

# CONSTITUTION

*of the*

## UNIVERSITY OF VIRGINIA SCHOOL OF LAW STUDENT BAR ASSOCIATION

Amended and Restated as of February 10, 2022

AS RATIFIED BY THE STUDENT BODY OF THE UNIVERSITY OF  
VIRGINIA SCHOOL OF LAW IN FEBRUARY 1996

### **PREAMBLE**

We, the student body of the University of Virginia School of Law, do hereby establish this Constitution in order to create a student government.

### **Article I: PURPOSES, POWERS, AND DELEGATED FUNCTIONS**

Section 1. **Purposes and Powers.** The student government of the School of Law shall be known as the Student Bar Association (SBA) and shall have the following purposes and powers:

- A. To pursue all matters of concern to the student body;
- B. To create standing and special purpose committees which shall pursue matters of concern to the student body;
- C. To appoint all student members and other interested students to joint faculty- student committees;
- D. To disseminate information of concern to the Student Body;
- E. . To advise the Dean of the Law School and University community on student sentiment;  
and
- F. To supervise all elections and referenda required by this Constitution.

Section 2. **Independence.** Nothing in this Article shall be construed to limit the SBA's ability to function independently as a separate entity outside of the University's supervision, direction, or control.

Section 3. **Delegated Functions.** The SBA shall represent the Law School, act on behalf of the Law School, and be subject to the supervision and control of the University when it performs specified, delegated functions, such as:

A. Serving as the recognized representative body for students of the School of Law on matters pertaining to administration and academics and, in such capacity, discerning and voicing student concerns to the faculty and administration through such activities including, but not limited to, student forums to discuss academic concerns and career services;

B. Bringing in speakers to address students on issues of interest and importance, such as careers, diversity, or graduation;

C. Providing school-wide programming to encourage greater camaraderie and to maintain student culture;

D. Providing third-year class-specific programming to encourage unity and foster class pride in preparation for the class giving campaign;

E. Providing first-year class-specific programming through the First Year Council of the Student Bar Association to encourage greater camaraderie and to facilitate the transition into law school;

F. Hosting events promoting conviviality and a sense of community among students, faculty, and staff as well as between students and alumni;

G. Performing any other specific functions to the extent agreed upon in advance by the Assistant Dean for Student Affairs for the Law School.

## **Article II: MEMBERSHIP, OFFICERS, TERMS, AND SUCCESSION**

Section 1. **Members and Officers.** All J.D., LL.M., and S.J.D. Candidates in the University of Virginia School of Law are members of the Student Bar Association (SBA). Additionally, all dual degree students who are currently enrolled in the Law School are members of the Student Bar Association. Officers of the Student Bar Association (herein “SBA Officers” or “Officers”) shall consist of Senators, an Executive Board, and *Ex Officio* Officers. Voting Members of the Student Bar Association shall consist of Senators and Executive Board Members. Except where otherwise indicated, decisions made by the SBA shall have force only upon majority approval of the Voting Members described herein.

Section 2. **Senators.** To represent student interests, each class of students shall be represented by Senators. All Senators are Voting Members.

A. 2L and 3L Class Senators. The 2L and 3L classes of J.D. Candidates shall select six Senators. Each Senator shall represent the particular concerns of their constituency and shall

serve on at least one SBA committee, as appointed by the Vice-President, in addition to any other responsibilities they may have or be assigned.

B. 1L Class Senators. Each 1L Section shall elect from among themselves two First Year Council (FYC) representatives. These representatives shall constitute the FYC. Those FYC representatives shall then elect amongst themselves four Senators and an FYC President and Vice-President, who shall also serve as Senators. Each Senator shall represent the particular concerns of their constituency, in addition to any other responsibilities granted to them by the FYC.

C. Graduate (LL.M./S.J.D.) Senator. The LL.M. and S.J.D. students shall together select one graduate Senator who shall represent the particular concerns of their constituency, in addition to any other responsibilities granted to them by the Graduate Law Student Association.

D. Transfer Senator. The Transfer class shall select one Transfer Senator who shall represent the particular concerns of their constituency. This Senator must be a student who has transferred to the Law School from a different university.

**Section 3. Executive Board.** To ensure good administration and faithful execution of SBA responsibilities, an Executive Board shall be constituted. Executive Board Members are Voting Members.

A. President. The President shall serve as a spokesperson for student opinion, preside over this student government, and except where otherwise specified, be responsible for the execution of the duties and responsibilities of this government, as expressed in its Constitution and Bylaws. The President must be a member of the 3L class.

B. Vice-President. The Vice-President shall assist the President, serve as chief programming coordinator, coordinate and regularly monitor the committees, appoint each Senator to a committee, and coordinate all SBA elections. The Vice- President must be a member of the 3L class.

C. Vice President of Diversity, Equity, and Inclusion (VP of DEI). The VP of DEI shall serve as a voice for minority and diverse students in the Executive Board of SBA. They will coordinate with the Assistant Dean of Diversity, Equity & Belonging, as well as the affinity groups and organizations at the law school. They will also serve as co-chair for the SBA Diversity Advisory Committee.

D. Treasurer. The Treasurer shall prepare an annual budget to be presented to the Voting Members for approval, maintain and update the SBA's financial records, disburse funds as authorized by the SBA, and give the SBA bi-weekly updates on the budget.

E. Secretary. The Secretary shall publicize SBA-related events and programs, take attendance, and record and, upon request, distribute the minutes of SBA meetings. Additionally, the Secretary shall determine what constitutes an absence for Voting

Members and notify SBA Officers when they have been automatically removed for lack of attendance pursuant to Art. II, sec. 5, subsec. B.

Section 4. **Ex Officio Officers.** In acknowledgment of their independent representation of the entire School of Law or service to the School of Law, *Ex Officio* Officers shall be recognized. *Ex Officio* Officers shall not be Voting Members, unless they already hold a vote due to another position they hold as an SBA Officer.

A. American Bar Association–Law Student Division (ABA/LSD) Representative. The ABA/LSD Representative shall represent the Law School student body in the Law Student Division of the American Bar Association.

B. Honor Committee Representatives. Two Honor Committee Representatives shall represent the Law School on the Honor Committee.

C. Student Council Representative(s). Student Council Representatives shall represent the Law School on Student Council, the number of which shall be determined by Student Council in proportion to the size of the student body of the Law School.

D. University Judiciary Committee (UJC) Representatives. Two UJC Representatives shall represent the Law School on the University Judiciary Committee.

E. To better coincide with the Academic Year, each new SBA Term shall begin no later than one month following the Spring Election of new Officers. Terms for the Honor, Student Council, UJC, and ABA/LSD Representatives, including apportionment, shall be governed by those bodies unless no provision exists, in which case the SBA term shall be used. Graduating Officers of the SBA may serve out the remainder of the academic year as non-voting *Ex Officio* Officers.

F. Removal of *Ex Officio* Officers by Attendance. This subsection shall replace the Removal By Attendance rule in Section 5 as it applies to *Ex Officio* Officers.

i. *Reduced Attendance Requirement.* *Ex Officio* Officers are required to attend at least one SBA meeting per month but are encouraged to attend more at their discretion. *Ex Officio* Officers should attend SBA meetings whenever they have a substantial update for the SBA or whenever the SBA intends to discuss something of relevance to the position held by the *Ex Officio* Officer.

ii. *Dual position.* Any *Ex Officio* Officer that holds another position as an Officer of the SBA which would be subject to the normal rules of Section 5 should adhere to that attendance policy.

Section 5. **Removal.**

A. Removal By Recall Referendum. An SBA Officer may be removed by student referendum, which shall be required upon receipt of a valid petition for recall.

- i. *Petition.* To be valid, a petition must be hand-signed by at least ten percent of the enrolled students who are currently eligible to vote for the office held by the Officer named in the petition and presented at an SBA meeting. For 1L Senators, the petition must be signed by ten percent of the 1L class.
- ii. *Timing.* The referendum shall take place no later than two weeks from the date of the meeting at which the petition is presented or, should a break occur within that time frame, *Turnout Requirement.* A majority of the enrolled students eligible to vote in the election of the named Officer must vote in the referendum. For 1L Senators, a majority of the 1L class must vote in the referendum.
- iii. *Successful Recall.* An SBA Officer shall be removed from office upon a majority vote in favor of recall.

B. Removal By Attendance. An SBA Officer shall be removed by for lack of attendance.

- i. *Automatic Removal.* An SBA Officer is automatically removed after five absences or, should no notice or excuse be given for them, three absences.
- ii. *Override Vote.* Upon removal by attendance, that automatic removal may be overridden at the next SBA meeting by a majority vote of the Voting Members.
- iii. *Subsequent Absence After Successful Override Vote.* If an SBA Officer whose automatic removal has been successfully overridden has an additional absence subsequent to such an override vote, that Officer shall be automatically removed. The override vote can only be used once per Officer during an SBA term.
- iv. *Semesters.* Absences shall be counted per semester and are not cumulative over successive semesters.

C. Removal By Vote of No Confidence. An SBA Officer may be removed by a successful Vote of No Confidence.

i. *Petition.* A Vote of No Confidence may be called upon a written and signed petition of five Voting Members that is presented at an SBA meeting.

ii. *Special Meeting.* If called, a special meeting of the SBA shall be scheduled within two weeks from the date of the meeting at which the petition is presented or, should a break occur within that time frame, within ten days from the conclusion of that break. That meeting shall be open and the Vote of No Confidence shall be the only agenda item. The petitioners and the officeholder are guaranteed rights to speak at the meeting.

iii. *Successful Vote.* An SBA Officer shall be removed from office upon a three-quarters (3/4) total vote of Voting Members expressing No Confidence in the Officer.

D. Removal of Ex Officio Officers. The removal provisions of this section shall apply to Honor and UJC *Ex Officio* positions. Removal from positions on Student Council and the ABA/LSD shall be governed by those bodies unless no provision exists, in which case the removal

provisions of this section shall apply. Should an *Ex Officio* Officer be removed from their independent organization, they shall also be removed from their position on the SBA.

Section 6. **Succession.** If the office of SBA President is vacated, the SBA Vice-President may immediately succeed to the position and hold a special election to select a new Vice-President. Alternatively, the SBA Vice-President may elect to hold a special election to select a new President and shall preside over the SBA until a new President is selected.

Section 7. **Vacancies.** If any other Officer position is vacated or is vacant because no candidate ran for the position, a special purpose committee created by the SBA shall advertise the vacancy, conduct interviews, and recommend to the Voting Members candidates for appointment. The President or their designee shall retain a right to sit on the selection committee. Each appointment must be confirmed by a majority vote of the Voting Members. Any voting member may request the full list of applicants before the confirmation vote for any vacancy. Vacancies for the Honor, Student Council, UJC, and ABA/LSD Representatives shall be governed by those bodies unless no provision exists, in which case the same procedures used for SBA vacancies shall be used.

### **Article III: ELECTIONS**

Section 1. **Franchise.** Unless otherwise stated, all J.D., LL.M., and S.J.D. Candidates shall be eligible to vote in law school elections.

Section 2. **Elections Committee.** Elections shall be governed by the Elections Committee, which shall consist of three members. Two of those members shall be 3Ls, and one member shall be a 2L. The 2L and at least one of the 3L members shall not be Voting Members of the SBA. The members of the Election Committee do not have to be limited to only members of SBA. No member of the Elections Committee shall be permitted to run for an office in an election over which that Elections Committee governs. The members of the Elections Committee shall be appointed by the President and confirmed by a majority of the Voting Members.

Section 3. **Spring Elections.** The Spring Elections will take place on a date selected by the Election Committee. Elected offices shall be:

- A. President
- B. Vice-President
- C. VP for DEI
- D. Secretary
- E. Treasurer
- F. Six Third-Year Senators
- G. Six Second-Year Senators
- H. One ABA.LSD Representative
- I. Two Honor Committee Representatives
- J. Student Council Representative(s), the number of which shall be determined by Student Council in proportion to the size of the student body of the Law School
- K. Two University Judiciary Committee Representatives

Section 4: **Fall Elections.** Fall elections need not be governed by the Election Committee.

- A. Six First-Year Senators shall be elected as set forth in the First Year Council Charter.
- B. The Graduate Senator shall be elected by the graduate law students by the third full week of the fall semester.
- C. The Transfer Senator shall be elected by the transfer class the third full week of the fall semester.

Section 5. **Election Rules.** The election rules shall be created by the Election Committee and approved by a majority of Voting Members. The rules shall be enforced by the Election Committee.

Section 6. **Eligibility for Office.** Eligibility for office shall be determined by each position's governing body. For SBA Officers, eligibility for office is based on the class year held during the academic year of the SBA Term. Only J.D., LL.M., and S.J.D. Candidates enrolled in classes at the University of Virginia School of Law may be candidates for and hold an SBA office. The President and Vice-President must be members of the third-year class.

Section 7. **Candidacy for Office.** Any eligible student may be a candidate for more than one office; however, no candidate for an executive board office may run for a second executive board office.

Section 8. **Office Selection.** No one may hold more than one Voting Member position. Should a candidate-elect win more than one election, they must immediately choose which office to hold and write a letter to the outgoing President and Vice-President confirming their choice. The vacated seat will go to the person with the next highest vote total and, if necessary, following the election procedures governing runoffs and ties. If there are no other candidates, the vacancy will be filled by appointment.

Section 9. **Executive Board Selection.** The Voting Members Elect shall, within three weeks of their election, elect from among themselves the remaining members of the Executive Board by majority vote. Election to the Executive Board shall satisfy the committee service requirement of Article II, Section II. If the Voting Members Elect fail to confirm by majority vote a Voting Member-Elect for an Executive Board position, the position shall be filled by the Vacancy provisions in Article II, Section 7.

#### **Article IV: MEETINGS**

Section 1. **Regular Meetings.** The SBA shall hold regular meetings not less than twice a month during the academic year, except during the months of August, December, January, and May.

Section 2. **Special Meetings.** Special meetings may be called by the President, Vice-President, or by petition of any five Voting Members. Such petition must be written, signed, and presented to the President and Vice-President. The petition must also note the purpose for the Special Meeting.

Section 3. **Open Meetings.** Meetings shall be open to the student body and general public. Notice shall be posted in advance specifying the time, place, and agenda.

Section 4. **Closed Meetings.** Closed meetings may be held only in accordance with the laws of the Commonwealth, University Regulations, and the Bylaws.

Section 5. **Quorum.** Quorum shall constitute a majority of the Voting Members in office at a given time present or represented by proxies. Rules governing proxies shall be outlined in the Bylaws. No action taken by the Voting Members shall be considered official, binding, or final without quorum, unless otherwise specified.

Section 6. **Meeting Attendance.** Each Voting Member shall attend all regular and special meetings of the SBA. The Secretary of the SBA shall determine what constitutes an absence. Non-voting *Ex Officio* Officers can be requested to attend an SBA meeting upon official request by the SBA Voting Members or the Executive Board.

Section 7. **Committee Attendance.** Each Senator shall attend all regular and special meetings of the SBA committee to which they have been assigned by the Vice-President. For Class Senators assigned to a committee, absence from two or more committee meetings shall be counted as one absence for the purposes of Article II, Section 5.

Section 8. **Meeting Minutes.** Copies of the minutes of each meeting shall be distributed to SBA Voting Members and *Ex Officio* members and shall be available to members of the student body upon request.

## **Article V: REFERENDA AND INITIATIVES**

Section 1. **Advisory Referenda.** Referenda advising the SBA of student opinion may be conducted at any time on any upcoming issue. The SBA will be considered bound by such a referendum if more than fifty percent of the enrolled student body votes in favor of or against the proposition presented.

- A. SBA Led. By majority vote, the SBA may call for a student referendum.
- B. Student Led. A referendum may be proposed by a written and signed petition of at least ten percent of the enrolled student body and presented to the President.

Section 2. **Initiative.** After the SBA or the President has acted on any issue, the decision may be reversed by a vote of more than fifty percent of the enrolled student body. Such a referendum must be initiated by a petition of at least ten percent of the enrolled student body and presented to the SBA President within fifteen days of the action. The fifteen days shall be tolled during Fall, Winter, Spring, and Summer breaks.

Section 3. **Scheduling.** Whenever practicable, the SBA shall endeavor to schedule referenda with an election of SBA Officers or before the end of an academic term.

## **Article VI: STANDING AND SPECIAL PURPOSE COMMITTEES**



Section 1. **Committee Charters.** Each committee created by the SBA shall be established by a typed charter to be retained by the Vice-President. A copy of that charter shall be retained by the leadership of that committee.

Section 2. **Special Purpose Committees.**

A. Creation. A special purpose committee shall be chartered by a majority vote of the voting members present at an SBA meeting. If a previously chartered committee is renewed, it shall be considered a new special purpose committee.

B. Dissolution. Upon creation, the charter must include a specific termination date. That date must be a specific date within the current semester, the end of the current semester, the end of the current SBA term, or a specific event occurring not later than the start of the next school year. At any time, a majority vote of the total voting members of the SBA may dissolve a special purpose committee.

C. Responsibilities & Membership. The responsibilities, powers, and purview of the committee shall be clearly stated in the charter of the committee. The membership of the committee may be open to the student body or restricted. If membership is restricted, those restrictions must be clearly stated in the charter. The SBA may modify the charter of a committee by a majority vote of the total voting members of the SBA.

D. Requirements. A special purpose committee must maintain at least one meeting open to the full membership of the committee at least once per semester. The committee must present a report no fewer than two times during an SBA term and may be required to report to the SBA upon the request of any Voting Member. A committee may report to the SBA at the request of a chair, upon notification of the President. Attendance at all meetings of the committee shall be open to all members of the Law School community, unless otherwise stated in the charter. The requirements of this paragraph may be waived by the President for any special purpose committee meeting for fewer than five weeks.

i. If the committee has been allocated funds, chairs must meet with the Treasurer at the beginning and end of each semester. The Treasurer may waive this requirement. Committees must submit requests to modify their budget to the Executive Board, which shall take final action after the Treasurer issues a recommendation. The committee may appeal the decision of the Executive Board to the SBA, which may approve the request provided funds are available.

ii. Any special purpose committee which fails to meet any meeting or reporting requirement twice in one semester will be dissolved.

E. Leadership. Special purpose committees shall be led by a chair or chairs, the number of which shall be established in the charter. The chair shall be named in the charter or appointed by majority vote of the Executive Board upon recommendation of the Vice-President. The SBA may also instruct that the chair(s) be elected by members of the committee in the charter. If the Vice-President fails to recommend a chair within one month of chartering a committee, any

Senator may do so. Chairs will serve from their date of selection until dissolution of the committee. A committee chair may be removed by a successful Vote of No Confidence by a majority of the voting members of the SBA.

### Section 3. **Standing Committees.**

A. Creation. A standing committee shall be chartered by a three-fifths (3/5) vote of the total voting members of the SBA.

B. Dissolution. A standing committee has no termination date but must be reauthorized by a majority vote of the Voting Members present or voting by proxy within the first month of the new SBA term. If it is not reauthorized, the committee shall be dissolved at the end of the spring semester of the current academic year. At any time, a three-fifths (3/5) vote of the total voting members of the SBA may dissolve a standing committee.

C. Responsibilities & Membership. The responsibilities, powers, and purview of the committee shall be clearly stated in the charter of the committee. The membership of the committee must be open to all students who wish to join. There is no requirement for minimum or maximum membership. The SBA may modify the charter of a committee by a three-fifths (3/5) vote of the total voting members of the SBA.

D. Requirements. A standing committee must maintain at least one meeting open to the full membership of the committee at least once per semester. The committee must present a report at least once during an SBA term and may be required to report to the SBA upon the request of five Voting Members or the Vice-President. A committee may report to the SBA at the request of a chair, upon notification of the President. Attendance at all meetings of the committee shall be open to all members of the Law School community, unless otherwise stated in the charter.

- i. If the committee has been allocated funds, chairs must meet with the Treasurer at the beginning and end of each semester. The Treasurer may waive this requirement. Committees must submit requests to modify their budget to the Executive Board, which shall take final action after the Treasurer issues a recommendation. The committee may appeal the decision of the Executive Board to the SBA, which may approve the request provided funds are available.
- ii. Any standing committee which fails to meet any meeting or reporting requirement more than twice in one semester must be reauthorized by a three-fifths (3/5) vote of the total voting members of the SBA within the next two regularly scheduled meetings following the most recent violation.

E. Leadership. After chartering or reauthorization, the Vice-President shall recommend to the Executive Board whether a committee shall have an appointed or elected chair(s), the number of chairs for the committee, and, if appointed, specific students for the position. The Executive Board shall approve the charter to be presented to the SBA for creation or reauthorization. In the event of a tie vote of the Executive Board or if the Vice-President fails to recommend a chair within one month of chartering or reauthorization, a chair

shall be elected by the membership of the committee. Chairs will serve from their date of selection until the reauthorization vote for that committee. The chair(s) shall have the power to delegate the powers of the chair to any number of other members of the committee; however, ultimate responsibility for the committee remains with the chair(s).

A committee chair may be removed by a successful vote by a majority of the voting members of the SBA.

## **Article VII: INTERPRETATION**

Section 1. **Filing.** Any student may file either a request for an advisory opinion or a notice of challenge to constitutional interpretation.

Section 2. **Executive Interpretation.** Interpretative power for the Constitution and Bylaws rests with the President, who may issue their interpretation after consulting with the Executive Board. Interpretations should generally favor permitting those actions not expressly prohibited. Unless successfully appealed, an executive interpretation is considered official and binding for an SBA Term. An executive interpretation is not binding or precedential between successive SBA Terms.

Section 3. **Appeals Process.** The filing party may appeal an executive interpretation to the SBA, which must be made in writing to the President within one week of the executive interpretation. The challenger and President shall present written statements to the SBA. The SBA may ask questions of the parties or request supplemental statements. Either party may request expedited action or to address the SBA in person, but the request must be made at the time of filing the appeal. Any party may submit additional interpretations. The Voting Members, except the President, shall vote on whether to uphold or overturn the President's interpretation. No proxies are permitted. A majority of those voting shall suffice to uphold or overturn the executive interpretation. If the President's interpretation is overturned and there is only one other proposed interpretation, that interpretation shall be accepted. If the President's interpretation is overturned and there are multiple other proposed interpretations, then there will be a second vote as to which alternative shall be accepted. The President may vote in this second vote, but the President's original interpretation may not be re-proposed in this second vote.

## **Article VIII: AMENDMENTS & BYLAWS**

Section 1. **Procedure for Amendments.** Any proposed amendments to the Constitution, whether initiated under Section 2 or Section 3 of this Article, must be presented in writing to the President, who shall promulgate the proposal to the SBA. The vote approving the proposed amendment(s) must begin at least six days after the presentation of that proposal to the President.

Section 2. **Amendment By Referendum.** Amendments to this Constitution may be initiated either by a petition for a referendum, made to the SBA by not less than ten percent of the student body, or by majority vote of the SBA to hold a referendum.

A. Deadlines. Any referendum on constitutional amendments shall be subject to any wording deadlines specified by the University Student Council, the SBA, or, if administered by it, the University Board of Elections for a particular election.

B. Passage. An amendment shall be ratified if at least twenty-five percent of the student body votes in the referendum and two-thirds (2/3) vote in the affirmative

Section 3. **Amendment by SBA Officers**. The SBA may amend the Constitution by a four-fifths (4/5) majority of the Voting Members. No proxy votes are allowed. This vote must be a roll call vote.

Section 4. **Bylaws of the Student Bar Association**. The SBA may adopt bylaws that are not in conflict with this Constitution by majority vote of the Voting Members.

### **Article IX: RATIFICATION**

This Constitution shall be ratified if it receives a majority vote of those students voting on the referendum set by the Student Bar Association for February 13–15, 1996, with a requirement that a minimum of twenty-five percent of the student body must have voted in the election. This Constitution shall supersede all prior Law School constitutions in their entirety.