

**CONSTITUTION AND STATUTES
OF THE
CUMBERLAND SCHOOL OF LAW
STUDENT BODY**

**STUDENT BODY STATUTES
1978**

**Originally compiled
October 1978**

**Revised
October 1982**

**Revised
October 2003**

**Revised
March 2015**

**Revised
March 2019**

**PREPARED FOR THE BENEFIT OF THE
STUDENTS OF CUMBERLAND SCHOOL OF LAW**

**CONSTITUTION FOR THE STUDENT BODY
OF CUMBERLAND SCHOOL OF LAW
SAMFORD UNIVERSITY**

We, the members of the Student Body of Cumberland School of Law desiring to:

Provide a form of government for the supervision of student activities and concerns;

Provide a forum for the expression of student views and interests, as well as, encouraging broad participation;

Create, promote and preserve student honor, academic responsibility and student rights;

Improve and promote the student's social and physical welfare and intellectual development; and

Foster the recognition of the ethical principles and responsibilities of students to their profession, community, nation and humanity; do hereby ordain and establish this Constitution.

ARTICLE I

Section 1. The governing organization of the Student Body of Cumberland School of Law shall be known as the Student Bar Association. This organization, through the Executive Board, has the authority to regulate every phase of student activity and to act as the official voice of the Student Body.

Section 2. The Student Bar Association shall be divided into two branches: the Executive Board and the Judicial, known as the Honor Court.

Section 3. The Honor Court shall be governed by its own Constitution and by-laws in accordance with the Honor Code.

Section 4. Every student in the Cumberland School of Law shall be a member of the Student Bar Association and shall have an equal voice and vote therein with their fellow students. Every student shall be subject to this Constitution, its by-laws and the laws of the Student Body.

ARTICLE II

Section 1. All legislative powers of the Student Body shall be vested in the Executive Board.

Section 2. Composition. The Executive Board shall be composed of the: Student Bar Association President, Student Bar Association Vice-President, Student Bar Association Treasurer, Student Bar Association Secretary, Senior Class President, Senior Class Vice- President, Senior Class Secretary, Senior Class Treasurer; American Bar Association/Law

Student Division Chair (ABA/LSD) and Vice-Chair; four Junior Class representatives; and four Freshman Class representatives.

Section 3. Any national officer of the American Bar Association/Law Student Division, such as, but not limited to: Governor, Lieutenant Governor, or Chairperson, who is a Cumberland student shall sit as an ex-officio member of the Executive Board, but shall not have a vote.

Section 4. Powers. The Executive Board shall have the power, subject to the prohibitions of Section 5 of this Article, to:

- A. Determine its rules and procedures and compel the attendance of absent members;
- B. Set the time and place of its meetings provided during the school year there will be regular meetings with a fixed time and place convenient to student attendance;
- C. Provide for Student Body elections, and be the sole entity for purposes of certifying the election and the qualifications of those elected officers through the Election Commission.
- D. Enter into contracts and agreements on behalf of the Student Body;
- E. Establish committees within the Student Bar Association necessary for the proper functioning and better service of the Student Body, as well as designate the chairpersons of those committees. The Executive Board shall also appoint any student representatives to designated faculty committees.
- F. Provide for the control and disbursement of Student Bar Association funds;
- G. Require reports from any officer, or committee of the Executive Board, or any organization of the Student Body; and
- H. Make any necessary interpretations of this Constitution, its by-laws, or other Laws of the Student Body.

Section 5. Prohibitions. The Executive Board shall not:

- A. Enact any law abridging any of its powers delegated by this Constitution;
- B. Appropriate funds for a period of more than one year; or
- C. Infringe upon the secrecy of the ballot in general or special Student Body elections.

Section 6. Procedures.

- A. Only a member of the Executive Board shall introduce a proposal for a change in a Law of the Student Body, or an amendment to this Constitution or its by-laws. Such a proposal shall be read and passed by a majority vote at a meeting of the Executive Board where a quorum is established.
- B. When there are no vacancies on the Executive Board, twelve (12) members of the Board will establish a quorum. When there are vacancies, two-thirds (2/3) of those remaining will establish a quorum.
- C. All legislation of the Executive Board shall be categorized as follows:
 - 1. Bills of Law: Laws, the Budget, and creation of committees.
 - 2. By-laws.
 - 3. Authorizations: Advising, ordering or prescribing the method for a Executive Board officer to fulfill some duty provided for in this Constitution, its By-laws or the Laws of the Student Body.
 - 4. Resolutions: Expression of the sentiments of the Executive Board or the Student Body.
 - 5. By-laws, Authorizations, and Resolutions require one reading and are passed by majority vote when a quorum is established.

Section 7. Terms of Office.

- A. All members of the Executive Board, mentioned in Article II, Section 2, other than those enumerated in Article III, Section 11, shall serve from the first day of the beginning of the Summer semester following the Spring semester in which elections are held until the last day of the Spring semester in the following year, except for the American Bar Association Vice-Chair position, which will serve for a two-year term of office subject to the same election times as other Executive Board members.
- B. Each fall semester, the Freshman Class shall elect four representatives to serve from the day of their election until the last day of the following Spring semester.

Section 8. Audit.

- A. It shall be the duty of the Student Bar Association Treasurer to have an accounting prepared at the close of each fiscal year. The accounting shall include the financial activities of the Student Bar Association, and any committees and organizations thereof.

- B. The Student Bar Association Treasurer shall submit an accounting at the close of each fiscal year to the Student Bar Association president, and leave a record of the accounting with the newly elected SBA Treasurer and SBA President at the end of the beginning of their term following elections.

ARTICLE III

Section 1. Officers. The Student Body shall elect the following Executive Board Officers: Student Bar Association President, Student Bar Association Vice-President, Student Bar Association Treasurer, Student Bar Association Secretary, Senior Class President, Senior Class Vice-President, Senior Class Secretary, Senior Class Treasurer; American Bar Association/Law Student Division Chair and Vice-Chair; four Junior Class representatives; and four Freshman Class representatives.

Section 2. Powers. The executive powers of the Student Body shall be vested in the Executive Board, which is to be made up of the President, Vice President, Treasurer, Secretary, American Bar Association/Law Student Division Chair, American Bar Association/Law Student Division Vice-Chair, Senior Class President, Senior Class Vice President, Senior Class Secretary, Senior Class Treasurer, four Junior class representatives, and four Freshman class representatives.

Section 3. Powers and Duties of the President. The President shall:

- A. Be the chief executive of the Student Body;
- B. Take care that all provisions of this Constitution, its By-laws and the laws of the Student Body are faithfully executed;
- C. Preside over all meetings of the Student Bar Association and its Executive Board;
- D. Be an ex-officio member of all committees and student organizations
- E. Call special meetings of the Executive Board;
- F. Appoint staff assistants or aides not provided for in this Constitution, its By-laws or law of the Student Body;
- G. Call the first meeting of the Presidents' Council for each year; and attend each Council meeting thereafter or ensure a proxy is present;
- H. Set monthly meeting for the Dean's Council, which will consist of the Student Bar Association President, Student Bar Association Vice-President, Student Bar Association Secretary, Student Bar Association Treasurer, American Bar Association/Law Student Division Chair, American Bar Association/Law Student

Division Vice-Chair, Senior Class President, and the Dean of Cumberland School of Law;

- I. Have any other power or duty provided for in this Constitution.

Section 4. Powers and Duties of the Vice-President. The Vice-President shall exercise the powers and duties of the President in his or her absence, and assist the President in the conduct of government. In addition, the Vice-President shall serve as the Chair of the Law Week Committee. The Vice-President shall be assisted by a Vice-Chair for Law Week, chosen through an interview process, and selected by the Chair. The Vice-President shall serve as the Chair and planning coordinator for all official law school social functions. The Vice-President shall have any other Vice-Presidential power or duties provided for in this Constitution.

Section 5. Powers and Duties of the Treasurer. The Treasurer shall keep complete and accurate accounts of all Student Body funds; sign all requisitions and reimbursements on said funds and assist the President in the conduct of the Government. It shall be the duty of the Treasurer to preside over the financial interests of all Student Bar Association committees and subsidiary organizations as an ex-officio member, and shall be ultimately responsible for the vending machines and other like services for the benefit of the student body. At the second meeting of every school year, the Treasurer shall propose a budget for the Student Bar Association to the Executive Board. The Treasurer shall have any other Treasurer's powers or duties provided for in this Constitution.

Section 6. It shall be the duty of the Secretary to record the proceedings of the Student Bar Association and the Student Bar Association Executive Board meetings, to notify members of the meetings and to post all official notices and Executive Board minutes on the Student Bar Association bulletin board. The Secretary shall also carry on all official correspondence and be responsible for obtaining reports from committees and subsidiary organizations as deemed appropriate by the Executive Board. Furthermore, during the month of April, the Secretary shall submit for review to the Executive Board a tentative calendar for the upcoming school year. The Secretary shall create a monthly calendar and publish such calendar to the Student Body during the first week of each month. The Senior Class Secretary shall assist the Student Bar Association Secretary as provided in Section 9 of this Article. The Secretary shall have any other Secretary's powers or duties provided for in this Constitution.

Section 7. It shall be the duty of the Chief Justice of the Honor Court to preside over all Honor Court proceedings as established by the Honor Code and the Honor Court Procedure Guide. The Chief Justice shall represent the Honor Court as a non-voting member at the Executive Board and shall act as liaison between the Student Bar Association and the Honor Court. The Executive Board may request the presence of the Chief Justice at meetings; however, his or her attendance is not compulsory. The Executive Board may also request the Chief Justice's presence at impeachment meetings when impeachment is brought about by a violation of the Honor Code. At such meetings, the Chief Justice will not vote on the impeachment, but will serve as a liaison between the Honor Court and the Executive Board.

Section 8. It shall be the duty of the American Bar Association/Law Student Division Chair and Vice-Chair to act as a liaison between the Cumberland School of Law and the American Bar Association/Law Student Division. The Chair and Vice-Chair shall serve as a liaison between the American Bar Association/Law Student Division and the Cumberland School of Law co-circular teams to encourage involvement in Student Bar Association/Law Student Division Competitions and to keep the Student Body informed on all pertinent information. The Chair or Vice-Chair, upon taking the Chair position in his or her third year of law school, will be expected to assume an active leadership role in the Circuit and/or National Law School Division politics. The Chair shall be in charge of all Student Bar Association sponsored charity events and shall report Cumberland's involvement to the American Bar Association/Law Student Division circuit governor. The Chair shall also actively solicit American Bar Association membership among law students and submit membership information to the American Bar Association/Law Student Division office.

- A. The Vice-Chair of the American Bar Association/Law Student Division should not seek an Executive Board Position for his or her third year of law school. To seek another office, the Vice-Chair must receive unanimous approval from the current Executive Board to file a candidate's letter of intent. In such a case, the Chair and Vice-Chair positions may be filled through an at-large election in the Spring of that year. If the Chair's position becomes vacant during the year after Spring elections have been held, the Executive Board must appoint someone to fill that position. If the Vice-Chair's position becomes vacant for any reason after Spring elections have been held, the Executive Board must appoint someone to fill that position, after the Chair has interviewed applicants for the position.
- B. American Bar Association/Law Student Division positions shall be open to all Cumberland students, any student appointed or elected to serve as an officer in the American Bar Association/Law Student Division shall periodically report to the American Bar Association/Law Student Division Chair according to their job description.

Section 9. The senior class shall elect a President, Vice-President, Secretary, and Treasurer. The election of these officers shall take place at the same time as the election of the other Executive Board officers. The Senior Class President, Vice-President, Secretary, and Treasurer shall conduct all Student Bar Association elections and shall be known as the Election Commission. As the Election Commission, the Senior Class officers shall oversee both fall and spring elections, prepare voter registration lists, publicize elections, resolve any disputes concerning the election or election procedures, including run-off elections, and ensure the election process is run fairly and efficiently. The Senior class shall be in-charge of locker rentals by charging a reasonable fee per semester. The fund from locker rentals shall be used by the Senior Class

for an end of the year banquet for the Senior Class. They shall also plan the senior composite with the Dean of Student Services of Cumberland School of Law. The senior class officers shall also be responsible for any activities in relation to their class graduation. The Senior Class Secretary shall assist the Student Bar Association Secretary as requested, including, but not

limited to, assisting the Student Bar Association Secretary in all administration duties for the beginning of each school year. The Senior Class Treasurer shall, in addition to the above listed duties, prepare the budget for the senior class party, and consult and communicate with the Student Bar Association Treasurer on senior class expenditures. The Senior Class President, Vice-President, Secretary, and Treasurer shall serve as representatives of the senior class and shall be voting members of the Executive Board.

Section 10. The junior class shall elect four Representatives. It shall be the duty of the Junior representatives to represent the Junior class in the administration of student affairs. They shall serve as voting officers of the Executive Board. The election of these officers shall take place at the same time as the election of the other Executive Board officers.

Section 11. The Freshman class shall elect four Representatives who shall serve as voting officers of the Executive Board. It shall be the duty of the Freshman Representatives to represent the Freshman class in the administration of student affairs. The election of these officers shall take place during the fall semester as provided in the Election Code. The Freshman Class Representative shall be responsible for organizing Freshmen Follies during Law Week.

Section 12. All officers, mentioned in Article III, Section 1, other than those enumerated in Article III, Section 11, shall be elected during the spring semester as provided in the Election Code.

Section 13. A special election shall be called by the Executive Board within a reasonable time following the date of any vacancy, except for vacancies in the American Bar Association/Law Student Division Chair or Vice-Chair positions, which is governed by Article III, Section 8.

ARTICLE IV

Section 1: Qualifications for Office. All Student Body candidates for office, committee chairpersons and members, or student members of faculty committees must have and maintain an overall grade point average of at least 2.3 or higher and be a registered student in the Cumberland School of Law for the full term of office.

Section 2: The President shall become a senior at least by the fall semester subsequent to taking office. The President must also have either previously served in some capacity on S.B.A. or must be nominated and approved by the Election Commission, subject to Article III of the Election Code, prior to running for office.

Section 3: The Vice-President shall become a senior at least by the fall semester subsequent to taking office. The Treasurer and Secretary shall be either a junior or senior at least by the fall semester subsequent to their taking office.

Section 4: The Senior, Junior and Freshman offices must be members of their respective classes.

Section 5: The American Bar Association/Law Student Division Vice-Chair must be a junior in the fall semester subsequent to his or her taking office. Upon the election of a new Vice-Chair,

the current Vice-Chair shall be designated as American Bar Association/Law Student Division Chair for the School.

Section 6: Officers should be reasonably available during the summer semester to fulfill their respective duties.

ARTICLE V

Section 1. There shall be adopted by separate referendum an Honor Code which shall govern the conduct of the students as prescribed by said Code.

Section 2. All students shall be subject to the Honor Code and shall abide by its provisions and such rules and procedures as may be prescribed by the Honor Court.

Section 3. The Student Bar Association Election Code shall govern the Honor Court elections.

- A. Election of the Chief Justice. The Honor Court Constitution and By-Laws shall govern the election of the Chief Justice.
- B. Vacancy of Office. The Honor Court Constitution and By-Laws shall govern the process of filling a vacant office on the Honor Court.
- C. Removal from Office. The Honor Court Constitution and By-Laws shall govern the removal of any Honor Court Justice from office.

Section 5. Rules and Procedures. The Chief Justice shall make all Honor Court rules and procedures available to any student who requests a copy of same.

Section 6. Declaring Rule or Procedure Null and Void. The Student Body may declare any rule or procedure adopted by the Honor Court null and void. Such declaration shall be initiated as provided for in Article VIII.

ARTICLE VI

Section 1. Attendance. Any Executive Board member acquiring two (2) unexcused absences from mandatory events in any semester will automatically be put on Probation. Probation shall be considered as a warning period. The Student Bar Association Secretary shall, through written or electronic letter, inform any member of the Executive Board should he or she be placed on Probation. If any Executive Board member on Probation receives a third unexcused absence, the Executive Board member must appear before the Executive Board. Upon such a required appearance before the Executive Board, the Board shall vote regarding the impeachment of such member for extreme dereliction of official duties and shall follow the procedure outlined in Article VII of this Constitution. Any member accumulating three (3) consecutive absences, excused or unexcused, shall also be required to appear before the Executive Board. Upon such a required appearance, the Board shall vote regarding the impeachment of such member for

extreme dereliction of official duties and shall follow the procedure outlined in Article VII of this Constitution.

Section 2. Mandatory Events. Mandatory events shall include, but are not limited to, Student Bar Association meetings, coffee shop, and any other event that Executive Board members are required to work or attend. All excuse forms must be placed in the Student Bar Association Law Excuse Mailbox forty-eight (48) hours prior to the event. The Student Bar Association President or Secretary shall be required to check the Law Excuse Mailbox forty- eight (48) hours prior to every Student Bar Association meeting or event. The President and Secretary shall have discretion as to what absences are excused.

ARTICLE VII

Section 1. Impeachment. Any officer of the Executive Board may be impeached by a two- thirds vote of the remaining members of the Executive Board.

Section 2. Impeachment can be had for the commission of serious crimes of misdemeanors, extreme dereliction of official duties or misconduct bringing reproach upon the Student Bar Association.

Section 3. The Executive Board shall try any officer impeached by secret ballot. A vote of two-thirds of those present and voting shall be necessary for conviction, but in no event shall conviction be had without a quorum.

Section 4. In the event an officer is impeached and convicted, he or she shall be removed from office and shall be deemed ineligible to ever again hold office as a member of the Executive Board of the Student Bar Association.

ARTICLE VIII

Section 1. Referendum. Any action of the Executive Board or of the Student Bar Association President, when not acting in an ex-officio capacity, may be overridden by the Student Bar Association in a referendum. In addition, when the Executive Board or Student Bar Association President fails or refuses to act on a matter relevant to the interests of the Student Bar Association, a referendum may be initiated by the Student Bar Association with the results binding being on said Executive Board or President.

Section 2. Procedure. Any member or body of members of the Student Bar Association who wishes to initiate or override the referendum shall obtain the signatures of at least thirty-five percent of the students registered at the Law School for the particular semester that the referendum is to be held. This is to be accomplished by written petition expressing the desire that the Student Bar Association Election Commission conduct such referendum, and stating specifically the grounds thereof.

Section 3. The written petition shall be submitted to the Election Commission and within one week thereafter they shall verify the authenticity of the petition's signatures.

Section 4. The Elections Commission shall conduct the referendum no later than two school weeks after verification of the authenticity of the signatures on the petition.

Section 5. A simple majority of Student Bar Association shall be sufficient to override or initiate said question presented in the referendum, provided that two-thirds of the Student Body participates in the vote.

Section 6. The Election Commission shall post reasonable notice to students that a referendum will be held not less than five school days before the date of said referendum.

Section 7. A referendum may also be initiated by a two-thirds vote of the Executive Board at any regular meeting.

ARTICLE IX

Section 1. Amendments. Proposed amendments to the Constitution must be submitted in writing to the Secretary of the Student Bar Association, in duplicate. A member of the Executive Board must sign the original and a copy of the proposed amendment. At the next meeting of the Executive Board the proposed amendment shall be voted upon, and if approved by two-thirds of those present, the Student Bar Association shall then submit it for a vote. A quorum of the Executive Board must be present before any such vote shall become effective. At least one week prior to the election, the Secretary of the Student Bar Association shall post on the Student Bar Association bulletin board a copy of the proposed amendment. If the proposed amendment is favored by two-thirds of the members voting, the amendment shall be incorporated into the Constitution, but in no event shall ratification be had by less than the vote of one-third of the members of the Student Bar Association.

Section 2. Revisions. The Constitution shall be revised in the same manner as it is amended.