

Until amended, these By-laws shall be the official ruling order in conjunction with the Constitution. Two-thirds (2/3) vote of the S.B.A. Administrative Board is required to amend the By-laws in accordance with the Constitution.

BY-LAW ONE: VOTING RIGHTS

There shall be no use of proxy vote; only the members present shall be allowed to vote.

BY-LAW TWO: ELECTIONS

Section One: Qualifications

Sub. 1: No student bar member currently on academic or disciplinary probation shall run for a position on the Administrative Board.

Sub. 2: At the beginning of each semester, all Administrative Board members must agree upon accepting their position to have the Registrar submit verification that the member is not on academic probation and is maintaining a 2.0 g.p.a. or above, and present this to the S.B.A. President. If such verification is not obtained, the Administrative Board member shall be automatically & immediately dismissed from that position.

Section Two: The administrative board shall collectively appoint an Election Committee Chairperson within the board one week prior to the election. For the Spring elections, the Election Committee Chairperson shall be an outgoing SBA member and shall not be a person running in the election. For the Fall 1L Election, the Election Committee Chairperson shall be either a 3L SBA Student Rep. or a 3L on the Executive Board. The appointed Election Committee Chairperson shall appoint two to four students not running in the election to serve on the Election Committee. The Election Committee Chairperson and the Committee shall serve for one fiscal semester.

Section Three: Announcements concerning elections dates for first year representatives shall be posed by the election committee chairperson no later than the second Monday of the academic semester. The chairperson shall report the results to the Administrative Board at the first regularly scheduled meeting of the Administrative Board following the election.

Section Four: Announcement of the election dates for the officers, Faculty Representatives, and second and third year class representatives shall be posted by the Election Committee Chairperson no later than the Monday of the fifth academic week of the second semester. The chairperson shall report the results to the Administrative Board at its next scheduled meeting following the election.

Section Five: All S.B.A. members may vote in officer elections.

Section Five: Petitions

Sub. 1: Petitions for candidacy must be filed with the Election Committee Chairperson within five (5) class days of the date on which the election dates are posted.

Sub. 2: Only the candidate may carry the petition for signature and must personally offer the petition to students for their signatures.

Sub. 3: Petitions must include the Law School Registrar's signature, confirming that the candidate is not on academic probation.

Sub. 4: Petitions must include no less than twenty-five (25) student signatures. A candidate running for class representative must obtain all twenty-five (25) signatures from students from the class the candidate will represent. If the candidate is seeking a position which represents students outside his/her class, the candidate shall include no less than fifteen (15) signatures of students who are outside the candidate's class.

Sub. 5: Petitions are not to be offered for signatures during any class while such class is in session.

Section Six : Election of S.B.A. Treasurer

Sub. 1: In an effort to ensure that the S.B.A. Treasurer be more fully appraised of the workings and responsibilities of said position, as well as to ensure that the S.B.A. will not spend or allocate more money than it receives in fees, the election of the S.B.A. Treasurer shall occur during the eighth (8) week of the second semester. Campaigning for this position shall occur during the seventh (7) week of the second semester.

Sub. 2: The same prerequisites for service of S.B.A. Treasurer as prescribed in Section 1, subsections 1 and 2, as well as the rules enumerated in Section 4 through Section Thirteen of By-Law Two, shall apply equally to the position of the S.B.A. Treasurer.

Sub. 3: The newly elected Treasurer shall have no official power, responsibilities or voting rights inherent in the position, and shall act as a "treasurer-elect" until all other Administrative Board members are elected and the official replacement of the Board occurs as set out in Section 13 of By-Law Two. Moreover, the current Treasurer shall continue to perform the duties and responsibilities inherent in the position until the new Board takes office.

Sub. 4: The term, "treasurer-elect," shall be defined as such:

Although having no official powers or responsibilities pursuant to subsection 3 above, the newly elected treasurer shall work along-side, and in coordination with, the current serving S.B.A. Treasurer in an effort to become more familiar with the position's

responsibilities, as well as, but not limited to, working to develop a working budget for the following fiscal year.

Section Seven: In the event the leading vote recipients receive an equal number of votes, a special run-off election between only those leading vote recipients shall be held. In such a special run-off election there shall be no write-in candidates.

Section Eight: All election results shall be tabulated by the election committee. The chairperson of the election committee shall seal the results and deliver them to the S.B.A. President who shall release and post the results immediately. The persons counting votes shall be disinterested parties.

Section Nine: Any elected representative will be subject to a recall election upon a petition for recall being presented to the Administrative Board. A recall petition must be presented to the Administrative Board within five (5) class days following the posting of the election results. Such petition shall include the signatures of law school students totaling no less than fifty-one percent (51%) of the portion of the student body which the elected representative represents.

Section Ten: The polling area shall be defined by the election committee. The election committee shall post a notice defining the polling area.

Section Eleven: Campaign Literature

Sub. 1: There shall be a limit of five (5) posters per candidate. A poster is any campaign literature which is on paper no larger than 3 feet by 2 feet. This does not apply to campaign material placed inside lockers or e-mail literature.

Sub. 2: Campaign literature shall not be located in the polling area during the designated election days.

Sub. 3: Campaign literature shall be removed one day after the election results are posted.

Section Twelve: Any candidate who loiters in the polling area or attempts to influence another's vote while in the polling area shall be investigated by the Administrative Board, and if found in violation shall be disqualified as a candidate.

Section Thirteen: Any person, acting to benefit or harm a candidate by loitering in the polling area or attempting to influence another's vote while in the polling area, shall be investigated by the Administrative Board; and if that person is found to have violated this section, the appropriate candidate shall be disqualified.

Section Fourteen: Special elections for officers, Class Representatives, and Faculty Representatives who resign or are removed from office shall be handled as follows:

Sub. 1: The S.B.A. President shall contact the election committee chairperson and inform the chairperson of the vacancy.

Sub. 2: The Election Committee Chairperson shall post notice of elections and of the vacancy within three (3) days of presidential notification.

Sub. 3: The election shall be conducted no later than two weeks following the posting of notice.

Sub. 4: The Chairperson shall deliver the sealed results to the S.B.A. President who will release and post the results immediately.

Sub 5: If the vacancy takes place after February 1st of the academic year the following procedures shall be followed:

a) The notice of vacancy shall be posted upon the SBA bulletin board no later than a week after the vacancy is known.

b) Nominations shall be open to the general student for a period of one week. Nominations will be collected in the SBA office. At the end of the nomination week, a list of nominees will be compiled and posted prominently upon the SBA bulletin board.

c) All nominees shall be contacted and asked if they wish to be considered for the position. If a nominee does not wish to be considered, he will be stricken from the list.

d) At an open meeting following the nomination week, the candidates will be discussed and voted on by all students present. This vote will be by secret ballot. The candidate with the majority of the votes will win the position. In the event of a tie, there shall be a run off between the tied candidates using the same secret ballot procedure.

e) The position shall be held for the remainder of the regular term.

f) Position advancement provided for by this constitution (President, Vice President) shall not be subject to this provision.

Section Fifteen: Newly elected Administrative Board members shall take official office the Monday immediately following their election. The incumbent Administrative Board shall facilitate the transition between administrations.

BY-LAW THREE: PARLIAMENTARY AUTHORITY

Section One: In all matters of procedures not specifically expressed in the Constitution, the parliamentary authority shall be Robert's Rules of Order.

Section Two: The ABA Representative shall serve as Parliamentarian. In the event of the ABA Representative's absence, the Vice President shall serve as or appoint a non-Administrative Board member to be Parliamentarian.

BY-LAW FOUR: MEETINGS

Section One: Regular meetings of the Administrative Board must be held at least twice each full academic month. The Administrative Board shall select the meeting times at its first scheduled meeting at the beginning of each semester.

Section Two: At least ninety (90) continuous minutes shall be allotted for each meeting, except for special meetings.

Section Three: Meetings shall begin at the stated time regardless of the number of voting members present; however, for this to happen, Robert's Rules of Order will be suspended for the period of that meeting, and no motions will be heard.

Section Four: A special meeting may be called by the S.B.A. President or by written request of a minimum of three board members.

Section Five: Notice of regular meetings shall be through personal notice and publication by the Secretary.

BY-LAW FIVE: OFFICERS

Section One: The officers are the President, Vice-President, Secretary, and Treasurer of the S.B.A., and the ABA Representative.

Section Two: The officers shall continuously post and maintain office hours. A schedule of office hours shall be displayed in a prominent place.

Section Three: Each Class and Faculty Representative shall hold and post a minimum of two office hours per week. These hours shall be during Monday through Friday during the hours of 9:00 a.m. and 5:00 p.m.

BY-LAW SIX: FINANCES

Section One: Purpose

The purpose of these Bylaws is to establish procedures to assure creation of Student Bar Association (S.B.A.) Budget Committee for the allocation of available S.B.A. funds.

Section Two: Composition of Committee

A. The Committee shall consist of the Treasurer and a maximum of nine other students and a minimum of six.

B. No member of the S.B.A. Administrative Board, other than the Treasurer, shall be eligible for appointment to the Budget Committee.

C. The Committee should as nearly as possible reflect the make-up of the Law School Student Body. (Class Membership, Student Diversity, etc.)

D. Committee members must be in good academic standing when appointed and while serving the term of their appointment.

Section Three: **Selection of Committee**

A. The Treasurer shall determine the number of members and the criteria for selection of the Committee in the first week of the Fall Semester.

B. Affiliation with a student group or organization, or lack thereof, shall not be used as a criteria in selection of committee members.

C. Once selected, the names of the committee members shall remain posted for the student body.

Section Four: **Committee Responsibilities**

A. The Treasurer shall:

1. determine, in conjunction with the S.B.A. President, the amount of funds available to student organizations,
2. select the committee, pursuant to Article III,
3. solicit budget proposals from each student organization during the first month of the fall semester,
4. call a meeting of the Committee within the first month of the fall semester,
5. by majority vote of the SBA Administrative Board, of the Committee's decision, post the allocation of funds,
6. record and file the amount requested and the amount actually received for each organization,
8. if the student organization does not use all allocated funds by the end of the academic year, notify the student organization that the funds shall revert to the S.B.A. general fund.

B. The Committee shall:

1. serve for the academic year in which they are appointed,
3. review the criteria for allocation of funds,
4. review the submitted budget proposal of the student organizations,
5. set dates for oral presentations for student organization allocations,
6. upon completion of oral presentations, discuss and allocate available funds.

Section Five: **Requirements for Eligibility to Receive Funds**

A. To be eligible to receive S.B.A. funds, a group must:

1. be a law student organization, recognized by the S.B.A. pursuant to the S.B.A. By-Law Seven.

2. submit a Budget Proposal to the S.B.A. Treasurer within the allocated time,
3. make an oral presentation to the S.B.A. Budget Committee, have, on file with the SBA, a constitution providing decision making, allocation, and voting procedures within the organization.

Section Six: **Budget Proposal**

- A. Budget proposals must contain:
1. the name of the organization and the total membership,
 2. the name of the member responsible for organization funds,
 3. the amount requested by the organization, with a breakdown of estimated expenditures for the academic year,
 - a. whether an activity shall generate gate receipts or matching funds to mitigate expenses, should be noted,
 4. a comparison of the previous academic year's activities and actual amount spent on each activity,
 - a. if an activity was not held, this should be noted,
 - b. an activity not planned, but on which funds were spent, should be noted,
 5. any projected amount collected through fundraising, and the nature of the fundraising activity.

Section Seven: **Oral Presentation**

- A. The Treasurer shall explain to each student group during their oral presentation the procedures for allocation of funds.
- B. The Budget Committee shall determine the length of oral presentations.
- C. During oral presentations, the committee may request answers to the following questions for consideration in the allocation of funds:
1. What is the overall policy or goal or objective of the organization?
 2. Which activities are open to students beyond the membership of the organization?
 3. Will funding of these activities increase the number of members of the organization?
 4. Which students will benefit from this particular activity?
 5. What will the impact of your organization be on the members and on the student body as a whole?
 6. If the activity for which funds are requested is a party, why should the students as a whole pay for it?
 7. If the activity is a special interest program, how will it benefit the students as a whole?

Section Eight: **Criteria for Allocation of Funds**

- A. When allocating funds, the committee shall consider the following factors:
1. activities intended to benefit or encourage participation by students as a whole,
 2. groups which indicate that they are planning to obtain funding from outside sources or fundraising events,

3. activities which may generate gate receipts or matching funds to mitigate expenses,
4. educational events e.g., speakers, films, community outreach programs,
5. programs and services which promote the image of V.U.S.L., minority recruitment, and attendance by part-time and nontraditional students
6. activities sponsored jointly with other student organizations.
7. refreshments for activities open to the entire student body,
8. activities which are career oriented,
9. duplicating, stationery and publicity supplies,
10. funds for organizations attending a competition outside the law school,
11. Number of members within the group.

B. Special considerations

1. Organizations with low membership due to the nature of the organization (examples: religious, cultural and political organizations)
2. Events traditionally held by certain organizations
3. Furniture, magazine subscriptions, and individual membership dues shall not be considered.

BY-LAW SEVEN: STUDENT ORGANIZATIONS

Section One: All student organizations are considered active organizations of Valparaiso University School of Law upon 1) Submission of a copy of the organization's constitution which has provisions for elections, decision making, and allocation division procedures; 2) Submission of a list of the organization's officers; and 3) approval by the Administrative Board. These requests are to be submitted to the S.B.A. President.

Section Two: The S.B.A. recognizes the views and the diversity of the active student organizations of the law school community and as the student government will refrain from attempts to control the content of student forums or attempt to set the agenda for various groups through methods including, but not limited to, prior restraint, restrictions, or withdrawal of funding based on the viewpoint of the student group.

BY-LAW EIGHT: SUPREME COURT

Section One: The purpose of the Supreme Court is twofold: 1) to hear grievances concerning student organizations from students, individually or collectively; and 2) to sit as the arbiter of Constitutional disputes involving the S.B.A. Each member of the Supreme Court shall be appointed by the President and confirmed by a majority vote of the Administrative Board.

The Supreme Court shall consist of one Chief Justice, three Associate Justices, three Assistant Justices, and one SBA Administrative Board member who is drawn by lottery for each complaint.

1) The Preliminary Court shall consist of the Chief Justice, the SBA Administrative Board member, and one Associate Justice chosen by lottery. A new lottery shall be drawn for each complaint.

2) The Court en banc shall consist of the Chief Justice, the SBA Administrative Board member drawn by lottery for each complaint, and the Associate Justices.

3) If necessary, the Assistant Justices shall be summoned by lottery and seated in the specific order in which they were drawn to replace members of the Supreme Court who have a conflict of interest with any matter pending before the Supreme Court.

B. Students wishing to file a complaint with the Supreme Court must petition the SBA President in writing, stating the name(s) of the petitioner(s), the name(s) of the potential respondent(s), and the basis for the grievance.

C. Upon receiving such a complaint, the SBA President shall decide whether to submit the complaint to the SBA Administrative Board or to the Supreme Court. If the SBA President decides to refer the complaint to the Supreme Court, the SBA President must within a week convene a meeting of the Supreme Court to conduct a preliminary hearing, pursuant to Section One A 1 of By-law Eight. Preliminary hearings shall be closed to the student body.

D. At the preliminary hearing the Preliminary Court shall determine whether to hear the complaint. The Preliminary Court shall hear the complaint if: (a) Petitioner has approached officer(s) of the student organization in question regarding the dispute; and (b) Petitioner has sought the advice of the student organization's faculty advisor; OR, in the case of a S.B.A. dispute, if the complaint is a matter of Constitutional import and not a factual issue.

E. The Supreme Court shall refer all matters covered by the Honor Code to the Dean in Charge of Honor Violations and Procedures.

F. If necessary, a full hearing shall be held by the Court en banc within two weeks of the preliminary hearing and shall be closed to the student body upon request of the Respondent(s).

G. The Supreme Court may request that students testify as to any matter before the Court. Students may not be compelled to provide such testimony.

H. Upon the conclusion of the full hearing, the Supreme Court en banc may take one or more of the following administrative actions:

1. Recommend that the student organization solve the problem internally pursuant to its own constitution.

2. Recommend that the officers and members of the student organization meet with their faculty advisor to solve the problem.
 3. Refer the complaint to the Assistant Dean for Student Affairs, or any other dean, so that he/she may take action that he/she deems appropriate.
 4. Recommend the student organization revise its constitution to avoid the possibilities of further grievances of the kind.
 5. Withhold funding from the student organization for a specified period, or withhold it conditionally upon other administrative actions proscribed.
 6. Issue a reasonable sanction or injunction appropriate to the issues in dispute.
- I. The Supreme Court shall have the power to review the constitution of the student organization in the dispute, in order to make an informed decision regarding the complaint(s) asserted.
 - J. Rights of the Respondent(s):
 1. The Respondent(s) shall know the identity of the Petitioner(s).
 2. The Respondent(s) shall have the right to confront the Petitioner(s), and to challenge any evidence presented before the Supreme Court.

Section Two: The Respondent(s) shall have the right to appeal the decision of the Supreme Court to the SBA Administrative Board. The decision of the Supreme Court shall be reversed by a 2/3 vote of the Administrative Board.

Section Three: After an initial warning to the Supreme Court justice by the S.B.A. President, a recommendation shall be made by the S.B.A. President to the Administrative Board for removal. The S.B.A. President shall remove the justice following 2/3 approval by the Administrative Board.

BY-LAW NINE: AMENDMENT TO THE BY-LAWS

Section One: Amendments to these By-laws or revision thereof may be initiated by a two-thirds (2/3) vote of the Administrative Board.

Section Two: A written copy of the amendment(s) or revision(s) made shall be posted for at least ten (10) class days after such amendments or revisions are made.