

**STUDENT BAR ASSOCIATION CONSTITUTION
NOVA SOUTHEASTERN UNIVERSITY
SHEPARD BROAD COLLEGE OF LAW
(Last Updated, Winter 2021)**

PREAMBLE

We, the students of the Nova Southeastern University Shepard Broad College of Law, strongly believe that Student Government should be predicated upon responsiveness, accountability and broad participation. To this end, we hereby establish this Constitution of the Student Bar Association, which shall provide for a Student Government with the power to enact suitable laws for the purpose of initiating and carrying out student activities in an orderly and efficient manner.

ARTICLES

ARTICLE ONE: ORGANIZATION

Section I Name

The name of this organization shall be the Student Bar Association of the Nova Southeastern University Shepard Broad College of Law.

Section II Student Membership

All students enrolled in the Juris Doctorate Program at the Nova Southeastern University College of Law shall be considered members of the Student Bar Association.

Section III Student Government

The government of the Student Bar Association shall be composed of the Representative Council.

ARTICLE TWO: REPRESENTATIVE COUNCIL

Section I Composition

(1) The Representative Council shall consist of sixteen (16) members elected by the student membership of the SBA.

 (a) Full-Time Program: The First Year Class, the Second Year Class, and the Third Year Class shall each elect four Council Representatives for a term of one calendar year.

 (b) Part-time Program: The First-Year Part-time Class, the Second-Year Part-time class, the Third-Year Part-time class and the Fourth-Year Part-time class shall each elect one Council Representative for a term of one calendar year.

(2) The Executive Board shall be comprised of the following: President, Vice-President, Treasurer and Secretary. These positions shall be held only by members of the Representative Council. The Executive Board shall be elected by the student membership of the SBA.

(3) The election of the Representative Council Members shall be held first. The election for Executive Board positions shall follow within two weeks after the results of the Representative Council election are posted.

Section II

Executive Powers

(1) General Powers. All executive powers of the Student Bar Association shall be vested in the Executive Board. An Executive Board Member may only run if he or she can serve the entire academic year and is available to attend all meetings, contact the students via email or by phone and is able to attend other law school functions. Therefore, if the candidate is participating in a clinic out of the area, then he/she may not run for an Executive Board position. Clinic Placements considered out of the area include those located outside of Miami-Dade, Palm Beach, and Broward counties. If this clause is violated under any circumstance, resignation will be necessary and resignation will mean a forfeiture of award and no recognition of service.

(2) President. The President shall serve as chief executive officer of the SBA for the entire academic year for which he or she was elected. The President shall preside over meetings of the Representative Council. The President shall oversee and coordinate the activities of the Representative Council so as to ensure that the Representative Council will function effectively. The President shall be empowered to appoint chairpersons of ad hoc committees. All appointments are subject to the advice and majority consent of the Executive Board. The President shall represent the Student Bar Association at all the College of Law Faculty meetings. The President shall sign, in conjunction with the Treasurer, all disbursements and shall follow the procedures set forth in the Student Activity Fee Manual. The President shall call special sessions or for emergency vote of the Representative Council when emergency action is necessary, giving at least twenty-four (24) hour notice to all representatives. The Secretary shall record the vote results in the minutes of the subsequent meeting of the President's motion and vote taken. The President shall have the power to issue executive orders on all matters not before the Council, on an emergency basis. The President shall have the power to delegate any power granted to him/her pursuant to the Constitution.

(3) Vice-President. The Vice-President shall, in the event of the President's temporary absence, become the Acting President during that absence, assuming all duties and responsibilities therein. The Vice-President must assist the President in fulfilling his/her duties. The Vice-President shall be elected for the entire academic school year. The Vice-President shall oversee all SBA committees. The Vice-President shall also represent the SBA at all the Law Center Faculty meetings, in the President's absence. The Vice-President shall carryout all other duties delegated to him or her by the President. In the event of the President's permanent absence, the Vice-President shall succeed to the office of President and assume all duties and responsibilities therein.

(4) Treasurer. The Treasurer shall have fiscal responsibility of the Student Bar Association. He or She shall manage the Student Activity Fund, propose the Student Bar Association Budgets, and sign, in conjunction with the President, all disbursements. The treasurer needs to maintain an accurate reflection of the SBA funds throughout the entire year and shall disperse the monthly student organization accounts received by the Student Activity Fee Office. The Treasurer shall be elected for the entire NSU Law Center academic school year.

(5) Secretary. The Secretary shall keep all SBA records, including records of all action, laws and the minutes of the Representative Council. The Secretary shall post the minutes of all meetings within two school days as well as the announcements and agendas of such meetings. The Secretary shall be elected for the entire academic school year. The Secretary shall provide each new member and officer of the Representative Council with a copy of the Constitution of the Student Bar Association.

Section III

Fiscal Powers

(1) The Treasurer shall draft and publish to all student organizations and the Council, his or her procedures for organizations to apply for funding. Approval by the Executive Board of the procedures deems the procedures enforceable by the Council. In preparing each semester's SBA budget, the Treasurer shall reserve adequate funds to ensure all student organizations receive SBA funding.

(2) Student Activity Fund. All student organization moneys shall comprise the Student Activity Fund. The Treasurer shall propose a budget each semester, no less than fourteen days from the start of that semester, and the Representative Council shall act upon the Treasurer's proposal within thirty days from the start of the semester.

(3) Administrative Fund. In the event that the SBA Council receives disbursements of the Administrative Fund, the Treasurer shall reserve adequate funds to ensure that all student organizations have the opportunity to request access to the Administrative funding. The procedure for disbursement of these funds shall be the same procedures outlined for disbursements from the Student Activity Fund.

(4) Student Organizations may submit a funding SBA Budget request from once per semester by presenting a written request prior to The SBA Budget Meeting of the Representative Council, subject to the Treasurer's guidelines. The Treasurer shall make a recommendation, and the Representative Council shall approve, deny, or amend the Treasurer's recommendation. Student Organizations may seek additional funding throughout the year by submitting a written proposal to the treasurer and/or requesting to attend an SBA meeting. SBA Organizations granted funding shall submit a report and receipts to the University's Accounting Office verifying the disbursement of funds within one month after the event for which funds were requested. Organizations failing to submit its reports and receipts shall be subject to the Treasurer's funding procedures

(5) Emergency funding requests may be approved by a majority vote of the Representative Council taken by electronic mail polling of the Representatives. In the event that an organization must make an emergency funding request for an event, the organization must contact the treasurer and submit a detailed explanation of the request. The Treasurer within 48 hours of the request must notify the SBA Council of the request. This shall open a 24-hour discussion period and the vote shall occur within 24 hours of the close of the discussion period. The Secretary shall record the request and the vote in the minutes of the subsequent meeting of the motion and vote taken via electronic mail.

(6) The Treasurer shall prepare a full accounting of all expenditures for the Representative Council and the Law Center Administration at the end of each semester, or on request with reasonable notice.

Section IV

Legislative Powers

(1) Introduction of Legislation. Council Representatives shall have the power to introduce legislation. Any member of the Student Bar Association may draft a proposal and present it to the Representative Council for its consideration. The Representative Council is required to approve, deny, or amend all submitted proposals.

(2) Council Representatives shall have the power to approve, deny, or amend all legislative proposals before the Representative Council. A quorum must be present at any meeting of the Representative Council and a majority vote of those members present shall be required to enact proposed legislation. Quorum shall be defined as fifty percent (50%) plus one vote of the Representatives holding office. Vacant seats shall not be considered to preclude formation of a quorum. The Representative Council shall have the power to repeal any previously enacted law by a majority vote.

(3) The Representative Council shall hold at least two regular meetings per month during any month in which classes are in session for at least three weeks; however, additional, special meetings may be held at the request of the President. The President or the Representative Council may invoke rules of Parliamentary Procedure at its discretion. All meetings of the Representative Council are open to members of the Student Bar Association and the Faculty.

ARTICLE THREE: STANDING COMMITTEES

Section I

Organization

(1) The Student Bar Association shall create standing committees throughout the year. The Chairperson of the committees shall be Council Representatives. The Chairperson shall be appointed by a majority vote of the Representative Council. The Chairpersons of each committee shall solicit committee members from the student body at large.

(2) One Representative shall sit on each Faculty Committee, with another Student Bar Association member serving as an alternate in the Representative's absence. Representatives shall be appointed by the President, subject to the advice and consent of the Representative Council. The Representative shall report to the Representative Council at each meeting the matters discussed and/or decided by the Faculty Council.

Section II Function The standing committees shall research and develop potential or pending legislation at the direction of the Representative Council. The Chairperson of each Committee shall report to the Representative Council on such undertakings. Legislation that has been enacted into law shall be implemented by the appropriate committee. This section shall not be applicable to the Constitution Committee.

ARTICLE FIVE: CONSTITUTION

Section I Amendments

(1) Any member of the Student Bar Association may submit a proposal for an amendment to this Constitution. The member shall provide notice to the Council at least one week prior to the next scheduled SBA Council meeting. Discussion of such proposed amendments shall occur during an SBA meeting. After discussion of the proposed amendment the Council shall elect to either approve or reject the amendment by majority vote or elect to modify the proposed amendment.

ARTICLE SIX: ELECTIONS

Section I Eligibility of Voters

All members of the Student Bar Association are eligible to vote for the officers of the Student Bar Association.

Section II Eligibility of Candidates

(1) Academic Qualifications:

- Each candidate shall be in good standing at the Law Center, maintaining a cumulative GPA of 2.6 or higher.
- Members seeking to represent Executive Board positions must maintain a GPA of 2.85 or higher.
- The Elections Committee is be responsible for enforcing this qualification during election periods.

(2) Petition. Each Day Division candidate must submit a petition to the Election Board bearing fifty (50) verified signatures of members of his/her respective class. Each Evening Division candidate must submit a petition to the Election Board bearing twenty-five (25) verified signatures of the members of his/her respective class.

(3) Candidacy for President. The Representative seeking the office of Student Bar Association President must serve two consecutive semesters as a Student Bar Association Representative.

(4) Candidacy for Vice President, Secretary and/or Treasurer. The Representative seeking the office of Student Bar Association Vice President, Secretary and/or Treasurer must serve one (1) semester as a Student Bar Association Representative. The semester need not constitute a full-term semester, but may constitute a partial term, beginning upon the official election of the candidate. In the event there are no interested candidates who have served as Student Bar Association Representatives, the Student Bar Association may seek interested members from the student body.

ARTICLE SEVEN ELECTION COMMITTEE

Section I Election Committee Chairperson and Members

(1) The President along with previous Election Committee Chairperson shall appoint the successor Election Committee Chairperson each year. The Election Committee will conduct the election and enforce both the election regulations and campaign procedures.

(2) The Election Committee will consist of a minimum of three (3) students but may not exceed five (5). The Committee must consist of disinterested representatives selected from the student body 1L class, 2L class, 3L class and the Part-time Program. Each class must be represented by at least one Election Committee representative, not including the Chairperson. SBA members are not eligible for these positions. Upper class SBA Representative elections shall take place during the Winter semester by April 1st. The Election Committee shall have final approval over the eligibility of all candidates for election.

(3) The Election Committee shall disqualify any candidate from the election whom they adjudge to be guilty of any infraction of the established rules and regulations. If a candidate is disqualified from the election, the candidate may, within 24 hours of notice of disqualification, appeal the disqualification to the Student Bar Association President. The President shall give notice of a special session to the Student Bar Association Council and the matter shall be decided by majority vote.

(4) The Election Committee shall supervise the voting process to ensure honesty, integrity, and compliance with the established rules, regulations, and procedures.

(5) The Election results shall be posted within twenty-four hours of the completion of voting. The number of votes each candidate receives shall be available in the Student Bar Association office and available to individual members of the student body upon request. Posting may be delayed by the Election Board for the purpose of investigating any voting irregularities.

Section II Election Regulations

(1) Elections shall be by secret ballot.

- (2) No Representative shall hold, at one time, more than one Student Bar Association executive office.
- (3) Any ballot that contains more than one vote per candidate, more votes than allotted or a write-in vote shall be considered void.
- (4) The election for Council Representatives from the First Year Class shall be held no later than the first month of the commencement of the school year.
- (5) Elections for all other offices shall be held in April to elect Representatives and Academic Disciplinary Panel Representatives to serve for the next calendar year.
- (6) If any member of the Student Bar Association should feel that an election was conducted in a prejudicial or unethical manner, he/she may submit his appeal in writing to the Student Bar Association President, who shall direct the matter to the Representative Council. The majority vote of the Representative Council shall be binding upon the outcome of any election.
- (8) The records and ballots of any election must be kept for a period of thirty days unless an appeal has been filed in which case the records and ballots must be kept until the appeal is resolved.
- (9) To be eligible for an elected position, candidates shall submit a written statement not to exceed two hundred and fifty (250) words to the Election Committee by a reasonably announced deadline established by the Election prior to the election. All statements shall be published by the Election to the members of the student body.
- (10) Optional speeches by the candidates shall be heard by a reasonably announced deadline established by the Election prior to the date of the election.
- (11) The Election Committee shall give notice of upcoming elections by a reasonably announced deadline established by the Election Committee prior to the election. The Election Committee shall communicate the election rules, regulations, and procedures prior to the election.
- (12) The methods of campaigning shall be regulated by the Election Committee; however, candidates shall not be permitted to post signs in the NSU Law Center. Campaigning regulations may be altered by a majority vote of the Election Committee.

ARTICLE EIGHT TERM OF OFFICE

Section I Installation, Term, and Resignation

- (1) Installation: The officers elected in April shall be installed at the subsequent meeting of the Representative Council or by the end of the first week of May, whichever comes first. The officers elected in September shall be installed at the subsequent meeting of the Representative Council.
- (2) Term: The term of office shall be from the date of formal installation until the formal installation of successor officers as determined by paragraph 1 of this section.

(3) Resignation: Any Representative who cannot fulfill his duties may resign. Any Representative who loses his membership in the Student Bar Association due to graduation, transfer, leave of absence, or other reason is deemed to have resigned office.

Section II

Awards

(1) Following a completed semester, by a member of SBA, each member shall receive an award reflective of their position as a general representative or an Executive Board member.

(2) Executive Board members, limited to President, Vice President, Treasurer, Secretary, shall be awarded \$750 after a completed semester in their respective position on SBA. General representatives shall be awarded \$350 after a completed semester in their respective position on SBA.

a. An SBA member who resigns, does not maintain academic good standing, or otherwise does not fully complete a semester as an SBA member, shall forfeit their right to an award for their respective position for that semester, barring any extenuating circumstances.

b. In the event an SBA member claims extenuating circumstances, the award for that member shall not be disbursed until the member provides sufficient evidence to the SBA Executive Board, and the extenuating circumstance is approved by the SBA Executive Board and SBA Faculty Advisor.

Section III

Vacancies

(1) Any vacancies on SBA, ADP, or Election Committee occurring after the Fall election shall be filled with a special election to be held no later than one month following the effective date of the vacancy. If the vacancy occurs within one month prior to the scheduled Winter elections, the President, subject to the advice and consent of the Representative Council, shall appoint a member of the Student Bar Association in good standing to fill such vacancy until the scheduled election takes place.

(2) Any vacancies occurring after the Winter election shall be filled in a special election, to be held concurrently with the Fall election.

(3) Any vacancy on the Executive Board shall be filled with a duly noticed election, except if

(a) only one Representative desires the vacant position, and/or

(b) the vacancy arises when a duly noticed election will be unreasonable.

(4) In the event the exceptions to subsection (3) apply, the President, or acting President, shall make a recommendation to the Council and the Council shall approve or deny the recommendation

(5) The following provision will be implemented during the 2021-2022 school year in light of unforeseen circumstances resulting from the COVID-19 pandemic and shall be included only for the 2021 SBA Constitution, to be later either removed or addressed based on continuing

circumstances. If the Student Bar Association council of Representatives finds that the use of the provision is required in the future, the council may elect to vote to implement the provision again. The provision requires a majority vote of the Student Bar Association council of Representatives and will be active only during the 2021-2022 school year.

The SBA Constitution provides that the Representative Council shall consist of sixteen (16) members elected by the student body. Each class in the full-time program shall elect four Representatives for the SBA Council for a term of one calendar year. This provision maintains that if during the election process for the upcoming calendar year, i.e. the March 2021 elections for the 2021-2022 calendar year, there are not sufficient eligible candidates who seek to fulfill the four open roles for a class, the acting President shall appoint an eligible student body member to the role of Representative. The appointment shall require a majority vote of the SBA Council to become effective. The appointed Representative will carry out the roles and duties outlined in the SBA Constitution for the duration of the calendar year of their appointment.

ARTICLE NINE: OATH OF OFFICE

All officers of the Student Bar Association shall take the following Oath of office, to be administered by the outgoing President, upon inauguration: “I do solemnly affirm that I will, to the best of my ability, preserve, defend, and enforce the provisions of the Constitution and Laws. In doing so, I will exercise the utmost care to uphold the good name of our school by diligently, faithfully, and conscientiously performing all my duties as an officer of the Student Bar Association of Nova Southeastern University Shepard Broad College of Law”