

CONSTITUTION AND STATUTES OF THE CUMBERLAND SCHOOL OF LAW STUDENT BODY

STUDENT BODY STATUTES 1978

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

PREAMBLE

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 GENERAL ORGANIZATION

Section 1: **Name & Purpose:** 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 Branch, has the authority to regulate every phase of student activity and to act as the official voice of the Student Body.

Section 2: **Membership:** 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, the laws of the Student Body, and the Honor Code.

Section 3: **General Organization:** The Student Bar Association shall be divided into two branches: the Executive Branch and the Judicial Branch, known as the Honor Court. The Executive Branch and Judicial Branch shall be governed by this Constitution and individual by-laws in accordance with the Honor Code.

ARTICLE II EXECUTIVE BRANCH

Section 1: **Composition:** The Executive Branch shall be composed of the following Student Bar Association representatives of various constituencies at Cumberland School of Law:

- i. There shall be (1) President,
- ii. There shall be (1) Vice-President,
- iii. There shall be (1) Treasurer,
- iv. There shall be (1) Secretary,
- v. There shall be (1) 3L Class President,
- vi. There shall be (1) 3L Class Vice- President,
- vii. There shall be (1) 3L Class Secretary,
- viii. There shall be (1) 3L Class Treasurer;
- ix. There shall be, within the American Bar Association/Law Division:
 - a. (1) Chair (ABA/LSD),
 - b. (1) Vice-Chair,
- x. There shall be four (4) representatives for second-year (“2L”) J.D. students, and
- xi. There shall be four (4) representatives for first-year (“1L”) J.D. students.

Section 2: **Executive Board:** The Executive Board Officers shall be composed of the following elected Student Bar Association representatives of various constituencies at Cumberland School of Law:

- i. SBA President;
- ii. SBA Vice-President;
- iii. SBA Treasurer;
- iv. SBA Secretary; and
- v. the American Bar Association/Law Student Division Chair.

Section 3: **Election of Officers:** The Student Body, in accordance with the Election Code, shall elect the following Executive Branch of Officers:

- i. SBA President,
- ii. SBA Vice-President,
- iii. SBA Treasurer,
- iv. SBA Secretary,

- v. 3L Class President,
- vi. 3L Class Vice- President,
- vii. 3L Class Secretary,
- viii. 3L Class Treasurer,
- ix. American Bar Association/Law Student Division Vice Chair,
- x. 2L Class representatives, and
- xi. 1L Class representatives

I. Qualifications for Office:

- a. 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, or for offices obtained in the first semester of your 1L year, must have an incoming undergraduate GPA of 2.3 that is maintained throughout the 1L year, and be a registered student in the Cumberland School of Law for the full term of office.
- b. All candidates for President shall become a 3L at least by the fall semester subsequent to taking office and must either have previously served in an SBA Executive Branch position or petition the Election Commission, be nominated, and approved by the Election Commission, subject to Article III of the Election Code, prior to running for office.
- c. All candidates for Vice President shall become a 3L at least by the fall semester subsequent to taking office and must either have previously served on a SBA Executive Branch position or petition the Election Commission, be nominated, and approved by the Election Commission, subject to Article III of the Election Code, prior to running for office.
- d. The Treasurer and Secretary shall be either a 2L or 3L by at least the fall semester subsequent to their taking office.
- e. The 3L class officers, 2L class representatives and 1L class representatives must be members of their respective classes.
- f. The American Bar Association/Law Student Division Vice-Chair must be a 2L in the fall semester subsequent to his or her taking office. Upon their 3L year, he/she will be automatically designated as American Bar Association/Law Student Division Chair for the School.

- g. 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.
- h. 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.
- i. All SBA Branch members should be reasonably available during their tenure to fulfill their respective duties detailed in Article I Section 5.

Section 4: **Terms of Office:** All members of the Executive Branch shall begin serving in his/her role on the first day of the Summer semester after elections and shall end serving in his/her role the following Spring semester, with the exception of the following positions.

- I. The American Bar Association Vice-Chair will serve for a two-year term of office subject to the same election times as other Executive Branch members. Upon the end of the first term, the current American Bar Association Vice-Chair shall become the American Bar Association Chair/Law Student Division Chair.
- II. Each fall semester, the 1L Class shall elect four representatives to serve from the day of their election until the last day of the following Spring semester.

Section 5: **Procedures.**

- I. Attendance Procedures. Attendance Procedures. Any Executive Branch 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 SBA should he or she be placed on probation. If any SBA Branch member on probation receives a third unexcused absence, SBA member must appear before the Executive Branch. Upon such a required

appearance before the Executive Branch, the Branch shall vote regarding the impeachment of such member for extreme dereliction of official duties and shall follow the procedure outlined in Article II, Section 9 of this Constitution. Any member accumulating three (3) consecutive absences, excused or unexcused, shall also be required to appear before the Executive Branch. Upon such a required appearance, the Branch shall vote regarding the impeachment of such member for extreme dereliction of official duties and shall follow the procedure outlined in Article II, Section 9 of this Constitution.

- a. **Mandatory Events.** Mandatory events shall include, but are not limited to, Student Bar Association meetings (in person or virtual), and any other event that Executive Branch members are required to work or attend. All excuses must be sent to the Student Bar Association Secretary within twenty-four hours before the missed event. The Student Bar Association President and Student Bar Association Secretary shall have discretion in approving absences. Any unexcused absence may be appealed to the SBA advisor.
 - b. **Office Hours.** The Executive Board, by majority vote, has the power to assign mandatory office hours for any Executive Branch member of SBA. In the event one or more members of the Executive Board is subject to the assignment of office hours, the SBA President must appoint the 3L Class President to stand in for voting purposes. If the 3L Class President is unable to vote, the SBA President must appoint the ABA Vice Chair to stand in for voting purposes.
- II. **Communication Procedures.** All branch members must respond to communication/correspondence (including e-mail, phone, text, GroupMe etc.) within 48-hours. This 48-hour response time will ensure that we are responding to each other, our members, and all other individuals/companies that we work with in a timely manner. This will also help the branch communicate more efficiently as none of us will ever have to wait more than 48-hours to receive the information we need to carry out our duties. In addition, the SBA Executive Branch GroupMe should be unmuted, except for approved purposes [with the discretion of the Secretary and President] temporary, to ensure that communications are received in a timely manner.
- III. **Legislative Procedures.**
- a. Only a member of the Executive Branch or Honor Court shall introduce a proposal for a change in a Law of the Student Body, an amendment to this Constitution, or the individual by-laws of their respective branch. Such a proposal shall be read and passed by a majority vote at a meeting of the Executive Branch where a quorum is established.
 - b. When there are no vacancies on the Executive Branch, twelve (12) members of the Branch 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 Branch shall be categorized as follows:
 - i. Bills of Law: the Budget, and creation of committees.
 - ii. By-laws, Authorizations, and Resolutions require one reading and are passed by majority vote when a quorum is established.
 - iii. Authorizations: Advising, ordering, or prescribing the method for an SBA Executive Branch member to fulfill some duty provided for in this Constitution, its By-laws, or the Laws of the Student Body.
 - iv. Resolutions: Expression of the sentiments of the Executive Board or the Student Body.

Section 6: **Powers of the Executive Board:** The Executive Board shall have the power, subject to the prohibitions of Section 8 of this Article, to:

- I. Determine its rules and procedures and compel the attendance of absent members.
- II. 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.
- III. 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.
- IV. Enter into contracts and agreements on behalf of the Student Body.
- V. Provide for the control and disbursement of Student Bar Association funds.
- VI. Require reports from any officer or any organization of the Student Body.
- VII. Make any necessary interpretations of this Constitution, its by-laws, or other Laws of the Student Body.

Section 7: **Powers and Duties of Individual Officers.**

- I. **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; call special meetings.
- d. Be an ex-officio member of all committees and student organizations.
- e. Call and attend the first meeting of the Presidents' Roundtable for each year; and attend each President's Roundtable meeting thereafter or ensure a proxy is present.
- f. Set monthly meetings with the Dean and other members of the Executive Branch as needed at the discretion of the President.
- g. Have any other power or duty provided for in this Constitution.

II. **Vice President.** The Vice President shall:

- a. Exercise the powers and duties of the President in his or her absence and assist the President in the conduct of government.
- b. Serve as the Chair of Law Week assisted by a vice chair.
- c. Have any other Vice-Presidential power or duties provided for in this Constitution.

III. **Treasurer.** The Treasurer shall:

- a. Keep complete and accurate accounts of all SBA funds.
- b. Sign all requisitions and reimbursements on said funds and assist the President in the conduct of the Government.
- c. Preside over the financial interests of all Student Bar Association members.
- d. At the second meeting of every school year, the Treasurer shall propose a budget for the Student Bar Association to the Executive Branch.
- e. Have an accounting prepared at the close of each fiscal year. The accounting shall include the financial activities of the Student Bar Association.
- f. At the end of their term, 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.

- g. Have any other Treasurer's powers or duties provided for in this Constitution

IV. **Secretary.** The Secretary shall:

- a. Record the proceedings of the Student Bar Association and Executive Branch and Executive Board meetings.
- b. Notify members of the meetings and make all official notices and minutes available to the Student Body through the Google Drive folder.
- c. Create a monthly calendar and publish such calendar to the Student Body through email and the Google Drive folder during the first week of each month.
- d. Keep record of all Executive Branch members' attendance and office hours.
- e. Have any other Secretary's powers or duties provided for in this Constitution.

V. **The American Bar Association Chair and Vice Chair.** The ABA Chair and Vice Chair shall:

- a. Act as a liaison between the Cumberland School of Law and the American Bar Association/Law Student Division.
- b. 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 and the bar registration process.
- c. 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.
- d. Shall be responsible for ensuring designs and communications for student merchandise and graphics.

VI. **3L Class Officers.** The 3L Class Officers shall:

- a. Conduct all Student Bar Association elections and shall be known as the "Election Commission." As the Election Commission, the 3L 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, enforce policies and guidelines, bring to attention any accused of violations of said policies and guidelines, and ensure the election process is run fairly and efficiently.

- b. Be in-charge of locker rentals by charging a reasonable fee per semester. The fund from locker rentals shall be used by the 3L Class for an end of the year banquet for their Class.
- c. Plan the 3L class composite with the Dean of Student Services of Cumberland School of Law.
- d. Be responsible for any activities in relation to their class graduation.
- e. Be responsible for evaluating a violation of any misconduct by a member of SBA brought forth by a member of the student body and deciding appropriate sanctions.
- f. The 3L Class President shall, in addition to the above listed duties, plan various proceedings and philanthropic events throughout the year for the 3L class, coordinate the Cumberland Staff Appreciation Award, and be proactive in assisting and communicating with the other 3L class officers.
- g. The 3L Class Vice President shall, in addition to the above listed duties, assist the 3L Class President with any duties he or she may need, serve as a proxy to any events or meetings on behalf of the 3L Class President, and assist in coordinating 3L class occasions and graduation events.
- h. The 3L Class Secretary shall, in addition to the above listed duties, assist the Student Bar Association Executive Secretary as requested, including, but not limited to, assisting the Student Bar Association Executive Secretary in all administration duties.
- i. The 3L Class Treasurer shall, in addition to the above listed duties, prepare the budget for the 3L class, and consult and communicate with the Student Bar Association Executive Treasurer on shared expenditures.
- j. The 3L Class President, Vice-President, Secretary, and Treasurer shall serve as representatives of the senior class and shall be voting members of the Executive Branch.

- VII. **2L Class Representatives.** The 2L Class Representatives shall:
- a. Represent the 2L class in the administration of student affairs.

- b. Serve as voting officers of the Executive Branch.

VIII. **1L Class Representatives.** The 1L Class Representatives shall:

- a. Represent the 1L class in the administration of student affairs.
- b. Serve as voting officers of the Executive Branch
- c. Be responsible for organizing Freshman Follies during Law Week.

Section 8. **Prohibitions.** The Executive Branch shall not:

- I. Enact any law abridging any of its powers delegated by this Constitution;
- II. Appropriate funds for a period of more than one year;
- III. Infringe upon the secrecy of the ballot in general or special Student Body elections: or
- IV. As an elected representation of the entire student body, the Executive Branch, as an organization, may not take a public stance petitioned or organized by a separate organization or third party.

Section 9. **Impeachment.** Any officer of the Executive Branch may be impeached by a two- thirds vote of the remaining members of the Executive Branch. Impeachment can be had for the commission of serious crimes of misdemeanors, extreme dereliction of official duties or misconduct beyond sanctionable relief bringing reproach upon the Student Bar Association. The Executive Branch 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. In the event an officer is impeached and convicted, he or she shall be removed from office and shall be deemed ineligible to ever hold office again as a member of the Executive Branch of the Student Bar Association.

I. **Impeachment Procedure.**

- a. An emergency meeting must be called for the entire Branch.
- b. The violation shall be explained to the Branch, and the accused shall have ten minutes to plead his/her case with an additional amount of reasonable time for extra discussion.
- c. After the case is plead, the remaining Branch members shall cast their vote on anonymous slips of paper while the accused leaves the room.
- d. The votes are calculated aloud by one Executive Board Officer to the entire Branch, and the votes are confirmed by a second Executive Board Officer. If two-thirds of the Branch votes in favor to impeach the accused, the accused will be deemed ineligible to ever hold office again as a member of the Executive Branch of the Student Bar Association.

ARTICLE III

HONOR COURT

Section 1. **Composition.** The Honor Court shall be composed of the following: six 3L Honor Court Justices, six 2L Honor Court Justices, and four 1L Honor Court Justices. The Honor Court shall have the following officers: Chief Justice and Deputy Justice, in accordance with the Honor Code.

- I. The Chief Justice shall be elected by a majority of the Honor Court Justices within a reasonable time after the certification of the Spring General Election results.

Section 2. **Election of Justices.** The Student Bar Association Election Code shall govern the Honor Court elections.

- I. Qualifications.
 - a. All candidates for Honor Court must have and maintain an overall grade point average of at least the equivalent of a 2.3 on a 4.0 scale and be a registered student at Cumberland School of Law for the full term of office.
 - b. The Chief Justice of the Honor Court shall become a 3L by the fall semester after taking office.
 - c. The 3L, 2L, and 1L Justices must be members of their respective classes.

Section 3. **Terms of Office.** All members of the Honor Court mentioned 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.

Section 4. **Procedures.** The Honor Court shall be subject to all provisions in the Honor Code and the provisions of the SBA Constitution Article III. The Honor Court shall adopt rules and procedures consistent with the Honor Code. The Chief Justice shall make all Honor Court rules and procedures available to any student who requests a copy of the Honor Code. All Honor Court proceedings will be in compliance with the Honor Code and Honor Court Procedure Guidelines.

Section 5. **Jurisdiction of the Honor Court.** The Honor Court shall have the power, subject to Article III of the SBA Constitution and the Honor Code.

Section 6. **Duties of Individual Officers.**

- I. Powers and Duties of the Chief Justice. The Chief Justice shall:
 - a. Preside over all Honor Court proceedings as established by the Honor Code and the Honor Court Procedure Guide.

- b. Represent the Honor Court as a non-voting member at the Executive Board and shall act as the liaison between the Student Bar Association and the Honor Court.
 - i. The Executive Board may request the presence of the Chief Justice at meetings; however, his or her attendance is not compulsory.
 - ii. 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.
- c. Call inquiry panels to investigate Honor Court violations within their discretion.
- d. Call disciplinary panels to conduct trials to review Honor Court violations.
- e. Levy sanctions against students found to violate the Honor Code, which may be approved, amended, or rescinded by the Dean.

ARTICLE IV METHOD OF AMENDMENT

- Section 1. **Amendments.** Proposed amendments to the Constitution must be submitted in writing to the Secretary of the Student Bar Association, in duplicate. 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 make available a copy of the proposed amendment to the Student Body. 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.

ARTICLE V REFERENDUM

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.

- I. The written petition shall be submitted to the Election Commission and within one week there after they shall verify the authenticity of the petition's signatures.
- II. The Elections Commission shall conduct the referendum no later than two school weeks after verification of the authenticity of the signatures on the petition.
- III. 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.
- IV. 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.
- V. A referendum may also be initiated by a two-thirds vote of the Executive Board at any regular meeting.