

CONSTITUTION OF THE STUDENT BAR ASSOCIATION
OF THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW

PREAMBLE

We, the students of the University of South Carolina School of Law, pursuant to the powers granted us by the Dean, Faculty, and Students of the School of Law, do ordain and establish this constitution.

ARTICLE I

Organization

SECTION 1: This association shall be known as the STUDENT BAR ASSOCIATION of the University of South Carolina School of Law, hereinafter referred to as the SBA.

SECTION 2: The purposes and objectives of this association shall be:

- (a) To promote and maintain a high degree of integrity which is essential to the legal profession;
- (b) To encourage and foster high standards of scholarship;
- (c) To encourage the growth of a strong sense of professional responsibility;
- (d) To provide an effective medium for the expression of student views;
- (e) To maintain an effective liaison among students, faculty, and alumni of the School of Law;
- (f) To sponsor and maintain such services as may be deemed beneficial to the students of the School of Law;
- (g) To foster a closer personal relationship among the law school community; and
- (h) To cooperate with national, state, and local bar associations, and with other law schools through the Law Student Division of the American Bar Association.

SECTION 3: The membership of the Student Bar Association shall include all students duly enrolled in the School of Law who automatically become members upon their admission and registration into the School of Law. Membership in the Student Bar Association shall not be limited to persons based on race, color, religion, sex, national origin, age, disability, or veteran status. It is the policy of the University that an individual's sexual orientation be treated in the same manner.

ADOPTED 2-16-99; AMENDED 10-5-04
EFFECTIVE DATE 3-22-99

SECTION 4: The Student Bar Association shall be governed by an Executive Council, Legislative Council, and Honor Council.

SECTION 5: Any student seeking to hold or holding office must remain in good academic standing with the School of Law. Good academic standing is defined as the maintenance of atleast a 2.0 grade point average.

SECTION 6: The Faculty/Staff Advisor must be selected from full-time faculty or administrative staff members at the University.

ARTICLE II

Executive Council

- SECTION 1: The Executive Council shall consist of the following Student Bar Association Officers, each elected for a term of one (1) year:
- a) The President, elected from the rising 3L class;
 - b) The Vice-President, elected from the rising 2L or rising 3L class;
 - c) The Secretary, elected from the rising 2L or rising 3L class; and
 - d) The Treasurer, elected from the rising 2L or rising 3L class.
- SECTION 2: The President of the Student Bar Association shall serve as the Chair of the Executive Council.
- SECTION 3: The Vice-President of the Student Bar Association shall serve as Chair of the Legislative Council.
- SECTION 4: The Secretary of the Student Bar Association shall serve as Clerk of the Legislative Council.
- SECTION 5: The Treasurer of the Student Bar Association shall serve as the Chief Financial Officer.
- SECTION 6: The Executive Council Officers must perform their duties as proscribed in the Bylaws in addition to those duties enumerated in this Constitution.
- SECTION 7: The Executive Council shall meet at least monthly at the time and date agreed upon by the Executive Council and at any other time as directed by the President.
- SECTION 8: The Executive Council shall compile and submit a Student Bar Association Budget to the Legislative Council not later than four (4) weeks after taking office.
- SECTION 9: A majority of the members of the Executive Council shall constitute a quorum for a meeting of the Executive Council.
- SECTION 10: The President shall have three (3) days, excluding Saturday, Sunday and the day of receipt, to veto any action by the Legislative Council. The President must post notice of the veto on the day the action is taken and return the vetoed measure to the Legislative Council with objections at the next Legislative Council Meeting.
- SECTION 11: When the Legislative Council cannot readily convene and immediate SBA action is necessary, the Executive Council may act on behalf of the entire SBA and take appropriate action as the Executive Council shall deem necessary. Any actions so taken by the Executive Council shall be presented to the next properly convened Legislative Council for report. The Executive Council shall not spend in excess of the amount set in the Bylaws.

ARTICLE III

Legislative Council

SECTION 1: The Legislative Council shall consist of twenty-four (24) members, each elected for a term of one (1) year, and from their respective classes as follows:

- (a) Eight (8) members, elected at-large from the rising 3L class;
- (b) Eight (8) members, elected at-large from the rising 2L class, and
- (c) Eight (8) members, elected from the 1L class in the fall, apportioned equally among the sections, using whole numbers. Should a fractional distribution result, those seats representing the fractional distribution will be elected at-large.

SECTION 2: The Vice-President shall appoint a Parliamentarian for the Legislative Council from the student body at-large. No member of the Executive Council, Legislative Council, or Honor Council may serve in this capacity. The Parliamentarian shall serve at the discretion of the Vice-President.

SECTION 3: The Legislative Council shall elect from among its members a Chair Pro Tempore, who shall preside at Legislative Council meetings in the absence of the Chair of the Legislative Council.

SECTION 4: The Legislative Council shall meet at least once each month and at any other time as directed by itself, the President, Vice-President, or Chair Pro Tempore. The Secretary shall post a written notice of all Legislative Council meetings at least three (3) school days before the meeting, excluding Saturday and Sunday, and including the meeting day.

SECTION 5: All meetings, except executive sessions of the Legislative Council, shall be open. A majority vote of the members present shall be required to convene an executive session. No Legislative Council votes may occur in executive session.

SECTION 6: Two-thirds (2/3) of the seated membership of the Legislative Council shall constitute a quorum.

SECTION 7: The Legislative Council, by a two-thirds (2/3) vote of its seated membership, may override any veto of the President.

SECTION 8: The Legislative Council shall adopt its own rules of procedure and the Bylaws by a majority vote of the seated membership.

SECTION 9: The Legislative Council shall determine the budget of the SBA upon recommendation by the Executive Council. Except as otherwise provided in Article II, Section 11, no money shall be drawn from the SBA treasury unless approved by the Legislative Council.

ARTICLE IV

Legislation

SECTION 1: The Legislative Council shall have the power to initiate and pass legislation by majority vote.

SECTION 2: Legislation may also be initiated by petition. Upon the submission of a written petition signed by at least twenty-five percent (25%) of the student body, the Chairman of the Elections Committee must hold a referendum within fifteen (15) working days. The petition must contain the exact wording of the proposed legislation.

SECTION 3: Any legislation by petition must be submitted to the Secretary of the SBA. The Secretary will notify members of the student body of referendums at least five (5) school days before the scheduled vote.

SECTION 4: In a referendum at least one-sixth (1/6) of the student body must vote. If the referendum passes by more than fifty percent (50%) of the votes cast, it shall have the same effect as legislation passed by the Legislative Council.

SECTION 5: Referendums initiated by petition can not be overridden by the Legislative Council until after the next election cycle.

ARTICLE V

Honor Council

SECTION 1: The students of the School of Law recognize each individual's educational responsibilities and affirm the honesty and integrity of each student. Upon enrollment in the School of Law, each student accepts this responsibility with the understanding that one who violates this duty forfeits the rights and privileges conferred upon the student. In accordance with this principle, the student body agrees to abide by the Rule of Academic Responsibility and Academic Disciplinary Procedures, herein after referred to as the Honor Code. Any conflict between the Honor Council procedures contained in this Constitution and the Honor Code shall be resolved in favor of the Honor Code.

SECTION 2: The Honor Council shall consist of nine (9) members, each elected for a term of one (1) year, and from the respective classes as follows:

- (a) Three (3) members, elected at-large from the rising 3L class;
- (b) Three (3) members, elected at-large from the rising 2L class;
- (c) Three (3) members, elected at-large from the 1L class in the fall.

SECTION 3: Each year after the spring elections of Honor Council members, the outgoing Honor Council Chair shall call a meeting of the newly elected members to elect a new Chair, Vice-Chair, and Secretary. The Chair must be one of the three (3) rising 3L members. The Vice-Chair and Secretary positions are not limited to a rising 3L member.

SECTION 4: The Honor Council shall have the following responsibilities:

- (a) to educate the student body of the School of Law on the Honor Code;
- (b) to perform any duties established by the Honor Code;
- (c) to propose sanctions to the administration for any infractions adjudicated by the Honor Council;

- (d) to exercise judicial review over legislative and executive acts in accordance with the provisions of this Constitution; and
- (e) to resolve appeals of decision by the SBA Elections Committee.

SECTION 5: The Honor Council is empowered to establish any internal rules for operation that it finds necessary which are not in conflict with the Honor Code or this Constitution.

SECTION 6: If for any reason, including, but not limited to, transfer, voluntary resignation, forced removal, or early graduation, any Honor Council position is vacated prior to the expiration of the officer's normal term, the Honor Council Chair shall appoint a student body member to serve in an interim capacity. The newly appointed member must be from the same class as the vacating member. The Honor Council Chair must notify the SBA Elections Committee Chair and SBA Secretary of the vacancy, and a new election must be held within thirty (30) calendar days of the vacancy. If the vacancy occurs after the commencement of the spring term, the SBA Elections Committee Chair need not call an election to replace the vacated member.

ARTICLE VI

Elections

SECTION 1: The time, date and manner of electing members of the Legislative Council, Executive Branch, and Honor Council shall be governed by a set of regulations promulgated by a standing Elections Committee.

SECTION 2: The time, date and manner of conducting referendum votes shall be governed by a set of regulations promulgated by a standing Elections Committee.

SECTION 3: The time, date and manner of conducting amendment votes shall be governed by a set of regulations promulgated by a standing Elections Committee.

SECTION 4: The Legislative Council must approve any regulations promulgated by a standing Elections Committee.

SECTION 5: No student may simultaneously hold more than one office created by this Constitution.

SECTION 6: If for any reason, including, but not limited to, transfer, voluntary resignation, forced removal, or early graduation, any office of the government of the Student Bar Association is vacated prior to the expiration of the officer's normal term, the President of the Student Bar Association shall appoint a student body member to serve in an interim capacity. The President shall then provide for a special election to be held within thirty (30) calendar days provided that the President need not call an election in the case of an office vacated after the commencement of the spring term.

If the office of President is vacated, the Vice-President shall serve as interim President and shall choose an interim Vice-President. The interim President may accept the President's position permanently. If the interim President accepts the position, the new President shall then provide for an election within thirty (30) calendar days to choose a new Vice-President. The new President need not call an election and may permanently appoint a new Vice-President if the former President vacated the office after the

commencement of the spring term.

If the interim President does not accept the permanent office of President, an election shall be held within thirty (30) calendar days to choose the new President. After that election, the interim President shall reassume the duties as Vice-President, thus displacing the interim Vice-President.

ARTICLE VII

Removal From Office

SECTION 1: The Legislative Council shall have the power to remove any Executive, Legislative, or Honor Council member from office.

SECTION 2: Grave delinquency in the conduct of the office or in the execution of the duties of the office to justify removal shall remain undefined by this Article. The determination of the existence of such improper conduct or nonfeasance necessary to justify removal shall be made on a case-by-case basis by a two-thirds (2/3) majority of the seated members of the Legislative Council.

SECTION 3: Article VII does not prohibit the Legislative and Executive Council from establishing specific rules regarding improper conduct mandating the initiation of removal procedures against an individual.

SECTION 4: Efforts to remove any Executive, Legislative, or Honor Council member shall be commenced by written notice, delivered two weeks in advance, to the Executive, Legislative, or Honor Council member by the Secretary or other designated officer. The written notice shall specify in detail the allegation justifying removal from office and include the pertinent Constitutional provisions or Bylaws allegedly violated by the member. The written notice shall specify in detail the date, time, and place the Legislative Council will discuss the removal proceedings.

SECTION 5: Individual members of SBA may initiate removal proceedings against a Executive, Legislative, or Honor Council member through the use of a petition and referendum as specified in Article IV.

SECTION 6: Except as provided in Article VII, Section 5, no person shall be removed from office unless two-thirds (2/3) of the seated members of the Legislative Council vote in favor of removal. The person whose conduct is at issue may be represented by counsel and may participate in the discussion but shall not be allowed to vote.

SECTION 7: Replacement of any removed Legislative or Executive Council member shall be commenced as specified in Article VI, Section 6. Replacement of any removed Honor Council member shall be commenced as specified in Article V, Section 6.

ARTICLE VIII

Committees

SECTION 1: Unless otherwise limited by Legislative Council action, the President has the power to establish any committee necessary to further the goals of the Student Bar

Association. A majority vote of the seated Legislative Council can require the President to establish a committee.

SECTION 2: The President shall nominate a Chair and the members of any committee for approval by the Legislative Council. Once approved, the Chair and any committee members can be removed by a majority of the seated members of the Legislative Council.

SECTION 3: The only standing committee required by this constitution is the Elections Committee. That committee shall consist of five (5) persons and shall perform the functions required by Article VI (Elections).

SECTION 4: A committee operates under the authority of the Legislative Council and has the authority to spend money allotted to that committee. Planned committee expenditures can be overruled only by a majority vote of the seated members of the Legislative Council.

SECTION 5: Any committee is subject to the Bylaws as adopted by the Legislative Council.

ARTICLE IX

Amendments

SECTION 1: Referendum Requirements to Amend this Constitution.

- (a) In a referendum to amend this Constitution at least one-sixth (1/6) of the student body must vote. The referendum must pass by two-thirds (2/3) of those students voting;
- (b) An amendment shall become effective immediately unless otherwise provided for in the terms of this amendment.

SECTION 2: Amendments

- (a) Written or electronically transmitted notice of any proposed amendment must be posted or made available to the entire student body not less than five (5) school days prior to the student body referendum. The notice must clearly describe the amendment and state the purpose of the amendment.
- (b) Amendments may be proposed by:
 - (1) A majority vote of the entire membership of the Legislative Council [as defined in Article IV, Section 4]; OR
 - (2) Submission to the President of the Student Bar Association of a written petition signed by twenty-five percent (25%) of the student body.