

CONSTITUTION OF THE MITCHELL HAMLINE SCHOOL OF LAW STUDENT BAR ASSOCIATION

PREAMBLE

We the Students of Mitchell Hamline School of Law establish this Constitution of the Mitchell Hamline School of Law Student Bar Association in order to:

- Ensure student interests are represented at Mitchell Hamline School of Law and throughout the legal community;
- Provide diverse and enriching programs;
- Strive for the most efficient use of student activity funds to benefit the maximum number of students; and
- Serve as a liaison between the school, faculty, administration, and the community.

This Constitution remains superior to any Bylaws of the Mitchell Hamline School of Law Student Bar Association, a non-profit organization. All references to “the Bylaws” or to sections of it mean that specific document.

ARTICLE I. NAME

The organization will be known as the Mitchell Hamline School of Law Student Bar Association, Inc., hereinafter referred to as the SBA.

ARTICLE II. MEMBERSHIP

A. General Membership

1. All persons registered for any course at Mitchell Hamline School of Law (MHSL) and paying SBA dues will be Members of the SBA (Members).
2. Only Members may vote or hold office.
3. No Member may receive monetary compensation from the SBA for any services rendered to the SBA. Elected representatives are entitled to authorized advances or repayments for expenses incurred in conducting authorized SBA business.

B. Membership Dues

1. The SBA has the power to levy reasonable dues from all Members of the SBA. The elected representatives have the power to allocate membership dues for any purpose, which a majority of the elected representatives deems reasonably beneficial to the SBA and the general membership.
2. Membership dues may not be used to further any political purpose.

3. Any Member may cancel their membership by filing a petition for refund of membership dues with the SBA Treasurer no later than the last day of the semester to drop a class without penalty.

ARTICLE III. GOVERNANCE

A. Function

1. The Board of Governors (Board) shall be the governing body of the SBA and shall have the power to formulate policies; manage the affairs of the SBA; and have all other powers prescribed and necessary for the proper execution of this Constitution. The Board shall remain accountable to the SBA membership as a whole.
2. The Board serves as the managerial body of the SBA. The Board receives and spends monies of the SBA; enacts and adopts resolutions consistent with the powers and for the purposes contained herein for the benefit of the Membership, subject only to the limitations contained in this Constitution; the Bylaws; and directives of a general election.
3. The Board shall have the power to promulgate Bylaws consistent with this Constitution. A two-thirds vote of the elected representatives shall be necessary to pass or amend any Bylaw-

B. Composition

The Board shall be composed of the elected representatives and any ex-officio representatives appointed by the majority of the Board from the membership of the SBA. The elected representatives shall consist of:

At least one representative per section, enrollment type, and year. A grouping by section, enrollment type, and year comprises a Unit. If any Unit has more than one-hundred and twenty-five Members, they shall be allotted a second representative among them. If any Unit has more than two-hundred and fifty Members they shall be allotted a third representative among them, and so on per one-hundred twenty-five Members. Year shall be determined by the year of matriculation as determined by the office of the MHSL Registrar. Enrollment type shall be determined by the different enrollment types created by MHSL. Section shall be defined by the SBA in accordance with the Bylaws.

C. Officers and Ex-Officio Representatives

1. Executive Officers
 - a. There shall be a President, Vice President, Secretary, Treasurer, and At-Large Representative.
2. Ex-Officio Representatives

- a. Any ex-officio representative may be elected by a majority of the elected representatives.
- b. Ex-officio representatives may be elected from underrepresented groups when the Board deems it appropriate.
- c. Ex-officio representatives shall not have voting privileges.

D. Regular Meetings

1. The Board shall hold an official meeting at least once every month during the academic year.
2. The meeting procedures shall be established by the Bylaws.
3. All elected representatives shall attend meetings of the Board unless formally excused as provided for in the Bylaws.
4. Three absences without excuse automatically subjects the member to Board review and potential removal as provided for in the Bylaws.
5. Meetings shall be open to all Members.

E. Special Meetings

1. Special meetings may be called by the President. The President must call such a meeting upon petition of fifty Members of the SBA, or five elected representatives.
2. The petition shall state the purpose(s) for which the meeting is called.
3. Notice of the special meeting, and notice of its purpose(s) shall be posted on the MHSL website at least three days prior to the date of such meeting.

F. Voting Procedures

Voting on matters before the Board shall be as follows:

1. All elected representatives of the Board shall be entitled to only one vote on any matter coming before the Board for its decision, notwithstanding the fact that an elected representative may also be an officer of the Board.
2. Only elected representatives of the Board who are present in person or electronically at a meeting may vote. Electronic voting is permissible when conducted in accordance with the Bylaws.
3. All decisions shall be made by a majority vote except as otherwise stipulated in this Constitution.
4. The President shall vote at meetings of the Board only in the case of a tie. G. Quorum

G. Quorum

1. A quorum is required to transact any official business of the Board.
2. A quorum to hold meetings shall consist of one-third of the elected representatives of the Board.
3. A quorum of a majority of Representatives is required to vote on any business of the Board.

H. Term of Office

Unless otherwise specified in this Constitution, the term of office for each of the elected representatives shall commence upon the validation of their election by the existing Board until the date that the following election results are validated.

ARTICLE IV. ELECTIONS

A. Election of Representatives

The procedures for conduction of elections for the representatives from the sections shall be defined by the Bylaws.

1. The election of the representatives from the several Units shall be by voting within each Unit.
2. The President, Vice President, Secretary, At-Large Representative, ABA Representative, and Treasurer shall be elected by a plurality of all current SBA members.
 - a. The candidacy declarations for each officer position shall be made public to the SBA and its Board.
 - b. Officer elections shall be conducted as outlined in the Bylaws.
3. General elections for representatives of the 1LUnits shall be held in the fall, and general elections for all other representatives shall be held in the spring.

B. Term of Office

The term of office for each of the elected representatives shall commence upon the validation of their election by the existing Board. The term of office of any elected representative, ex-officio representative, and any officer shall terminate upon the validation of the spring elections, which shall be the first order of business at the meeting next following the spring election.

C. Referendums

The general membership of the SBA shall have the power to directly propose and initiate new legislation, and directly eliminate, nullify revoke, or amend existing legislation. Each Referendum shall specify if it will take the form of a constitutional amendment, amendment to the bylaws, or a temporary resolution as to a specific concern. The procedures of Referendums shall be defined by the Bylaws.

1. Each Member shall be eligible to vote in all SBA Referendums.
2. A two-thirds majority of those casting ballots is required to effectuate the Referendum, provided that twenty-percent of the Members of the SBA cast votes.

ARTICLE V. COMMITTEES

There shall be Standing Committees: The Elections Commission; the Ways and Means Committee; the Communication Committee; the Committee on Culture and Diversity; the Student Services and Facilities Committee; the Health and Wellness Committee; the Alumni Relations Committee; and the Social Committee. The Bylaws shall contain procedures for governing committees including procedures for adding and eliminating standing and ad-hoc committees.

ARTICLE VI. THE JUDICIARY

A. Purpose

The judicial power of the SBA shall be vested in one Judicial Council. It is emphatically the province and duty of the Judicial Council to interpret the meanings of the Constitution, and the Bylaws.

B. Membership

1. The Judicial Council shall consist of three Judges elected during the general election.
At least two members of the Judicial Council shall be of different Units.
2. The Judicial Council shall consist of a Chief Judge and two other Judges.
3. The Chief Judge will be responsible for the administration of the Judicial Council.
4. The three elected Judges will select amongst themselves one Judge that shall serve as the Chief Judge.
5. The Judicial Council shall consist entirely of non-SBA Board elected representatives.

C. Powers

The Judicial Council shall have:

1. Appellate Jurisdiction
 - a. Upon the written appeal of five Members, the Judicial Council shall review the decisions of parliamentary procedure of the Board, or the Election Commission.
 - b. Upon the written appeal of five Members, the Judicial Council shall review any action of the Board to determine its Constitutionality, or if it is consistent with the Bylaws.
 - c. Upon the written appeal of five Members, the Judicial Council may review any other official interpretation by the Board of the Constitution, or Bylaws.
2. Original Jurisdiction
 - a. Upon written request of five Members, the Judicial Council shall hold misconduct hearings in accordance with the Bylaws to consider allegations of violations of the Constitution, or Bylaws.
 - b. Upon impeachment of an elected representative, the Judicial Council shall hold an impeachment hearing and issue a recommendation to the Board, consistent with the Bylaws.

- c. Upon written request of five Members, the Judicial Council shall rule on any election dispute. The Judicial Council May require the petitioner to attempt to resolve their dispute with the Election Committee prior to hearing the case.
3. Duties of the Judicial Council. The Judicial Council shall:
 - a. Hold hearings as required to exercise its powers.
 - b. Investigate allegations and charges with due diligence to determine the weight of evidence supporting the allegation or charge, and determine its truthfulness.
 - c. Be authorized to call witnesses, examine pertinent documents, and make factual findings.

ARTICLE VII. AMENDMENTS

A. Proposal and Notice

Proposed amendment(s) to the Constitution may be made by any Member, at any SBA Board meeting, by providing reasonably specific and clear language of the intended proposal. The proposed amendment(s) must be approved by a simple majority vote of the SBA Board. Thereafter, the reasonably specific and clear language of the proposed amendment(s) must be electronically sent to SBA Members and published on the MHSL website. Upon being sent, the vote may not take place until at least seven calendar days have passed.

B. Approval

The SBA Constitution may be amended by an affirmative two-thirds vote of the entire Membership provided that twenty-percent of the Members of the SBA cast votes.

C. Clerical

The Secretary may correct any non-substantive clerical error in the Constitution or any other SBA document. The Secretary must notify the Board of any such change to any governing document.

D. Bylaws

The Bylaws shall be amended by procedures set out in the Bylaws.