

THE STUDENT BAR ASSOCIATION CONSTITUTION OF THE UNIVERSITY OF
MASSACHUSETTS SCHOOL OF LAW - DARTMOUTH

*Original Constitution--
July 1, 2010
Revised--
April 16, 2011*

PREAMBLE

We, the Students of The University of Massachusetts School of Law – Dartmouth, in order to secure a tradition of academic excellence and professional development; to preserve the right of students to acquire a quality affordable legal education in a just and safe environment; to provide means of communication between students and the Law School; to provide a responsive forum for varying student viewpoints, encourage accountability among the students, faculty, administration, alumni and surrounding community; to promote the general welfare of the student body; and to maintain liaison with alumni; do hereby establish this Constitution for the Student Bar Association of The University of Massachusetts School of Law – Dartmouth.

ARTICLE I: NAMES AND DEFINITIONS

Section 1: “The University” shall mean The University of Massachusetts – Dartmouth.

Section 2: “The Law School” shall mean the University of Massachusetts School of Law – Dartmouth.

Section 3: “The SBA” shall mean The Student Bar Association of the University of Massachusetts School Law – Dartmouth,” shall be referred to as the SBA.

Section 4: “SGA” shall mean the Student Government Association (SGA) of the University of Massachusetts – Dartmouth.

Section 5: “GSS” shall mean the Graduate Student Senate (GSS) of the University of Massachusetts – Dartmouth.

Section 6: “SAIL” shall mean Student, Activities, Involvement and Leadership Office of the University of Massachusetts – Dartmouth.

Section 7: “The Board” or “The Board of Trustees” shall mean the Board of Trustees of the University of Massachusetts.

Section 8: In this Constitution, the following words have the meanings indicated:

1. “SBA member” means a student currently enrolled in the Law School in at least one (1) class who has not completed the requirements for the Juris Doctor degree.
2. “Executive Board” means the following positions: SBA President, SBA Day Vice- President, SBA Night Vice-President, SBA Secretary, and SBA Treasurer.
3. “School day” means any day on which Law School classes are held.
4. “Student body” means... all students currently enrolled in at least one (1) class at the Law School.
5. “Day student” means a student currently enrolled in the day division of the Law School.

6. "Evening student" means a student a student currently enrolled in the evening division of the Law School.
7. "Quorum" means the presence of at least fifty-one percent (51%) of the SBA members eligible to vote in the SBA.
8. "Standing Committee" includes but is not limited to the following: Barrister's Ball Committee, Election Committee, Finance and Budget Committee, Graduation Committee, Orientation Committee, Policy Committee, Public Relations Committee, Student Life Committee, and all other ad hoc committees created by the Executive Board.
9. "Member" means SBA Executive Board and all SBA Representatives and SBA liaison positions.

ARTICLE II: AUTHORITY AND GOVERNANCE

Section 1: The Student Bar Association of the University of Massachusetts School of Law - Dartmouth

The Student Bar Association of the University of Massachusetts School of Law - Dartmouth derives its authority from the law students.

Section 2: Notice of non-discrimination

In the exercise of its powers, the Student Bar Association of The University of Massachusetts School of Law - Dartmouth shall not discriminate on the basis of race, national origin, age, sex, religion, sexual orientation, veteran status, economic status, or handicap.

Section 4: Constitution

This Constitution supersedes any earlier Constitution of The Student Bar Association of the University of Massachusetts School of Law - Dartmouth.

Section 5: Revision dates

All official editions of this Constitution shall bear a current revision date on the title page, which shall coincide with the most recent date of ratification by both The Student Bar Association of the University of Massachusetts School of Law - Dartmouth and the student body.

ARTICLE III: PURPOSE

The guiding principles of the SBA shall be:

1. To provide sustainable leadership for the students;
2. To act as the students' liaison to the Law School, the University, the UMass system, the Commonwealth, The Chancellor, and the Board;
3. To foster cooperation and understanding among the students and their organizations;
4. To act an umbrella organization for all of the student organizations here at UMass School of Law – Dartmouth;

5. To work with the other law student organizations to manage funding received, oversee the incorporation of new law student groups (once properly recognized), and help ensure current law student organizations maintain appropriate by-laws, adhere to proper administration and abide by SBA law student organization policies and requirements;
6. To provide an outlet for student views and concerns;
7. To promote student rights, views, interests, and welfare by recommending appropriate policies;
8. To endeavor to provide adequate funding for student needs and interests;

ARTICLE IV: STUDENT RIGHTS

Section 1: Fundamental rights

The SBA unequivocally recognizes the rights of freedom of speech, freedom of the press, freedom of association, and freedom of assembly on and off campus, for all members of the law school community.

Section 2: Right to privacy

The SBA unequivocally recognizes, and shall not abridge students' right to protection from unauthorized disclosure of any documents or files pertaining to their views, beliefs, or associations.

Section 3: Right to lectures

The SBA unequivocally recognizes the rights of students to invite to campus and to hear any person of their own choosing *so long as* they follow routine procedures required for the use of institutional facilities and receive appropriate approval from the administrative body.

Section 4: Right to judicial hearing

The SBA unequivocally recognizes and shall not abridge the right of students to be protected by just and fair procedural standards in disciplinary actions as set forth by the law school and/or the University.

Section 5: Right to choose advisors

The SBA unequivocally recognizes the right of student organizations to freely choose their own faculty or administrative advisors.

ARTICLE V: POWERS OF THE SBA

The SBA shall have the following powers in carrying out its purposes as delineated in Article III of this Constitution:

1. To have vested in it all legislative functions of the law student government.
2. To ensure the proper functioning of law student government at the law school.
3. To make recommendations on any question, including proposed fee and tuition increases to the administration on behalf of the grieving party.
4. To make recommendations pertaining to the various student affairs, including, but not limited to: funding and management of student services, organizations, and activities.
5. To facilitate recognition of student clubs and organizations and such recognition by the SBA, the SGA, the SAIL office, the GSS, and/or the University will be a prerequisite for funding.
6. To enforce rules and procedures for funding student clubs and organizations in compliance with the SGA and GSS Recognized Organization requirements as set by the SGA and GSS.
7. To manage all law student government elections at the law school.
8. To establish committees, as delineated in the by-laws, in order to facilitate the performance of its duties. These committees shall investigate issues pertinent to their subject matter and draw up recommendations on these issues.
9. To make any and all acts necessary and proper to enable the execution of the powers vested in the SBA.

ARTICLE VI: MEMBERSHIP OF THE SBA

Section 1: Representation

1. The SBA represents the law student body: any law student who is currently registered for at least one (1) course at the law school bearing a minimum of three (3) academic credits.
2. Only members of the law student body are eligible to vote and participate in law student government elections and activities.

Section 2: Qualifications for membership

1. Any student represented by the SBA (as delineated in Article VI, Section 1), registered for at least one (1) credit in the law school, and in good academic standing, in accordance with University policy, may be eligible to run for a seat on the SBA, as well as, for any and all groups and/or clubs recognized by the SBA, SAIL, SGA, the GSS and the University.
2. Upon gaining such a position, all members must take an oath agreeing to uphold this Constitution and all future Constitutions, and the By-Laws of the SBA. The Executive Board shall designate the form of this oath.
3. A law student may not serve on the Executive Board of more than one law student organization, but may be a representative on more than one student organization.

Section 3: Structure

1. The SBA shall consist of all members listed below.
2. There shall be:
 - Two members representing the 1L day students (or if a class is divided into divisions, two representatives shall be elected from each divisions);
 - Two members representing the 1L night students (or if a class is divided into divisions, two representatives shall be elected from each divisions);
 - Two members representing the 2L day students (or if a class is divided into divisions, two representatives shall be elected from each divisions);
 - Two members representing the 2L night students (or if a class is divided into divisions, two representatives shall be elected from each divisions);
 - Two members representing the 3L day students (or if a class is divided into divisions, two representatives shall be elected from each divisions);
 - Two members representing the 3L night students (or if a class is divided into divisions, two representatives shall be elected from each divisions);
 - Two members representing both the 4L and 5L day and night students;
 - One student liaison to the Law School Alumni Association (as deemed necessary by the current Executive Board);
 - One student liaison to the Mass Bar Association;
 - One student liaison to the American Bar Association (as deemed applicable by the current Executive Board);
 - One (or more) member(s) may be permitted to represent the law students in the GSS and/or the SGA (as deemed necessary by the current Executive Board and such seats are in compliance with the constitution(s) of the SGA and/or the GSS);

Section 4: Executive Board

There shall be an Executive Board comprised of a President, Day Vice President, Night Vice President, Secretary and Treasurer.

Section 5: Voting Procedures

All members shall have voting rights at all meetings of the SBA, including all liaison positions listed in Article VI, Section 3 and all members representing the SGA and/or GSS seats. The SBA President, however, may only vote in the case of a tie. Unless otherwise specified in this Constitution, all decisions of the SBA or any SBA committee shall be by majority vote. Each member of the Board or the committee who is present at the meeting is entitled to one vote, and no votes may be cast by or for anyone not present at the meeting at the time of the vote. The presiding officer at any meeting is not entitled to a vote unless the vote of the other members results in a tie, in which instance the vote of the presiding officer shall determine the outcome.

ARTICLE VII: DUTIES OF THE SBA

Section 1: Primary duties

Each member shall serve the interests and welfare of the law student body and submit to the Secretary, on a monthly basis, a short summary of tasks performed which meet the below mentioned criteria.

Section 2: Office hours

Each member shall spend at least one (1) hour in the office and/or tabling for SBA events and/or activities each month and perform any tasks necessary for the upkeep of the SBA during this time. Such tasks should be included in the By-Laws.

Section 3: Preparatory reading

1. Each member shall be responsible for reading, reviewing, and correcting the minutes of each SBA meeting, motions for the upcoming meeting, and submitted to the Policy Committee approved Constitutions prior to their passing by the SBA. If a member notices any material discrepancies he/she must notify the Secretary or the Executive Board in a reasonable time.
2. All members should also be well versed in the SBA Constitution and its By-Laws as well as Robert's Rules of Order.

Section 4: Attendance

1. Members are responsible for attending all their assigned committee meetings and all SBA meetings. Correspondence amongst the committee shall be at the discretion of the chairperson of said committee. Any member of the SBA who fails to perform his or her duties for three meetings during a semester shall be removed from office. A motion for removal must pass by a two-thirds majority of the Judicial Board, per Article X.

Section 5: Robert's Rules of Order

1. The SBA follows Robert's Rules of Order when conducting SBA meetings. The most recent edition of Robert's Rules of Order is the procedural law of the SBA. As such, all members should also be well versed in Robert's Rules of Order and conduct all meetings accordingly.

Section 6: Constituency meeting

Members shall meet regularly with their constituency in order to understand their specific concerns, questions and proposals for the agenda of the SBA.

Section 7: Schedule

Each member is responsible for maintaining an updated schedule of his or her available hours and pass said schedule to the Secretary on a monthly basis.

Section 8: Contact information

Each member is responsible for maintaining his/her current contact information and providing said information to the Secretary.

Section 9: Specific duties of the Executive Board members

In addition to the regular duties of a member, the Executive Board of the SBA shall be responsible for the following:

President:

1. The President shall be the principal executive presiding officer of the SBA;
2. The President in general supervise and control all of the business and affairs of the SBA;
3. The President shall preside at all meetings of the SBA and Executive Board and schedule meetings and special meetings;
4. No SBA meeting may be held without the presence of the President and/or the Vice President;
5. The President shall announce and post dates of meetings in advance to encourage participation;
6. The President is the chief executive of the law student government at the law school,
7. The President shall have the power to issue executive orders *provided that* they are for the purpose of enforcing motions passed by the SBA or assuring the proper functioning of law student government at law school;
8. The President must act with the Treasurer as co-signer for all SBA expenditures, and oversee all law student government elections;
9. The President shall serve as official spokesperson for the SBA in accordance with the policy officially adopted by the Executive Board;
10. The President in general shall perform all duties incident to the office of president and such other duties as may be prescribed by the Executive Board from time to time;
11. And the President shall have all necessary and proper powers to enable the execution of the duties vested in him or her by this Constitution.

Vice President:

1. Both the Day Vice President and Night Vice President shall assist the President in his or her duties;

2. No SBA meeting may be held without the presence of the President and/or the Vice President;
3. Both the Day Vice President and Night Vice President shall take on the responsibilities of the President in his or her absence, make and adjust all committee appointments with the approval of the SBA,
4. The Day Vice President shall preside when the President is absent and the Night Vice President shall preside when both the President and the Day Vice President are absent;
5. Both the Day Vice President and Night Vice President shall assist the committees in carrying out their duties;
6. Both the Day Vice President and Night Vice President shall co-chair the Policy Committee.
7. And the Vice President shall have all necessary and proper powers to enable the execution of the duties vested in him or her by this Constitution.

Secretary:

1. The Secretary shall assist the President in his or her duties;
2. The Secretary shall be responsible for facilitating all SBA communications;
3. The Secretary shall keep records of all correspondence;
4. The Secretary shall coordinate informational forums;
5. The Secretary shall chair the Public Relations Committee;
6. The Secretary shall issue Constitutions to all new members;
7. The Secretary shall transcribe and disburse the minutes of all SBA meetings;
8. The Secretary shall be responsible for the publication of those minutes within the week;
9. The Secretary shall prompt members to perform their duties as delineated in Article VII Sections 1 through 7 of this Constitution;
10. The Secretary shall be custodian of records being responsible to keep record of all motions, minutes, activities, and duties performed by the SBA;
11. The Secretary shall have control of SBA bulletin boards;
12. The Secretary shall act as Parliamentarian or appoint an SBA representative to act as such, for the purpose of settling disputes and answering questions with regards to Robert's Rules of Order during meetings.
13. The Secretary in general shall perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him/her by the President or the Executive Board;
14. And the Secretary shall have all necessary and proper powers to enable the execution of the duties vested in him or her by this Constitution.

Treasurer:

1. The Treasurer shall be responsible for all financial records of the SBA;
2. The Treasurer shall have charge and custody of and be responsible for the administration of all SBA funds;
3. The Treasurer shall receive and give receipts for moneys due and payable to the SBA from any source whatsoever, and deposit all such moneys in the name of the SBA in such accounts as shall be necessary to comply with University policies;
4. The Treasurer shall act with the President as co-signer for all SBA expenditures;
5. The Treasurer shall audit the SBA financial records once every year;
6. The Treasurer shall have the power to audit all law student group's financial records to ensure compliance with all SBA, SAIL, SGA, GSS and/or University policies and procedures;
7. The Treasurer shall chair the Budget and Finance Committee;
8. The Treasurer shall not make any disbursements of SBA funds without prior SBA member approval;
9. The Treasurer shall in general perform all of the duties incident to the office of treasurer and such other duties as from time to time may be assigned to him by the president or by the Executive Board;
10. And the Treasurer shall have all necessary and proper powers to enable the execution of the duties vested in him or her by this Constitution.

Section 10: Duties of Committees and Committee Chairpersons

1. The By-Laws shall list and describe the functions of all Standing Committees and ad hoc committees of the SBA;
2. The Committee Chairperson shall preside over these committee meetings, assign tasks within their committees to complete pertinent projects, and divide up committee work among committee members;
3. The Committee Chairperson shall have the power to: appoint non-voting non-members to his or her committee and grant or revoke voting rights from said members;
4. The Committee Chairperson shall submit committee meeting minutes and reports to the Secretary for record keeping.
5. All committee members shall perform their assigned tasks in good faith.
6. All committee members shall be well versed in Robert's Rules of Order.

Section 11: Quorum Requirements

A quorum for any meeting of the SBA or any SBA Committee shall consist of at least fifty-one percent (51%) of the members of such group. At the beginning of any meeting the Secretary or the Committee Chairperson(s) shall determine if a quorum exists and explicitly designate its existence if the requirements have been met. Once designated, the quorum cannot be defeated by the departure of one or

more members. If one or more members do depart before the presiding officer has officially adjourned the meeting, the remaining members may continue to conduct business and make binding decisions by voting in accordance with the requirements set out in Article VI, Section 5.

Section 12: Advisor

The advisor to the SBA is the Dean of Students, whose primary role is to act as an advocate for and liaison between the SBA and the Administration.

Section 13: Council of Presidents

There shall be a Council of Presidents (COP), composed of the presidents of all SBA recognized organizations. The President of the SBA shall be an ex-officio chair of the Council of Presidents. The Council shall meet at least twice each semester. The purpose of the Council of Presidents is to facilitate discussion of law school wide issues. All law student organization advisors, particularly the SBA Advisor, should make every effort to attend these meetings.

ARTICLE VIII: ELECTIONS

Section 1: The Election Committee shall schedule at least two elections each year to be known as the Fall General Election and Spring General Election, and all Special Elections as deemed necessary.

Section 2: Disputes

Any disputes concerning election procedures or alleged violations shall be directed to the Election Committee which will investigate the situation and make a detailed written recommendation to the Policy Committee within two days from the date of the complaint. The Policy Committee shall vote on the issue within two days, and the decision of the Policy Committee shall be final.

Section 3: Spring Elections

All members except for those representing the incoming 1L class shall be elected four weeks before the first scheduled final examination of the spring semester. These members-elect shall take office and the oath at the first meeting of the new SBA or their subsequent termination.

Section 4: Fall Elections

Elections for 1L class members, as well as any other vacant seats, shall be held between the third and fifth weeks of the fall semester. These members-elect shall take office upon acceptance of their seat. They shall serve until the first meeting of the SBA elected in the spring or their subsequent termination.

Section 5: Advertising and notice

Vacancies shall be adequately advertised. The adequacy of the advertising shall be determined by the Chairperson of the Election Committee.

Section 6: Subsequent vacancies

1. In the event of a vacancy in the Executive Board (except for the president, who is succeeded by the vice president) the President shall call special internal elections for every Executive Board position. These elections will be presided over by the remaining Executive Board. A simple majority vote (i.e. 51%), which will include a short statement by the Executive Board as to why he or she was elected to such position. Said statement will be able to be reviewed by the law student body upon request and placed in the appropriate records.
2. In case of a tie vote the President shall appoint the new Executive Board member.
3. Internal elections must take place no sooner than one week and no later than four weeks after the vacancy is formed.

Section 7: Term of office

Each member shall, upon acceptance of his or her position, serve until the calling of the new SBA (graduation day of the academic year) or subsequent termination.

Section 8: Transition between old and new members

All members of the SBA shall take their respective office after the president elect has taken his or her oath of office. All members should facilitate a smooth and effective transition between old and new members.

ARTICLE IX: TERMINATION

Section 1: Resignation

1. Upon submitting an official letter of resignation to the Executive Board, a member shall forfeit his or her seat, and any and all powers which were granted to him or her by this Constitution.
2. Any member who ceases to be enrolled at the law school forfeits his or her seat as a member of the SBA or any other law student organization.
3. Any member who is placed on academic probation forfeits his or her seat as a member of the SBA or any other law student organization

Section 2: Removal

1. Any member of the SBA who fails to perform his or her duties for three meetings during a semester shall be removed from office.
2. The dismissal ruling by the Judicial Board may be appealed and the member re-instated by a vote of two-thirds majority of the SBA.

Section 3: Impeachment

1. Any law student may move to impeach a member for an impeachable offense by introducing a motion proposing impeachment and having it pass by a two-thirds majority of the Judicial Board.
2. Impeachable offenses shall be delineated in the By-Laws.

Section 6: Reinstatement

A petition signed by twenty-five percent (25%) of an impeached or removed member's constituency will be sufficient to reinstate a member as long as his or her seat has not been filled.

ARTICLE X: JUDICIAL BOARD

Section 1: Powers and Jurisdiction

1. Failure to perform or violation of SBA Duties, as delineated in Article VII, the Judicial Board will convene to evaluate whether said SBA representative should be removed from office for such violations. A motion for removal must pass by a two-thirds majority of the Judicial Board.
2. The removal ruling by the Judicial Board may be appealed and the member re-instated by a vote of two-thirds majority of the SBA or by petition signed by twenty-five percent (25%) of an impeached or removed member's constituency will be sufficient to reinstate a member as long as his or her seat has not been filled.

Section 2: Membership

The membership of the Judicial Board shall consist of the Policy Committee Co-Chairs, the Secretary and two specifically appointed members of the general SBA membership, as selected by the President.

ARTICLE XI: LAW STUDENT ORGANIZATIONS

Section 1: Responsibilities

All organizations recognized by the SBA must:

1. Observe all Law School and University policies, regulations, and standards, including the requirements of the SBA Constitution and By-Laws.
2. Maintain an active student centered program with the organization.
3. Schedule all meetings and special events at the School of Law according to the procedures outlined in the By-Laws and required by the University.
4. Send representatives to all meetings duly called by the Council of Presidents.
5. Keep a current constitution and/or by-laws on file with the SBA Policy Committee.
6. Adhere to all other policies for SBA recognized organizations as defined in the SBA By-Laws.

Section 2: Notice of non-discrimination

In the exercise of its powers, no student organization may discriminate based on the basis of race, national origin, age, sex, religion, sexual orientation, veteran status, economic status, or handicap.

ARTICLE XII: AMENDMENTS

Section 1: Submission

1. Any member of the law student body may submit proposed amendments to this Constitution to the SBA.
2. A proposed amendment shall be adequately advertised for at least one week before being acted upon by the SBA.
3. The adequacy of the advertising shall be determined by the Policy Committee Co-Chairpersons.
4. A copy of all proposed amendments shall be submitted to the Secretary for recording.

Section 2: Ratification

1. Any proposed amendments to this Constitution must first be ratified by two-thirds of the SBA.
2. Thereafter, the proposed amendments must be passed in a general or special election by two-thirds of those students casting ballots in regard to such amendments.
3. No amendment to this Constitution shall be deemed effective unless and until fully ratified according to the above procedure.

Section 3: Documentation

An up-to-date list of ratified amendments shall be kept in the SBA office. This list shall contain the dates of submission and ratification.

Section 4: Constitutional review

The SBA Constitution will undergo a review by the Policy Committee, but not necessarily a revision, every year.