the Board.
 - 1. Public notice, in a conspicuous place and in the WRIT, must be given at least one week in advance of a Board vote on amending this Constitution.
 - 2. Such proposed amendments shall require the approval by a two-thirds vote of the Board members present, at which point they shall be submitted to the SBA for ratification, as provided for in Section D of this Article.
- D. Within five days after an amendment has been proposed by initiative or approved by the Board, a public forum shall be held to voice the arguments and concerns of the student body.
- E. Any amendment to this Constitution, whether approved by the Board or proposed by initiative, shall be subject to ratification by the membership of the SBA.
 - 1. A ratification referendum, held in compliance with the Election Code, shall be held not less than five and no more than ten days following approval by the Board or presentation of an amendment initiative by a member of the SBA to the Board.
 - 2. A simple majority of all SBA members voting shall be required for ratification.
 - 3. No amendment shall be considered ratified unless at least one-third of the SBA shall have voted in such a referendum.

- F. The President or the Board (by a two third majority vote) may create an additional particular position as deemed necessary. When creating a position, a specific purpose and relevant activities and responsibilities should be outlined.

ARTICLE XIII: Ratification

This Constitution and its Bylaws may be ratified by a majority vote of SBA members voting in an election called for that purpose.

Revision dates:

Summer 2011

August 2012

October 2013

April 2014