

University of Florida Levin College of Law
Student Bar Association

Constitution

Preamble

We, the students of the University of Florida Levin College of Law (UF Law), in order to promote the general welfare of our student body, herein set forth the fundamental principles of student governance for ourselves and our successors, hereby empower UF Law students to organize and operate a student bar association, and ordain and establish this Student Bar Association Constitution.

Article I - Name

The name of this organization is the Student Bar Association (SBA). This organization shall use the acronym SBA in all publicity materials and correspondence. SBA is affiliated with UF Law and operates in Gainesville, Florida.

Article II - Purpose

The mission of SBA is to foster a collaborative, engaging educational, professional and social environment at UF Law that enhances students' educational experience and prepares them to practice law.

To this end, SBA will:

- A. Serve as the official governing body of UF Law's student body;
- B. Promulgate bylaws as the SBA Officials may deem necessary, appropriate, and consistent with this Constitution;
- C. Manage and distribute funds it receives;
- D. Acquaint UF Law students with their responsibilities to society and to the legal profession;
- E. Foster participation and collaboration among students in SBA events, committee initiatives, and the activities of student organizations;
- F. Facilitate positive interaction and effective communication among the students, faculty, administration, and alumni of UF Law, the University of Florida, and the Gainesville community;
- G. Provide a forum for the expression of ideas concerning the social, ethical, and intellectual aspects of student life;
- H. Enrich the lives and experiences of UF Law students through networking, community service, and outreach events; and
- I. Sponsor and maintain such services and activities as may be deemed beneficial to UF Law and its students.

Article III - Membership

All students, upon enrollment in a degree-seeking program at UF Law, are SBA members. Non-enrolled students, spouses, faculty, and staff may be associate members. Associate members may not vote or hold office in SBA. All members and associate members are free to dissociate themselves from SBA. SBA Membership terminates upon separation from UF Law by reason of graduation, withdrawal, or dismissal. The SBA membership is referred to throughout this Constitution as the UF Law student body.

Article IV - Officials

A. Organizational Structure

1. The responsibility for leadership, policy, and management of SBA rests with an administrative body of Officials elected by the UF Law student body as provided for in Article IX. The elected administrative body is referred to as the SBA. The individuals comprising the SBA are collectively referred to as the SBA Officials. The SBA Officials consist of Representatives and the Executive Board.

2. Representatives

a. Are individuals elected by their respective classes within the UF Law student body.

b. Consist of:

i. Nine Representatives each from the second-year and third-year classes for the prospective year in which the Representatives serve;

ii. Three Representatives each from each section of the first-year class for the prospective year in which the Representatives serve;

iii. Two Representatives from the body of students enrolled in the post-JD LL.M. programs; and

iv. One Representative from the body of students who transferred into UF Law in the prospective year in which the Representative serves.

3. The Executive Board

a. Is the elected enumerated Officials responsible for the administrative day-to-day management of the SBA;

b. Consists of: President, Vice-President, Treasurer, Secretary, and Parliamentarian; and

c. The Law School Student Senator for the University of Florida Student Government and the Chair of the SBA Communications Committee may serve as ex officio members upon request of the Executive Board.

B. Powers and Duties

1. SBA Officials shall function collectively as a deliberative body charged with ultimate responsibility for the overall direction, strategy, and decisions of the SBA. In this role and while SBA is in session, SBA Officials have specific authority and responsibilities including:

- a. Approving any expenditure of SBA funds;
- b. Reviewing and approving any event and planning proposals;
- c. Reviewing and approving annual and special-use budgets;
- d. Representing their constituencies by serving as a focal point for students to voice their concerns and suggestions;
- e. Voting on petitions for removal of SBA Officials as provided in Article X;
- f. Serving on committees as assigned by the President and as described in the SBA By-Laws;
- g. Regarding and treating SBA funds in a fiduciary capacity for the UF Law student body;
- h. Acting as liaisons to the faculty, staff, and administration of UF Law;
- i. Calling any special meeting by agreement of one-third of SBA Officials;
- j. Calling an executive session of SBA Officials upon two-thirds (2/3) vote of a quorum; and
- k. Vetoing decisions made by the Executive Board while the SBA is not in session by an affirmative vote of at least two-thirds of the SBA Officials when a proper quorum exists, subject to the SBA By-laws

2. The Executive Board has administrative authority to organize and execute SBA events and initiatives in accordance with the SBA By-laws.

- a. The Executive Board may
 - i. Set the agenda for the SBA;
 - ii. Take any actions authorized by the SBA By-laws;
 - iii. By majority vote, nullify any appointment made by any SBA Official;
 - iv. By majority vote, refer any question or decision to a vote of all SBA Officials for approval;
 - v. Exercise the powers and duties reserved to all SBA Officials when the SBA is not in session; and
 - vi. Take any action on behalf of the SBA not reserved to all SBA Officials collectively or to the UF Law student body by this Constitution or the SBA By-laws.

b. Specific Executive Powers:

- i. The President shall serve as the chief executive officer of SBA. In this role, the President shall serve as the official representative of SBA to the broader UF Law and legal community.
- ii. The Vice President shall serve as the principle aide to the President and be responsible for assuming the President's duties in the President's absence or inability to serve.
- iii. The Treasurer shall be the chief financial officer of the SBA. The Treasurer shall serve as the fiduciary for funds entrusted to the SBA with an obligation to the student body at large to ensure that those funds are expended in good faith. The Treasurer shall also serve as the chairperson of the Allocations Committee.
- iv. The Secretary shall be the chief administrative officer of the SBA.
- v. The Parliamentarian shall be responsible for assisting the President in maintaining the professional standards of the SBA as a deliberative and quasi-parliamentary body and overseeing all judicial processes within the SBA. The Parliamentarian shall also serve as the chairperson of the Rules and By-laws Committee.

C. Terms of Office, Succession, and Limitations

1. Newly-elected Executive Board members and Representatives shall assume their positions during the last General Body Meeting of the spring semester.
2. Newly-appointed SBA Officials shall assume office immediately upon confirmation, following the procedures set by this Constitution and the SBA By-laws.
3. The term of office for all SBA Officials continues until:
 - a. A successive election is held, and the SBA Official's successor assumes office as prescribed by Article IX;
 - b. The Official resigns their appointment, and an interim replacement is appointed under the provisions of Article X; or
 - c. Notwithstanding either of the above, when fifteen calendar months elapse from the time of assumption of duties.

D. No SBA Official shall hold multiple SBA Official positions simultaneously.

Article V - Committees

A. SBA Committees are administrative bodies empowered to act independently in accordance with a charter.

B. The President shall ensure that the following committees exist and are adequately staffed during the President's term:

1. Allocations (which the Treasurer shall chair);
2. Rules and By-laws (which the Parliamentarian shall chair);
3. Faculty-Student;
4. Communications;
5. Events; and
6. Diversity.

C. The President, after consulting with the Executive Board, may create other ad hoc committees as the President deems necessary and advisable.

D. The President:

1. Shall nominate and upon confirmation vote by a majority of SBA Officials shall appoint SBA Officials to serve as committee chairpersons and committee members;
2. Shall take SBA Officials' committee preferences into consideration when appointing committee chairpersons and committee members;
3. May appoint members of the UF Law student body to serve as non-voting members of SBA committees; and
4. May remove any committee chairperson subject to the SBA By-laws.

E. Except for the President and Vice President, all SBA Officials shall serve on at least one committee.

F. Committee Chairpersons shall perform their duties as described in the SBA By-laws.

G. Regarding committee charters, the President shall:

1. Draft a charter for each committee describing that committee's purpose for the President's term;
2. Consult with the Executive Board regarding the content of all draft committee charters;
3. Consult with committee Chairpersons regarding the draft of the committee charter for each Chairperson's Committee;
4. Document the feedback and opinions of the Executive Board and the Committee Chairpersons related to the draft committee charters as required by SBA By-laws; and
5. Ultimately decide, finalize, and distribute the content of the committee charters for the President's term.

Article VI - Judicial Council

- A. The Judicial Council is composed of the Judicial Chair, two SBA Officials, and two UF Law students at large.
- B. The President shall nominate:
1. An SBA Official to serve as Judicial Chair.
 2. Two SBA Officials to serve as Judicial Council members.
 3. Two members of the UF Law student body to serve as Judicial Council members.
- C. If confirmed by two-thirds of SBA Officials, the President's nominees may serve as members of the Judicial Council.
- D. Any SBA Official, or a number of students from the UF Law student body as determined by SBA By-laws, may petition the Judicial Council for an opinion pursuant to procedures established in the SBA By-laws.
- E. Upon petition, the Judicial Council shall issue opinions:
1. Interpreting the Constitution, Rules, and By-laws of the SBA;
 2. Determining whether an SBA Official has acted contrary to the Constitution, Rules, or By-laws of the SBA;
 3. Determining whether an SBA Official is in good standing with the SBA;
 4. Ruling on an appeal of a decision by the Elections Commission; and
 5. On any issue or question referred to the Judicial Council by two-thirds affirmative vote of SBA Officials.
- F. Along with opinion, the Judicial Council may implement one or more of the following remedies:
1. Report the opinion in an SBA General Body Meeting;
 2. Censure an SBA Official;
 3. Act in equity as a remedy for nonfeasance or misfeasance of an SBA Official; or
 4. Recommend impeachment of an SBA Official.

Article VII - Student Organizations Council

- A. The Student Organizations Council serves as a conduit for sharing information, providing resources, supporting collaborative efforts, and facilitating receipt of feedback from and between UF Law student organizations.
- B. The Student Organizations Council consists of one representative of each UF Law student organization, as appointed by the President of that organization.
- C. The President shall nominate and upon a confirmation vote by a majority of SBA Officials shall appoint an SBA Official to serve as Chairperson of the Student Organizations Council, subject to confirmation by a majority of SBA Officials.

Article VIII – General Body Meetings

A. Calling Meetings

The President shall call SBA General Body Meetings every other week during the academic year, except during reading period and exam months. A special meeting may be called by either the President, any two Executive Board Members, one-third of SBA Officials, or any other method permitted in the SBA By-laws.

B. Notice

The Secretary shall provide proper notice to all SBA Officials of any General Body Meeting. Proper notice is notice given within a reasonable amount of time prior to the meeting and in a manner reasonably calculated to reach all SBA Officials. Notice to the UF Law student body should be achieved by a means reasonably calculated to reach the UF Law student body and promote their participation. Regular SBA meetings are open to the UF Law student body, but SBA Officials may call an executive session upon two-thirds (2/3) vote of a quorum.

C. Quorum

The Parliamentarian shall determine if quorum has been met before the meeting Chair calls the General Body Meeting to order. Quorum is satisfied for any SBA meeting if there is more than half of the SBA Officials present. If quorum is not met, no business may be conducted at any SBA General Body Meeting.

D. Procedure

The President may propose procedural rules for conducting SBA General Body Meetings. If approved by a majority of SBA Officials, the President's procedural rules shall govern procedure in SBA General Body Meetings. Where not in conflict with this Constitution, SBA By-laws, and the President's approved procedural rules, the meeting chair shall conduct meetings as close in accordance with Robert's Rules of Order as practical. The Parliamentarian shall interpret and enforce procedural matters in General Body Meetings and may overrule the meeting chair on matters of parliamentary procedure.

E. Voting

All SBA Officials, except the President, may cast one vote. The President may vote only in the event of a tie. A simple majority of SBA Officials present at the meeting shall decide all matters before the body, unless otherwise specified under this Constitution or the SBA By-laws.

Article IX - Elections and Referendums

A. Election Commission

1. The President, with the advice and consent of the Executive Board, shall appoint three students to serve on an Election Commission.
2. The Parliamentarian shall serve as the Chair of the Election Commission, unless the Parliamentarian is a candidate in the upcoming election or the subject of the referenda. If the

Parliamentarian is a candidate in the upcoming election or the subject of the referenda, the President shall appoint another student to serve as the Chair of the Elections Commission.

3. No student serving on the Election Commission may be a candidate in that election.
4. The Election Commission shall conduct elections and referenda in accordance with procedures set forth in the SBA By-laws.
5. The SBA By-laws may further govern the membership and procedures of the Election Commission.

B. Electorate

1. An SBA Official's constituency consists of all members of the UF Law student body who are eligible to vote in an election for that Official.
 - a. The Executive Board's constituency consists of all current UF Law students.
 - b. Each Representative's constituency consists of all current UF Law students in the class year, category of student, or program represented by that Representative as described in Article IV of this Constitution.
2. Each member of the UF Law student body may cast one vote for each contested position for which that student is a constituent.
3. No member of the UF Law student body may cast a vote for a write-in candidate. Any vote cast for a write-in candidate will not be counted.

C. Each candidate running to be an SBA Official must:

1. Certify that the candidate will be enrolled as a student at UF Law, or in another UF College if enrolled in an approved joint-degree program, until the end of the following spring semester;
2. Maintain good academic standing (having a minimum 2.0 cumulative grade point average);
3. Be free from honor code violations, student conduct violations, and academic probation; and
4. Follow all rules and procedures as set forth in the SBA By-laws and by the Election Commission.

D. Timing of Elections and Voting

1. Executive Board: Each February, all members of the Executive Board are elected by a majority vote of their constituency. Each current member of the UF Law student body, including current third-year students and LL.M. students, may vote in this election.
2. Second- and Third-Year Representatives: Each March, the second- and third-year Representatives are elected by a plurality of their respective constituencies.
3. First-Year, Transfer, and LL.M. Representatives: Each September, the first-year, transfer, and LL.M. Representatives are elected by a plurality of their respective constituencies.

E. If there is only one candidate for a particular position in an election, the Chair of the Election Commission shall declare that candidate to be elected to that position.

F. Referendums and Special Elections

1. The President, with the advice and consent of a majority of the SBA Officials, may instruct the Chair of the Election Commission to conduct a referendum from the UF Law student body.

2. If 10% of the UF Law student body signs and submits a petition to the Chair of the Election Commission, or the Secretary if the Chair of the Election Commission is the subject of the referenda, the Election Commission shall hold a referendum to pass upon any measure proposed by the UF Law student body. The Election Commission shall conduct the referendum no earlier than five days and no later than fourteen days after the petition has been submitted to the Chair of the Election Commission. The decision of a majority of those students voting in such referendum shall be binding on the SBA.

3. The Election Commission shall conduct any referendums or special elections in accordance with the procedures set forth in the SBA By-laws.

Article X - Resignation, Removal, and Replacement

A. Resignation

Any SBA Official may resign from office. Any SBA Official who graduates, transfers, or takes a leave of absence is deemed to have resigned from office. Resigning from a position leaves that position vacant.

B. Removal

1. Impeachment

a. Any SBA Official may be impeached for malfeasance, nonfeasance, or misfeasance in office.

b. Upon written application signed by at least nine SBA Officials or recommendation of the Judicial Council, the Executive Board shall hold a hearing no less than five and no more than ten days after the application to gather facts and consider whether the accused SBA Official should be impeached.

c. At the Executive Board hearing, the accused SBA Official may be present and offer explanation or defense against the charges. The Secretary shall provide reasonable notice of this meeting to all SBA Officials. Any member of the UF Law student body may attend this meeting.

d. At the General Body Meeting following the Executive Board hearing, the President (or, if the President is the accused SBA Official, the Vice-President) shall present the recommendation of the Executive Board on whether the accused SBA Official should be impeached. All SBA Officials shall then vote on whether the accused SBA Official should be impeached.

e. If two-thirds of the SBA Officials vote affirmatively to impeach the accused SBA Official, the accused SBA Official may no longer serve in SBA. The position is deemed vacant.

2. Recall Vote

a. An SBA Official is subject to a Recall Vote if twenty-five percent of that Official's constituency submit a petition to a member of the Executive Board calling for the removal of that Official.

b. The Election Commission shall hold a Recall Vote. The Recall Vote shall ask the Official's constituency whether the SBA Official should be removed from office.

i. An SBA Official cannot be removed from office unless at least twenty-five percent of the SBA Official's constituency vote in the Recall.

ii. If two-thirds or more of those voting in the Recall vote to remove the SBA Official from office, that SBA Official is deemed recalled and removed from office.

c. If removed from office, the removed Official's position shall be deemed vacant.

C. Replacement

1. If the Presidency becomes vacant, the Vice President assumes the Presidency automatically.

2. If any other SBA Official position becomes vacant, the Executive Board may appoint an individual to serve in that office as outlined in the SBA By-laws.

Article XI - Compliance

A. SBA shall comply with all local, state and federal laws, as well as all University of Florida and UF Law rules and regulations, policies, and procedures.

B. SBA specifically affirms its compliance with the following selected university regulations:

1. Non-Discrimination: The SBA and SBA Officials shall not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, genetic information and veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act.

2. Sexual Harassment: The SBA and SBA Officials shall not engage in or promote any activity that involves unwelcome conduct of sexual nature that creates a hostile environment. Behaviors that could create a hostile environment include sexual harassment (which could include inappropriate sexual comments), sexual misconduct, dating violence, domestic violence, and stalking.

3. Hazing: The SBA and SBA Officials shall not initiate, support, or encourage any events or situations that recklessly, by design, or intentionally endanger the mental or physical health

or safety of a student for any purpose including but not limited to initiation or admission into or affiliation with any student group or organization.

C. If any SBA Official becomes aware of the occurrence of any of the conduct described in this Article within the SBA, SBA shall report the conduct immediately to the appropriate individuals at the University of Florida and UF Law's administration as per the UF Law policies.

Article XII - Dissolution of Organization

In the event this organization dissolves, all monies left in the treasury, after outstanding debts and claims have been paid, shall be deposited in UF Law's general fund.

Article XIII - By-laws

A. Any SBA Official may propose a By-law amendment in a General Body Meeting.

B. If the proposed By-law amendment receives affirmative votes from at least one-third of the SBA Officials, the Rules and By-laws Committee shall consider and vote on whether to approve the proposed By-law amendment and refer it back to the next General Body Meeting for final approval.

1. If the Rules and By-laws Committee approves the proposed By-law amendment, the chair of the next General Body Meeting shall call for a vote to approve the By-law amendment. The By-law amendment is ratified when two-thirds of the SBA Officials present approve the By-law amendment.

2. If the Rules and By-laws Committee disapproves the proposed By-law amendment, the By-law amendment shall be deemed "failed." SBA Officials may forward the failed By-law from the Rules and By-laws Committee for a final vote during any General Body Meeting upon an affirmative vote of two-thirds of SBA Officials.

C. Any By-law relating to elections of SBA Officials must be approved by three-fourths of the SBA Officials and shall not take effect until 30 days after ratification.

Article XIV - Amendments to the Constitution

A. Any SBA Official may propose a Constitutional amendment during a General Body Meeting. If the proposed Constitutional amendment is approved by three-fourths vote of SBA Officials, the Chair of the Election Commission shall place the proposed amendment on the ballot of the next election.

B. Any member of the UF Law student body may propose a Constitutional amendment by submitting a written petition to the Parliamentarian. If the petition contains signatures from twenty-five percent of the UF Law student body indicating support of the Constitutional amendment, the Chair of the Election Commission shall place the proposed amendment on the ballot of the next election.

C. If two-thirds of UF Law students, who vote in an election in which a Constitutional amendment is proposed, vote to approve the Constitutional amendment, the amendment shall become part of this Constitution effective immediately.