

# **Constitution of the Student Bar Association of the West Virginia University College of Law**

## **PREAMBLE**

In order to represent the law school student body individually and organizationally; to further organizational communication and cooperation; and to maximize student involvement in academic and administrative processes; we, the students of West Virginia University College of Law, do hereby ordain and ratify this Constitution.

## **ARTICLE I: NAME OF ORGANIZATION**

This organization shall be known as the Student Bar Association (hereinafter, “the S.B.A.”) of the West Virginia University College of Law (hereinafter, “the Law School” or “the College of Law”).

## **ARTICLE II: PURPOSE, DUTIES, STRUCTURE, AND MEMBERSHIP**

### **Section One: Organization and Purpose**

The S.B.A. is the student government of the Law School. The S.B.A. Executive Board (hereinafter, “the Executive Board”) is comprised of the elected officers, representatives, and appointed persons. Its purpose is to:

- A.** Promote a community among the Members of the Law School (students, faculty, staff, and the administration);
- B.** Formally advocate for and represent the student body of the Law School to the faculty, staff, alumni, and administration of the Law School and West Virginia University, as well as the public;
- C.** Promulgate rules and exercises rulemaking authority over groups, organizations, offices, property, and effects under its jurisdiction; and
- D.** Sponsor and host events for the Law School community.

### **Section Two: Duties and Responsibilities**

The S.B.A. has the authority and responsibility to:

- A.** Oversee every student organization within the Law School, including each organization’s budget;
  - i.** Specific rules and regulations governing definition, formation, conduct, and expectations of student organizations are subject to the WVU College of Law Student Handbook.
- B.** Allocate S.B.A. funds;

- C.** Execute and regulate all Law School student government elections, including (but not limited to), class officer elections and Ethics Council elections;
- D.** Execute and oversee the biannual Visiting Committee student round table;
- E.** Host the Annual Barrister's Ball; and
- F.** Assume all other duties not detailed by this Constitution as may be delegated to the S.B.A. by the Students, Faculty or Administration of the Law School.

### **Section Three: Membership**

All students enrolled in the Law School are Members of the S.B.A. and shall be represented by the S.B.A. Executive Board. All students enrolled in the Law School are permitted to vote in S.B.A. elections. There is to be no Membership fee.

### **Section Four: Committees**

#### **A. Standing Committees**

The S.B.A. shall maintain four standing committees: (1) The Social Committee; (2) The Fundraising Committee; (3) The Community Service Committee; and (4) The Diversity Equity, and Inclusion Committee. These Committees are to be chaired by elected or appointed Members of the Executive Board. The Standing Committees may only be dissolved through Constitutional Amendment.

#### **B. Working Committees**

The President has the authority to create working committees, with the advice and consent of the majority of the Executive Board. Once the Executive Board approves a working committee, the President may select a chairperson and members of the working committee from the student body. Chairpersons and members of working committees serve at the pleasure of the President. A working committee may be dissolved at any time by a simple majority vote of the Executive Board.

## **ARTICLE III: THE EXECUTIVE BOARD**

### **Section One: Membership**

**A.** The Executive Board shall consist of the following Members:

- i.** President;
- ii.** Vice-President;
- iii.** Secretary;
- iv.** Treasurer;
- v.** Social Committee Chairperson;
- vi.** Fundraising Committee Chairperson;

- vii.** Community Service Chairperson;
- viii.** 3L Class Vice President;
- ix.** 2L Class Vice President;
- x.** 1L Class Vice President; and
- xi.** Bar Association Liaison.

The Executive Board may include the working committee chairpersons by a simple majority vote of the Executive Board.

**B.** The S.B.A. Executive Officers (herein after “Executive Officers”) are:

- i.** President;
- ii.** Vice-President;
- iii.** Secretary; and
- iv.** Treasurer.

## **Section Two: President**

The President is the director of the S.B.A.. The President shall convene and preside over all meetings of the S.B.A. and shall supervise and direct all S.B.A. activities. In addition, the President shall represent the concerns of the student body and S.B.A. to the Law School administration and deans.

### **A. Duties and Responsibilities**

The President shall:

- i.** Call and preside at all scheduled and emergency meetings of the S.B.A. and Executive Board;
- ii.** Attend all faculty meetings and representation of the S.B.A. thereto;
- iii.** Liaise to the Student Administration of West Virginia University;
- iv.** Create a budget to properly allocate all available funds for the academic year;
- v.** Appoint student members to law school student-faculty committees, with the advice of and consent by the majority of the Executive Board;
- vi.** Appoint officers to any vacancy on the Executive Board, with the advice of and consent by the majority of the Executive Board;
- vii.** Appoint S.B.A. committees as the need arises, with the advice of and consent by the majority of the Executive Board; and
- viii.** To call matters before the Executive Board to vote;

- ix. To be a registered signer on the S.B.A. bank account and, when called upon by the Executive Board to do so, provide account details, statements, etc;
- x. When called upon to do so by the Treasurer, make deposits into the S.B.A. bank account within two business days of receiving funds; and
- xi. Carry out all other ceremonial and administrative functions ordinarily assumed by the President.

## **B. Election**

The President shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the President.

## **C. Term of Office**

The President shall be elected to a one-year term of office. The President's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the President's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

## **D. Eligibility**

To be eligible to hold office, the President must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

## **Section Three: Vice-President**

The Vice-President is the deputy director of the S.B.A. The Vice President shall support the President, convening and presiding over the S.B.A. and meetings when the President is not able or present.

### **A. Duties and Responsibilities**

The Vice-President shall:

- i. Ascend to the Presidency in the event of the President's death, removal, or withdrawal during the President's term of office;
- ii. Preside at S.B.A. meetings in the event of absence of the President; and
- iii. Represent the President at any ceremonial or administrative functions at the President's request.

### **B. Election and Appointment**

The Vice-President shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Vice-President. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

### **C. Term of Office**

The Vice-President shall be elected to a one-year term of office. The Vice-President's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Vice-President's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

### **D. Eligibility**

To be eligible to hold office, the Vice-President must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

## **Section Four: Secretary**

The Secretary is the chief administrative officer of the S.B.A.

### **A. Duties and Responsibilities**

The Secretary shall:

- i.** Attend, record, and disseminate the minutes of all S.B.A. meetings;
- ii.** Maintain copies of minutes of all S.B.A. meetings until the conclusion of his or her term, at which point copies of the minutes shall be turned over to the incoming secretary and stored in the President's office;
- iii.** Assist the President in formulation of meeting agendas and advance notice to the Executive Board thereof;
- iv.** Provide personal notice to all Executive Board Members of the scheduling of emergency Executive Board meetings;
- v.** Keep record of all S.B.A. resolutions and bylaws;
- vi.** Conduct official correspondence of the S.B.A.; and
- vii.** Maintain a student event calendar and S.B.A. website.

### **B. Election and Appointment**

The Secretary shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Secretary. In the case

of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

### **C. Term of Office**

The Secretary shall be elected to a one-year term of office. The Secretary's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Secretary's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

### **D. Eligibility**

To be eligible to hold office, the Secretary must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

## **Section Five: Treasurer**

The Treasurer is the chief financial officer of the S.B.A.

### **A. Duties and Responsibilities**

The Treasurer shall:

- i.** Maintain the S.B.A. Treasury;
- ii.** Manage the S.B.A. bank account;
- iii.** Record all receipts and disbursements;
- iv.** Provide the Executive Board with a bank account summary (including detailed account statements) no less than once a month, or upon request by the President or Vice-President;
- v.** Deposit funds into S.B.A. bank account within two business days of receiving funds;
- vi.** Maintain record of and provide oversight of the S.B.A.'s petty cash account; and
- vii.** Ensure that no more than \$100 is kept in petty cash at any given time (unless otherwise approved by Executive Board resolution).

### **B. Election and Appointment**

The Treasurer shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Treasurer. In the case

of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

### **C. Term of Office**

The Treasurer shall be elected to a one-year term of office. The Treasurer's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Treasurer's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

### **D. Eligibility**

To be eligible to hold office, the Treasurer must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

## **Section Six: Social Committee Chairperson**

The Social Committee Chairperson is the Chair of the S.B.A.'s Social Committee.

### **A. Duties and Responsibilities**

The Social Committee Chairperson shall:

- i** Appoint Members to the S.B.A. Social Committee, with the advice and consent of the President;
- ii** Manage and supervise the Social Committee in planning and organizing various social events to be hosted by the S.B.A.;
- iii** Manage and supervise the Social Committee in planning and organizing the annual Barrister's Ball;
- iv** Collect, distribute and manage all money used in furtherance of or raised through social events until such a time that the money can be turned over to the President or Treasurer; and
- v** Give the money raised by social events or the remainder of the money used in planning the event to the President or Treasurer for deposit within two business days of the event.

### **B. Election and Appointment**

The Social Committee Chairperson shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Social Committee Chairperson. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

### **C. Term of Office**

The Social Committee Chairperson shall be elected to a one-year term of office. The Social Committee

Chairperson's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Social Committee Chairperson's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

#### **D. Eligibility**

To be eligible to hold office, the Social Committee Chairperson must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

### **Section Seven: Fundraising Committee Chairperson**

The Fundraising Committee Chairperson is the Chair of the S.B.A.'s Fundraising Committee.

#### **A. Duties and Responsibilities**

The Fundraising Committee Chairperson shall:

**i** Appoint Members to the S.B.A. Fundraising Committee, with the advice and consent of the President;

**ii** Manage and supervise the Fundraising Committee in planning and organizing fundraisers for the S.B.A.;

**iii** Collect, distribute and manage all money used in furtherance of or raised through fundraising events until such a time that the money can be turned over to the President or Treasurer; and

**iv** Give the money raised by fundraisers or the remainder of the money used in planning the fundraiser to the President or Treasurer for deposit within two business days of the fundraiser.

#### **B. Election and Appointment**

The Fundraising Committee Chairperson shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Fundraising Committee Chairperson. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

#### **C. Term of Office**

The Fundraising Committee Chairperson shall be elected to a one-year term of office. The Fundraising Committee Chairperson's term shall begin at the end of the Law School's Spring



Commencement Ceremony that follows the Fundraising Committee Chairperson's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

#### **D. Eligibility**

To be eligible to hold office, the Fundraising Committee Chairperson must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

### **Section Eight: Community Service Committee Chairperson**

The Community Service Committee Chairperson is the Chair of the S.B.A.'s Community Service Committee.

#### **A. Duties and Responsibilities**

The Community Service Committee Chairperson shall:

- i.** Appoint Members to the S.B.A. Community Service Committee, with the advice and consent of the President;
- ii.** Manage and supervise the Community Service Committee in planning and organizing volunteer opportunities for the S.B.A. and student body;
- iii.** Collect, distribute, and manage all money used in furtherance of or raised through community service events until such a time that the money can be turned over to the President or

Treasurer;

- v** Give the money raised by community service events or the remainder of the money used in planning the event to the President or Treasurer for deposit within two business days of the event;
- vi** Ensure that any money raised as a charitable contribution is given to the charity for which it is raised, in the form of a check or money order, by the President or Treasurer, within five business days of the fundraiser;
- vii** Report failures to comply with Article III, Section Eight, Subsection A(v) to the President and Assistant Dean of Student Affairs of the College of Law (hereinafter "the Assistant Dean of
- viii** Student Affairs") within two business days of noticing the compliance failure; **vii.** Keep detailed records of all spending and earnings raised for charitable contributions including (but not limited to) ledger, carbon copies of checks and receipts; and
- ix** Present the aforementioned records to the Executive Board upon request of the President or Vice President at the meeting immediately following the request.

## **B. Election and Appointment**

The Community Service Committee Chairperson shall be elected by a simple majority of all ballots cast by the student body. Any student currently enrolled at the Law School shall be eligible to vote for the Community Service Committee Chairperson. In the case of a vacancy, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

## **C. Term of Office**

The Community Service Committee Chairperson shall be elected to a one-year term of office. The Community Service Committee Chairperson's term shall begin at the end of the Law School's Spring Commencement Ceremony that follows the Community Service Committee Chairperson's election and shall end at the conclusion of the following academic year's Law School Spring Commencement Ceremony.

## **D. Eligibility**

To be eligible to hold office, the Community Service Committee Chairperson must be a student at the Law School, enrolled fulltime and in good academic standing, as defined by WVU College of Law Student Handbook.

## **Section Nine: Diversity, Equity, and Inclusion Committee Chairperson**

The Diversity, Equity, and Inclusion Committee Chairperson is the Chair of the S.B.A.'s Diversity, Equity, and Inclusion Committee.

### **A. Duties and Responsibilities**

The Diversity, Equity, and Inclusion Committee Chairperson shall:

- i. Appoint Members to the S.B.A. Diversity, Equity, and Inclusion Committee, with the advice and consent of the President, doing their utmost to invite students to the Committee who are representative of all members of the law school, paying attention to race, religion, ethnicity, gender, sexuality, ideology, and other diverse groups in order to foster diversity, equity, and inclusion;
- ii. Manage and supervise the Diversity, Equity, and Inclusion Committee in planning and organizing events, education, and services to promote diversity, equity, and inclusion at the College of Law;

- iii. Collect, distribute, and manage all money used in furtherance of or raised through the Diversity, Equity, and Inclusion Committee until such a time that the money can be turned over to the President or Treasurer of the S.B.A.;
- iv. Report incidents at or involving the law school that harm diversity, equity, or inclusion to the President;
- v. Serve as a liaison with the faculty Diversity, Equity, and Inclusion Committee;
- vi. Attend faculty Diversity, Equity, and Inclusion Committee meetings as allowed;
- vii. Report updates on all information within his or her purview to the S.B.A. at meetings; and
- viii. Carry out any functions or duties assigned by the President.

## **B. Appointment**

At the beginning of his or her term, the President, with the advice and consent of the majority of the Executive Board, shall appoint a student to this position.

## **C. Term of Office**

The President shall appoint the Diversity, Equity, and Inclusion Committee Chairperson to a one-year term of office. The Diversity, Equity, and Inclusion Committee Chairperson shall begin immediately upon confirmation by the Executive board and shall end at the conclusion of the academic year's Law School Spring Commencement Ceremony.

## **D. Eligibility**

To be eligible to hold office, the Diversity, Equity, and Inclusion Committee Chairperson must be a student at the Law School, enrolled full-time and in good academic standing, as defined by the WVU College of Law Student Handbook.

## **Section Ten: Class Vice Presidents**

Class Vice Presidents are voting Members of the Executive Board who are tasked with representing their Law School class in the S.B.A..

### **A. Duties and Responsibilities**

Class Vice Presidents shall:

- i. Attend all S.B.A. meetings on behalf of their class;
- ii. Represent the interests of each individual class at S.B.A. meetings;

- iii. Vote on behalf of their class regarding S.B.A. matters;
- iv. Liaise to individual classes on behalf of the S.B.A.;
- v. Serve as Vice-Chairperson of an S.B.A. Standing Committee, in this role the Class Vice Presidents will assist and serve at the pleasure of the Chairperson. The S.B.A. President, with the advice and consent of the Chairpersons, shall make the appointment of Class Vice Presidents to committees.

## **B. Appointment**

At the beginning of his or her term, the President, shall appoint Class Presidents to this position.

## **C. Term of Office**

The President shall appoint the Bar Association Liaison to a one-year term of office. The Bar Association Liaison's term shall begin immediately upon confirmation by the Executive Board and shall end at the conclusion of the academic year's Law School Spring Commencement Ceremony.

## **D. Eligibility**

To be eligible to hold office, the Class Vice President must be a student at the Law School, enrolled full-time and in good academic standing, as defined by WVU College of Law Student Handbook.

# **Section Eleven: Bar Association Liaison**

The Bar Association Liaison serves as an intermediary between the Law School and federal, state, and local bar associations.

## **A. Duties and Responsibilities**

The Bar Association Liaison shall:

- i. Serve as liaison between the S.B.A. and the A.B.A. as well as state, and local bar associations;
- ii. Promote and help to organize events held by bar associations at the Law School;
- iii. Serve as a resource for students seeking information about future recruitment into the bar;

- iv. Attend all S.B.A. meetings and vote on S.B.A. matters; and
- v. Carry out any functions or duties assigned by the President.

#### **B. Appointment**

At the beginning of his or her term, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

#### **C. Term of Office**

The President shall appoint the Bar Association Liaison to a one-year term of office. The Bar Association Liaison's term shall begin immediately upon confirmation by the Executive Board and shall end at the conclusion of the academic year's Law School Spring Commencement Ceremony.

#### **D. Eligibility**

To be eligible to hold office, the Bar Association Liaison must be a student at the Law School, enrolled full-time and in good academic standing, as defined by WVU College of Law Student Handbook.

### **Section Twelve: Removal of S.B.A. Officers**

This section shall apply to S.B.A. Executive Board Members. Removal from office consists of two steps; impeachment and removal from office.

#### **A. Impeachment**

An Executive Board Member may be impeached through one of two methods:

##### **i. Voting Method:**

- a. With cause, an Executive Officer may call for a special meeting in order to request impeachment against a Member of the Executive Board.
- b. All Executive Board Members, including the subject of impeachment, must be given notice no later than 72 hours prior to the meeting.
- c. Quorum for the impeachment meeting is 8 of 11 Executive Board Members.
- d. The President shall preside over the meeting. However, neither the accuser nor the accused shall preside. If the President is subject to impeachment or the

accuser, the Vice-President shall preside. If the Vice-President is the accuser against the President or subject to impeachment and being accused by the President, the Secretary shall preside.

**e.** At the meeting, the Executive Officer calling for impeachment may make his or her case to the Executive Board; the subject of the impeachment hearing may then present a rebuttal case. The presider in the interest of justice may determine methods of presenting evidence.

**f.** After the cases are presented the Executive Board may sequester the accused and the accuser in order to deliberate.

**g.** After deliberations, the Executive Board may vote on impeachment; the accuser and the accused do not vote.

**h.** Executive Board Members must be present to vote.

**i.** An Absolute majority (75 %) of the voting Executive Board is required to impeach an Executive Board Member.

**j.** This vote is subject to veto by the Assistant Dean of Student Affairs: this veto may be overridden by a unanimous vote of the Executive Board (excluding the vote of the person or persons subject to impeachment).

**k.** Cause for which an Executive Officer may call for impeachment is limited to:

**1** Violation of this Constitution;

**2** Violation of the terms of the WVU College of Law Student Handbook or the Student Code of Professional Responsibility;

**2.** Stealing or misallocating S.B.A. funds;

**3.** Substantial nonperformance of duties which includes, but is not limited to, (i) continual failure to cooperate with matters approved by the Executive Board; (ii) dereliction of duties; or (iii) continual conduct or behavior that frustrates the purpose of the Executive Boards mission.

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4. Failure to attend at least 75 % of S.B.A. meetings without cause (i.e. death in family, exam following day, illness, etc);

5. Failure to meet eligibility requirements; and/or

6. Committing an offense that would be a violation of the West Virginia University Campus Student Code

i Such a violation need not be proven in accordance with the procedures set forth by the West Virginia University Campus Student Code, but rather in accordance with the procedures set forth by this Constitution.

**ii. Petitioning Method:**

A. With or without cause, an S.B.A. Executive Board Member may be impeached if the S.B.A. President or Vice-President is presented with a petition for impeachment including the signature of two-thirds of all Law School Students.

**B. Removal From Office**

Once impeached, an Executive Board Member is subject to a public hearing to determine removal from office.

i. The hearing is to be presided over by the Chairperson of the College of Law Ethics Council.

ii. Quorum for the hearing is the entirety of the Executive Board.

iii. The Executive Officer who initiated impeachment or the proponent of the petition for impeachment shall be permitted to make a case to the Executive Board in support of removal.

iv. The accused shall be permitted to make a rebuttal case.

v. The presider shall admit evidence and testimony as is required in the interest of justice.

vi. During the hearing, the proponent of removal must show cause for impeachment beyond a reasonable doubt.

- vii.** Once cases are made, the Executive Board (excluding the accused and accuser) is to vote as to whether the proponent has proven cause beyond a reasonable doubt.
- viii.** Cause for removal is limited to:

  - a.** Violation of this Constitution;
  - b.** Violation of the terms of the WVU College of Law Student Handbook or the Student Code of Professional Responsibility;
  - c.** Stealing or misallocating S.B.A. funds;
  - d.** Substantial nonperformance of duties;
  - e.** Failure to attend at least 75 % of S.B.A. meetings in one semester without cause;
  - f.** Three consecutive absences from regularly scheduled meetings without cause;
  - g.** Failure to meet eligibility requirements as defined by this Constitution; and/or
  - h.** Committing an offense that would be a violation of the West Virginia University Campus Student Code

    - 1. Such a violation need not be proven in accordance with the procedures set forth by the West Virginia University Campus Student Code, but rather in accordance with the procedures set forth by this Constitution.
- ix.** A unanimous vote is needed to remove a Board Member from office.
- x.** If a unanimous verdict for removal is reached, the removal is immediate and not subject to appeal and the Board Member shall be replaced subject to the provisions of this Constitution.

## **ARTICLE IV: MEETINGS**

### **Section One: Regularly Scheduled Meetings**



A regularly scheduled meeting of the Executive Board may be called to discuss any matters before the S.B.A..

**A. Quantity**

The Executive Board shall meet not less than once monthly for a minimum of eight meetings during the academic year. Regularly scheduled meetings of the Executive Board may occur more commonly as needed.

**B. Scheduling**

The President may call a regularly scheduled meeting by providing notice of the time and location of the meeting to members of the Executive Board at least three days in advance.

**C. Precedence**

The President shall preside over all regularly scheduled meetings. The Vice-President shall preside in the President's absence. Meetings shall not proceed without the presence of either the President or Vice President.

**D. Structure**

The presider of the meeting may determine the structure of each meeting.

**E. Quorum**

Fifty percent plus one Member of the Executive Board shall constitute a quorum.

**F. Voting**

Matters before the Executive Board at regularly scheduled meetings may be decided through a simple majority vote pursuant to Article VI and other Articles of this Constitution.

**G. Attendance**

All Members of the Executive Board shall attend all regularly scheduled meetings unless circumstances beyond his or her control prevent attendance. Members of the Board who fail to attend 75 % of the regularly scheduled meetings in a single semester or three consecutive regularly scheduled meetings, without cause, shall be subject to removal from office.

## **Section Two: Emergency Meetings**

Emergency meetings of the Executive Board may be called to discuss matters that require the immediate attention of the S.B.A..

### **A. Scheduling**

The President or Vice-President may call an emergency meeting by providing 24 hours notice of time, location, and purpose of the meeting to members of the Executive Board.

### **B. Presiding Officer**

The President shall preside over emergency meetings. The Vice-President shall preside in the President's absence. Emergency meetings shall not proceed without the presence of either the President or Vice President.

### **C. Structure**

The presider of an emergency meeting may determine the structure of an emergency meeting. No more than two matters may be considered at an emergency meeting.

### **D. Quorum**

Fifty percent plus one Member of the Executive Board shall constitute a quorum.

### **E. Voting**

Matters before the Executive Board at any Emergency Meeting may be decided through a simple majority vote pursuant to Article VI and other Articles of this Constitution.

### **F. Attendance**

There will be no sanctions for failure to attend an emergency meeting.

### **G. Proxy Voting**

**If a Member of the Executive Board cannot attend an emergency meeting, the Member may authorize another Member of the Executive Board to act as a proxy and vote on the absent Member's behalf. Notice of a designated proxy must be submitted to the President before the emergency meeting begins.**

## **H. Robert's Rules of Order**

**Robert's Rules of Order shall govern any procedure not contained in this Constitution.**

## **ARTICLE V: RESOLUTIONS AND BYLAWS**

### **Section One: Definitions**

#### **A. Resolutions**

An S.B.A. Resolution is a formal decision or determination as to an official and binding course of action of the S.B.A. or a formal statement that shall serve as S.B.A. policy.

#### **B. Bylaws**

S.B.A. bylaws are rules created by members of the S.B.A. that bind the Student Bar Association and its members.

### **Section Two: Creation and Enactment**

The Executive Board may create S.B.A. resolutions and bylaws that are in accordance with this Constitution through a simple majority vote. Bylaws may be proposed by any Executive Officer at a regularly scheduled meeting and shall be enacted following a majority vote of the Executive Board. Resolutions may be proposed by any executive board member at any meeting and shall be enacted following a majority vote of the Executive Board.

### **Section Three: Modification, Repeal, and Expiration**

Resolutions and bylaws may be modified or repealed by a simple majority vote of the Executive Board, following proposed modification or repeal by any Executive Officer at any meeting. Resolutions and bylaws expire at the end of each academic year but may be renewed by a majority vote of the incoming Executive Board.

### **Section Three: Recording Resolutions and Bylaws**

The S.B.A. Secretary is responsible for keeping records of all resolutions and bylaws and presenting the records to the S.B.A. President-Elect upon election.

### **Section Four: Quorum**

Quorum for enactment, modification or repeal of a resolution or bylaw is 50 % plus one member of the Executive Board.

## **Section Five: Voting**

Voting on enactment, modification, repeal, and renewal of resolutions and bylaws, unless otherwise provided by this section, shall be conducted pursuant to Article VI of this Constitution.

## **ARTICLE VI: VOTING**

Matters before the S.B.A. are to be resolved through a democratic vote of the Executive Board.

### **Section One: Voting Rights**

All Executive Board Members shall be entitled to one vote on any matter before the S.B.A. with the exception of the President.

### **Section Two: Quorum**

Unless otherwise provided by this Constitution or an S.B.A. bylaw, quorum for voting on all matters shall be 50 % plus one member of the Executive Board.

### **Section Three: Initiating Voting**

A vote on a matter before the S.B.A. may be added to the agenda of any regular scheduled meeting or emergency meeting by the President or Vice-President.

### **Section Four: Debate and Discussion**

The presider of the meeting may allocate time for debate and discussion of the matter prior to a vote.

### **Section Five: Voting Process**

When a vote is initiated the presider of the meeting shall call roll in the following order:

- A:** Vice-President
- B:** Secretary
- C:** Treasurer
- D:** Social Committee Chairperson
- E:** Fundraising Committee Chairperson
- F:** Community Service Committee Chairperson
- G:** 3L Class Senator
- H:** 2L Class Senator
- I:** 1L Class Senator
- J:** Bar Association Liaison

## **I: Working Committee Chairperson(s)**

Upon being called, each Member shall cast a spoken public vote. The secretary shall record each member's vote in the minutes of the proceeding. At the conclusion of voting, the Secretary shall read the results of the vote.

### **Section Six: Voting Results**

A matter before the S.B.A. for vote shall be passed or voted down by a simple majority, unless otherwise provided by this Constitution.

### **Section Seven: Ties**

In the case of a tie, the President shall cast a single tiebreaking vote.

### **Section Eight: Finality**

Upon the reading of the results of a vote or the casting of a tiebreaking vote, the vote shall be final and the result shall go into effect immediately.

## **ARTICLE VII: ELECTIONS**

### **Section One: Jurisdiction:**

The provisions of Article VII shall govern all S.B.A. and class officer elections. Class officer constitutions may not displace, supersede or modify this Article.

### **Section One: Time of Elections**

#### **A. Upperclassman Elections**

S.B.A. Executive Board Elections and 2L and 3L class officer elections shall be held in the second half of the spring semester of an academic year.

#### **B. 1L Elections**

1L Class Officers shall be elected within the first month of the fall semester of an academic year.

### **Section Two: Eligible Voters**

All currently enrolled Law School students may vote in S.B.A. Elections. All currently enrolled Law School students may vote in their individual class's elections for class officers and Senators. No student may vote for class officers or Senators of another class.

### **Section Three: Eligible Candidates**

All candidates are subject to the eligibility requirements of this Constitution. In addition, class officer candidates must be members of their respective class. All candidates must be a currently enrolled, fulltime student at the College of Law. All candidates must have a grade point average of 2.5 or higher at the time of his or her nomination.

### **Section Four: Election Process:**

#### **A. Election Commissioner**

The President, with the advice and consent of the Executive Board, shall appoint the Election Commissioner to preside over the Election Process.

##### **i. Duties and Responsibilities**

The Election Commissioner shall oversee the Election Process, as provided in this section.

##### **ii. Appointment**

At the beginning of the, the President, with the advice and consent of the majority of the Executive Board, may appoint a student to this position.

##### **iii.. Term of Office**

The President shall appoint the Election Commissioner to serve for the duration of the next election. The Election Commissioner's term shall begin immediately upon confirmation by the Executive Board and shall end once the newly elected S.B.A. Executive Board assumes their roles.

##### **iv.. Eligibility**

To be eligible to hold office, the Election Commissioner must be a student at the Law School, enrolled full-time and in good academic standing, as defined by WVU College of Law Student Handbook.

#### **B. Nominations**

Election proceedings shall begin with the opening of nominations, which shall be announced at least one week in advance through e-mail announcements and posters throughout the Law School. The email shall include dates of the; nomination period, campaigning period, forum, election, and run-off. The nomination period shall last three business days. During this time, a nomination book shall be put in the Law School Reception Office. A candidate may be nominated by writing his or

her name in the nomination book on the page of the position for which he or she is being nominated. A candidate may only be nominated for one position.

### **C. Campaigning**

At the end of nominations campaigning may begin. The campaign period shall not last longer than one week following the close of nominations. Each candidate will be permitted to display in the Law School two posters of no greater size than 12×18 inches. Hand billing is to be encouraged through the use of the student mailboxes. Campaigning may also be conducted through face-to-face petitioning, social media, text messages, and email. Neither candidates nor their surrogates may exchange money, alcohol, or sexual favors for votes. Neither candidates nor their surrogates may coerce votes or unduly pressure voters during the campaigning period or polling hours. Further campaign rules may be created through S.B.A. resolutions or bylaws. Violation of campaign rules is grounds for disqualification.

### **D. Candidate Forum**

During the campaign period, at a time and place determined by S.B.A., all candidates must attend a candidate forum and give a speech in support of his or her candidacy. Speeches shall not exceed three minutes. Failure to give a speech during the specified time results in automatic disqualification.

### **E. General Elections**

The General election will be held within one week following the close of nominations. Polling hours may not be fewer than four hours and may not exceed eight hours. Notice of polling hours must be given to the student body.

Each currently enrolled College of Law student may fill out no more than one complete ballot. The Election Commissioner may impose further prohibitions on campaigning during polling hours as is needed to preserve the integrity of the election. Upon receiving notice of the prohibition, failure to abide by the Election Commissioner's ruling shall be grounds for disqualification. Rulings of the Election Commissioner may be appealed to the Assistant Dean of Student Affairs, however deference should be given to the Election Commissioner's ruling, provided it is not arbitrary and capricious.

### **F. Ballot Tallying**

Within 12 hours of the close of polling hours, votes are to be counted by the Election Commissioner and the Assistant Dean for Student Life or the Assistant Dean's surrogate.

### **G. Election Results**

The winner of the general election will be the candidate with a simple majority of the votes (50 % plus one vote) on the first ballot. In the event that no candidate obtains a simple majority on the first ballot, a run-off election will be held.

#### **H. Run-Off Elections**

The run-off election will be held in the Law School lobby at a time determined by the Election Commissioner, with the advice and consent of the Assistant Dean of Student Life, in the interest of facilitating a fair election that affords all College of Law Students the opportunity to vote. The two candidates who received the most votes in the general election shall be placed on the run-off ballot. In the event of a tie or a percentage difference of 3 % or less, a candidate with the third highest number of votes may be placed on the run-off ballot. The Election Commissioner, with the advice and consent of the Assistant Dean of Student Life, may extend the campaign period to correlate with a run-off election. The candidate with the highest number of votes is to be declared the winner of the run-off election, even if a simple majority is not reached. Unless otherwise provided by this subsection, all other rules of this Constitution and Article apply to run-off elections.

#### **I. Certification of Elections**

Upon completion of vote tallying, election results must be certified as accurate and true by the signature of Assistant Dean of Student Life. The Election Commissioner shall present the results, the certification, and the ballots to the Assistant Dean of Student Life. If the election results are not challenged in a timely manner, as defined by this Constitution, the certification is finalized and the results of the election become official.

#### **J. Results Announcement**

It is the President's duty to announce the results to the Law School student body in a timely manner.

#### **K. Challenges and Recounts**

Election process or results may be challenged within two business days of certification.

##### **i. Challenges**

Any student of the College of Law may make challenges in writing to the Election Commissioner and the Assistant Dean of Student Life. A challenge can be made to the process of the election or levying that a candidate's conduct warrants disqualification (on grounds defined by Article VII, Section Five(L)(ii) of this Constitution). Once a challenge is made, certification may not occur until an investigation is completed.



Upon receiving a challenge the Assistant Dean of Student Life shall consider the merits of the challenge and make a decision within 24 hours of receiving the challenge. If meritorious, so that a reasonable panel of four could possibly find misconduct, the investigation phase shall be initiated. If no merit is found, the Assistant Dean of Student Life shall dismiss the challenge. The decision to dismiss may be appealed by the challenger to the Assistant Dean of Academic Affairs, however deference should be given to the Assistant Dean of Student Life's ruling, provided it is not arbitrary and capricious.

Within 24 hours of the investigation phase being initiated, the challenge shall be presented to the Chairperson of the Ethics Council and a single member Ethics Council's investigative panel. The Investigative Panel member shall conduct the investigation, during which all relevant parties shall be notified and interviewed. The Investigative Panel member shall present his or her findings to the President, Assistant Dean of Academic Affairs, Assistant Dean of Student Life, and Ethics Council Chairperson within one week of receiving the challenge. At this time, the President, Assistant Dean of Academic Affairs, Ethics Council Chairperson, Election Commissioner and Assistant Dean of Student Life shall discuss and vote on the merits of the challenge. All facts in question shall be viewed in the light most favorable to the nonmoving party. 3 of 4 votes shall be required to uphold a challenge and overturn the results of an election. The result of this vote shall be final and is not subject to appeal. If an election is overturned, the candidate whose misconduct resulted in the challenge shall be disqualified and a new election shall be held. The disqualified candidate may not be present on the ballot of the second election.

## **ii. Recounts**

Any candidate may request that the Election Commissioner and the Assistant Dean of Student Life conduct a recount. The recount shall be conducted in the presence of the candidate who has requested the recount. The candidate who has won the election shall be invited to observe the recount as well.

## **L. Disqualification**

A candidate may be disqualified from the ballot prior to the election. Any student of the College of Law may request to the Election Commissioner or Assistant Dean of Student Life that a candidate be disqualified. However, the Election Commissioner or Assistant Dean of Student Life must initiate a formal disqualification investigation at his or her discretion, based on the merits of the claim. If an objectively reasonable panel of four could possibly find in favor of disqualification, a formal investigation shall be initiated.

### **i. Disqualification Investigation**

Upon initiating a disqualification investigation, the Election Commissioner or Assistant Dean of Student Life must notify the candidate being challenged, the Ethics Council Chairman, the

Assistant Dean of Student Affairs and a single member of the Ethics Council Investigative Panel. The Investigative Panel Member shall investigate the claim and present the evidence to a panel consisting of the President, the Ethics Council Chairman, the Assistant Dean of Student Affairs and Assistant Dean of Student Life. This panel shall consider the evidence in the light most favorable to the accused. Following discussion the panel shall vote. 3 of 4 votes are required to disqualify a candidate from the ballot. This vote shall be final and is not subject to appeal.

## **ii. Grounds for Disqualification**

The following shall be grounds for disqualification from the ballot, as well as grounds for post-election disqualification through the challenge process laid out by Article VII, Section Five(K)(i);

- a.** Violation of this Constitution;
- b.** Lack of eligibility as defined by this Constitution;
- c.** Violation of campaign rules;
- d.** Violation of the terms of the WVU College of Law Student Handbook or the Student Code of Professional Responsibility; and/or
- e.** Committing an offense that would be a violation of the West Virginia University Campus Student Code
  - 1. Such a violation need not be proven in accordance with the procedures set forth by the West Virginia University Campus Student Code, but rather in accordance with the procedures set forth by this Constitution.

## **L. Write-In Votes**

Write-in candidates are prohibited and all write-in votes shall be discarded.

## **ARTICLE VIII: AMENDMENTS**

### **Section One: Proposal of Amendments**

Amendments may be proposed through one of two methods:

#### **A. Petitioning**

Any student currently enrolled at the College of Law may present the S.B.A. a petition bearing the proposed amendment and the signature of at least fifty percent of the student body; or

#### **B. Resolution**

The Executive Board may pass an amendment resolution. Such a resolution must receive approval of at least two-thirds of the Executive Board.

## **Section Two: Ratification**

This Constitution shall be amended upon the approval of the proposed amendment described in the preceding paragraph and the support of a simple majority (50 % plus one vote) of the Members of the Executive Board.

## **ARTICLE IX: AUTONOMY**

All student organizations shall enjoy political, physical, and administrative autonomy. The S.B.A. is not empowered to control the member organizations' internal affairs in any way, aside from those specifically defined by this Constitution.

## **ARTICLE X: STUDENT CODE OF PROFESSIONAL RESPONSIBILITY**

The S.B.A., as an organization, its officers, and members agree to abide by the Student Code of Professional Responsibility.

## **ARTICLE XI: NON-DISCRIMINATION**

The S.B.A. shall not discriminate against any person on any basis prohibited by the United States Constitution or the Constitution of the State of West Virginia.

## **ARTICLE XII: UNIVERSITY AFFILIATION**

S.B.A. is not a separate entity from West Virginia University (WVU) and its component-parts, and, therefore, S.B.A. is subject to WVU's and its component-parts' rules, policies, and regulations.

**Ratified April 2, 2021**