

## **CONSTITUTION**

### **UNIVERSITY OF IDAHO COLLEGE OF LAW STUDENT BAR ASSOCIATION**

#### **PREAMBLE**

We, the students of the University of Idaho College of Law, to promote self-regulation of student affairs, diligence within student government, and fruitful relations with law faculty, the university, and other external entities, do ordain and establish this Constitution, which supersedes all prior constitutions of this body, to govern the affairs of our student leadership organization, known hereafter as the University of Idaho College of Law Student Bar Association (“SBA”).

#### **MISSION STATEMENT**

The SBA was founded as a mechanism for student government. The SBA comprises of an Executive Board, a Council, a Judiciary, and student organizations operating under the auspices of the SBA. The SBA serves as an effective liaison between the faculty and student body by providing a medium for the expression of student views. The SBA strives to sponsor and maintain events and activities deemed to be beneficial to the student body. In this mission the SBA provides support to student organizations, creates networking opportunities, and fosters a spirit of congeniality and community service within the student body.

#### **ARTICLE 1**

##### **MEMBERSHIP AND ORGANIZATIONAL STRUCTURE**

Section 1. Any duly enrolled student at the University of Idaho College of Law shall be a Member of the SBA (“SBA Member(s)”).

Section 2. Executive power shall be vested in the SBA Executive Board (“Executive Board”), as set forth in Article 2.

Section 3. Legislative power shall be vested in the SBA Council (“Council”), as set forth in Article 3.

Section 4. Judicial power shall be vested in the SBA Judiciary (“Judiciary”) and the Honor Court, as set forth in Article 4.

Section 5. For purposes of this Constitution, the Executive Board, the Council, and the Judiciary shall be referred to collectively as “SBA Leadership.”

Section 6. For purposes of this Constitution, elected students of the Executive Board, the Council, and the Judiciary shall be referred to as “Officer(s).”

**ARTICLE 2**  
**THE STUDENT BAR ASSOCIATION EXECUTIVE**

Section 1. The Executive Board shall be led by a Boise President and Moscow President (collectively known as “Presidents”).

- (A) Responsibilities. The Presidents shall be responsible for overseeing and administering the SBA in accordance with this Constitution. The Presidents shall enforce and protect this Constitution and duly passed legislation of the Council. The Presidents shall have the shared power to veto any proposed legislation. The Presidents shall have the shared power to unanimously appoint and remove students to/from Committees and appoint replacements of Officers should a position become vacant.
- (B) Eligibility. The Presidents shall be enrolled in their respective campus during their term of service. The Presidents may be second year (2L) or third year (3L) students.

Section 2. The Executive Board shall include a Boise Vice President and a Moscow Vice President (collectively known as “Vice Presidents”).

- (A) Responsibilities. The Vice Presidents shall serve as SBA representatives, ensure actions directed by the Council are performed, serve as ex-officio members of all Committees and organizations, and be responsible for such additional duties and powers as expressed herein and as may be requested by the Presidents or the Council. Furthermore, the Vice Presidents shall discharge the duties of the Presidents in the absence, resignation, or other cause of vacancy of the office of the President.
- (B) Eligibility. The Vice Presidents shall be enrolled in their respective campus during their term of service. The Vice Presidents may be second year (2L) or third year (3L) students.

Section 3. The Executive Board shall include a Boise Secretary and a Moscow Secretary (collectively known as “Secretaries”).

- (A) Responsibilities. The Secretaries shall be responsible for keeping a true and accurate record of all Executive Board meetings and proceedings of the Council. The Secretaries shall also be responsible for the apportionment of carrels, as provided by the carrel apportionment legislation, and the duties enumerated elsewhere in this Constitution.
- (B) Eligibility. The Secretaries shall be enrolled in their respective campus during their term of service. The Secretaries may be second year (2L) or third year (3L) students.

Section 4. The Executive Board shall include a Treasurer (“Treasurer”).

- (A) Responsibilities. The Treasurer shall keep an accurate accounting of all monies in any SBA bank account or other fund and shall provide a written report to the Council at each of its regular meetings on the amounts in each account or fund. The Treasurer shall obtain the signatures from both Presidents for the use of any SBA funds prior to all Entertainment

Approval Form (“EAF”) submissions to administrative staff. Additionally, the Treasurer shall process all EAF requests in accordance with College of Law policies. The Treasurer shall serve both campuses.

- (B) Eligibility. The Treasurer shall be elected from either campus. The Treasurer may be a second year (2L) or third year (3L) student.

Section 5. The Executive Board shall include a Boise Sergeant-at-Arms and a Moscow Sergeant-at-Arms (collectively known as “Sergeants-at-Arms”).

- (A) Responsibilities. The Sergeants-at-Arms shall call Council meetings to order and ensure that meeting procedures are followed pursuant to Article 3, Section 3(D). The Sergeants-at-Arms shall act as bailiff for Judiciary proceedings pursuant to Article 4, Section 6. The Sergeants-at-Arms shall administer any SBA elections at their corresponding campus pursuant to Article 5. The Sergeants-at-Arms are responsible for overseeing the maintenance of the student lounge on their respective campuses, either personally or through delegation.
- (B) Eligibility. The Sergeants-at-Arms shall be enrolled in their respective campus during their term of service. The Sergeants-at-Arms may be second year (2L) or third year (3L) students.

Section 6. Executive Board Meetings. The Executive Board shall hold meetings as necessary. Attendance at such meetings shall be exclusive to only Executive Board Officers to protect confidential information that may be discussed.

Section 7. Vacancies in the offices of the Executive Board caused by an Officer stepping down or being removed from service shall be filled by appointment of a student from either class. The Presidents shall appoint candidates to fill these positions.

Section 8. Presidential Succession. The Council may, by resolution, declare the line of presidential succession if both the President and Vice President from one (1) campus resign or are removed from office.

### **ARTICLE 3 THE STUDENT BAR ASSOCIATION COUNCIL**

Section 1. The Council shall consist of thirteen (13) Officers: the Treasurer, two (2) third year (3L) students from each location, two (2) second year (2L) students from each location, and two (2) first year (1L) students from each location.

Section 2. Responsibilities.

- (A) Each Council Officer shall volunteer for, or be appointed to, at least one (1) Committee per school year. The Vice Presidents shall request volunteers for such committees, and the Presidents shall assign each Council Officer to a Committee.

### Section 3. Council Meetings.

- (A) Frequency. The Council shall meet at least one (1) time per month for the following months of the school year: September, October, November, January, February, March, and April.
- (B) Schedule. The Vice Presidents shall set the time and place of all Council meetings. Notice of a Council meeting shall be given by the Vice Presidents via email to all SBA Members at least one (1) week before such meeting. The Vice Presidents may give notice of Council meetings to the Associated Students University of Idaho. The law school Senator responsible for keeping in contact with the Law School and the SBA.
- (C) Attendance. Regularly scheduled Council meetings shall be open to all SBA Members. At no time shall any SBA Member be excluded from any Council meeting, with the exception that the Sergeants-at-Arms may remove any individual from a Council meeting if the person is being disruptive. If a private Council meeting is necessary to protect confidential information, the Council may hold such meeting with a fifty percent (50%) affirmative vote of the Council Officers.
- (D) Administration of Meetings.
  - i. The Presidents shall administer Council meetings in rotation. The Sergeants-at-Arms shall call Council meetings to order and ensure that meeting procedures are followed.
  - ii. Parliamentary Rules and Procedures. Robert's Rules of Order shall govern the proceedings of the meetings of the Council, so long as they do not conflict with any of the rules of procedure expressly set forth in the Constitution or legislation.
- (E) Voting. Council Officers, except the Treasurer, shall vote on all matters before the Council. The Treasurer shall vote in case of a tie.

### Section 4. Legislation.

- (A) The Council, in quorum with two-thirds (2/3) Council Officers elected at that time and the Treasurer present, shall have the power to approve proposed legislation not in conflict with this Constitution, by a fifty percent (50%) affirmative vote of Council Officers present at the time of the vote.
- (B) Proposed legislation may be introduced by any SBA Member for the Council's consideration and vote. Proposed legislation shall be sponsored by a Council Officer. Any proposed legislation shall include a statement of its basis and purpose, a statement of financial impact, a statement regarding any previously passed legislation that the proposed legislation overrules or affects, and the signature of the SBA Member(s) introducing it. Statements of financial impact shall include a fully itemized list of all proposed expenses and the dollar amount for each proposed expense.

- (C) All legislation shall fully comply with the requirements of this Constitution.
- (D) Once approved, proposed legislation shall be given to the Presidents for review. The Presidents shall have five (5) school days in which to sign or veto the proposed legislation by unanimous decision. If legislation is vetoed by the Presidents, the Council may override the veto by a two-thirds (2/3) majority. Such an override vote shall be conducted during the next regularly scheduled Council meeting. Failure by the Presidents to sign or veto the legislation within five (5) school days shall be construed as approval of the legislation as passed by the Council. If the Council fails to effectuate a veto override during the next regularly scheduled meeting, the presidents' veto shall be final as to the proposed legislation.
- (E) Legislation. All proposed legislation is divided into two (2) categories: bills and resolutions
  - i. Bills.
    - 1. Bills are documents proposing legislative action to the Council for approval. Legislative action can be taken to alter or create an SBA Leadership Process or an SBA Rule or Regulation
    - 2. Any SBA Member may introduce a bill.
    - 3. To pass a bill a Council Officer motions for approval of the bill. Then, the SBA Member introducing the bill provides a summary of the bill. The bill is then open for discussion. Finally, the Council votes on the bill.
    - 4. A bill is passed by a fifty percent (50%) affirmative vote of the Council Officers present at the time the vote is taken.
    - 5. If the Council passes a bill, it shall take effect immediately following its approval.
  - ii. Resolutions.
    - 1. Resolutions are formal statements of the official policy, opinion, will, or intent of SBA Leadership as approved by the Council.
    - 2. Any SBA Member, pursuant this Constitution, may introduce a resolution.
    - 3. To pass a resolution a Council Officer motions for approval of the resolution. Then, the SBA Member introducing the resolution provides a summary of the resolution. The resolution is then open for discussion. Finally, the Council votes on the resolution.

4. A resolution is passed by a fifty percent (50%) affirmative vote of the Council Officers present at the time the vote is taken.
  5. If the Council passes a resolution, it shall take effect immediately following its approval.
- iii. Recording Legislation.
1. Final copies of all legislation passed or defeated by the Council shall be made available on the Student Organizations/SBA page on the College of Law website.
  2. Final copies shall include the vote date, the vote tally, the signature of the Presidents, Vice Presidents, and Council Officers.

Section 5. Vacancies in the offices of the Council caused by an Officer stepping down or being removed from service shall be filled by appointment of a student in the class from which the vacancy arises. The Presidents shall appoint candidates to fill these positions.

#### **ARTICLE 4 THE SBA JUDICIARY AND THE HONOR COURT**

Section 1. The Judiciary shall consist of five (5) Officers, also referred to in this section as "Justice(s)": two (2) third year (3L) students, two (2) second year (2L) students, and one (1) first year (1L) student.

Section 2. The Honor Court shall consist of three (3) Justices: two (2) third year (3L) students and one (1) second year (2L) student. Honor Court Justices shall be governed by the Honor Code when serving in the capacity of an Honor Court Justice.

Section 3. Judiciary and Honor Court Justices shall be elected, in accordance with this Constitution, as follows:

- (A) Two (2) third year (3L) Justices from either campus shall be elected to serve on both the Judiciary and the Honor Court.
- (B) One (1) second year (2L) Justice from either campus shall be elected to serve on both the Judiciary and the Honor Court.
- (C) One (1) second year (2L) Justice from either campus shall be elected to serve only on the Judiciary.
- (D) One (1) first year (1L) Justice from either campus shall be elected to serve only on the Judiciary.

Section 4. Service as a Justice of the Judiciary or the Honor Court is contingent upon adherence to the Honor Code.

Section 5. Responsibilities.

- (A) The Judiciary is responsible for upholding and protecting this Constitution through judicial review. The Judiciary shall have the power to strike down an act or omission of any Officer or SBA Member if it finds their conduct to be a violation of this Constitution or any legislation.
- (B) The Judiciary shall not have jurisdiction over actions arising under the Honor Code. The Honor Court shall have jurisdiction over actions arising under the Honor Code.

Section 6. Adjudicative Proceedings.

- (A) An action arising due to a conflict between this Constitution and legislation may be brought to the Judiciary at any time. For other actions subject to judicial review, an action brought to the Judiciary shall be submitted no more than fourteen (14) school days after such act or omission occurred. An action shall be brought by an SBA Member and may not be brought *sua sponte* by a Justice. An action may be submitted to any active Justice of the Judiciary.
- (B) The Judiciary shall hold an adjudicative hearing within fourteen (14) school days after an action is brought. All Judiciary adjudicative hearings shall be open to all SBA Members. The Sergeants-at-Arms shall act as bailiff for the adjudicative hearings.
- (C) Three (3) Justices shall constitute a quorum to conduct business of the Judiciary. A vote of at least three (3) Justices is required for the Judiciary to render a decision. The Judiciary shall issue written opinions, which shall become effective immediately. The Executive Board, Council, or SBA Members shall not override or act contrary to a Judiciary decision.
- (D) The Judiciary shall issue a written opinion within fourteen (14) school days after the adjudicative hearing.
- (E) Written opinions of the Judiciary shall be dated and ordered by the Judiciary and shall be kept on the Student Organizations/SBA page on the College of Law website.

Section 7. The Judiciary shall elect one (1) of the third year (3L) Justices to serve as Chief Justice. The Chief Justice may be removed and replaced by a majority affirmative vote of the court. The Chief Justice shall be responsible for collecting and distributing documents, scheduling hearings, and providing notice to relevant parties and individuals.

Section 8. Honor Court Counsel.

- (A) Responsibilities. The Honor Court Counsel is responsible for the investigation and prosecution of Honor Code violations. Such duties are governed by the Honor Code.

- (B) Two (2) Honor Court Counselors shall serve at all times.
- (C) A counselor shall be elected at the end of their first year to serve a two (2) year term. One (1) counselor shall be from the Boise campus, and one (1) shall be from the Moscow campus. Counselors shall be elected in alternating order so that each year, one (1) counselor is a third year (3L) student, and one (1) is a second year (2L) student. When a third year (3L) counselor graduates, their seat shall be filled at the same campus location where the seat is vacated.

Section 9. Vacancies in the offices of the Judiciary and the Honor Court shall be filled by appointment of a student in the class from which the vacancy arises. A vacancy of either Honor Court Counselor positions shall be filled by appointment of one (1) second year (2L) student. The Presidents shall appoint candidates to fill these positions. The Executive Board shall vote on the nominee, who shall assume the position upon a fifty percent (50%) affirmative vote of the Executive Board members present at the time of voting in favor.

Section 10. At the discretion of the Presidents, Justices of the Judiciary shall serve in capacities outside of those set forth in this Article, so long as such service does not create a conflict of interest with the Justice's duties and responsibilities as a Justice of the Judiciary. If an action is brought to the Judiciary based on an act or omission in which the Justice was personally involved, the Justice shall recuse themselves from that specific proceeding.

## **ARTICLE 5 ELECTIONS AND REMOVAL OF OFFICERS**

Section 1. Any SBA Member is eligible to run for an Officer position, in accordance with the parameters set forth in this Constitution.

Section 2. The Sergeants-at-Arms shall conduct and be responsible for the elections of all Officer positions on their respective campuses. If needed, the Secretaries shall assist in this duty. Sergeants-at-Arms have a duty to hold timely, fair, and accessible elections. Sergeants-at-Arms shall collaborate with each other to ensure that elections are held simultaneously at each campus.

Section 3. All Boise Officer positions shall be elected for a term of one (1) year by the SBA Members enrolled at the Boise campus. All Moscow Officer positions shall be elected for a term of one (1) year by the SBA Members enrolled at the Moscow campus. All cross-campus Officer positions shall be elected for a term of one (1) year by all SBA Members enrolled at both campuses.

Section 4. The candidates for President and Vice President shall be elected on one (1) ticket.

Section 5. Election Process.

- (A) Elections for Executive Board, third year (3L) Council, second year (2L) Council, third year (3L) Judiciary, and second year (2L) Judiciary Officers shall be held no later than April 15th of the College of Law Spring Semester. Results shall be announced no later than two (2) business days after the polls close. A run-off election shall be held if two candidates

receive the same number of votes. Those elected shall take office immediately upon such announcement, to the extent that this does not conflict with the remaining events/responsibilities of the incumbent Officers.

- (B) Elections for first year Council and Judiciary Officers shall be held no later than Friday of the fourth academic week of the College of Law Fall Semester of each school year. Results shall be announced no later than two (2) business days after the polls close. A run-off election shall be held if two candidates receive the same number of votes. Those elected shall take office immediately upon such announcement.
- (C) If any Officer positions remain vacant in the spring election cycle, such positions shall be filled during the fall election cycle. Results shall be announced no later than two (2) business days after the polls close. A run-off election shall be held if two candidates receive the same number of votes. Those elected shall take office immediately upon such announcement.
- (D) Elections on each campus shall take place simultaneously. This is in part so that all SBA Members have an equal opportunity to run for cross-campus Officer positions.
- (E) Candidates may declare their candidacy by entry on a virtual sign-up list that is made available two (2) weeks before the election.
- (F) Persons wishing to run for office after the deadline may run as write-in candidates, although the names of such candidates shall not appear on the ballot. Write-in candidates are subject to all other rules applicable to candidates pursuant to this Article.
- (G) The candidate receiving the most votes in any election shall be declared the elected, except for candidates running for President and Vice President, which require at least fifty percent (50%) of the votes cast to be elected. Should no individual ticket obtain at least fifty percent (50%) of the votes cast, a run-off election shall be held between the two (2) tickets that receive the greatest number of votes, unless one (1) candidate or pair of candidates concedes, in which case the other shall be declared the winner. The run-off shall be held on the Thursday following the general election.
- (H) Election results shall be distributed via email to all SBA Members. The names of current SBA Leadership shall be posted on the Student Organizations/SBA page on the College of Law website.
- (I) Any SBA Member objecting to the results or conduct of an election shall do so within five (5) school days of the date the results are announced. The objection shall be heard by the Judiciary in accordance with the provisions of Article 4, Section 6.

## Section 6. Removal From Office

(A) No Officer shall be subject to removal from office until having received, in writing, the charges against them no fewer than five (5) school days prior to the hearing or election outlined below.

(B) Removal from Office by Council Vote.

i. Any Officer shall be removed from office:

1. Upon petition to the Council by thirty (30) or more SBA Members stating that the Officer is unfit or otherwise disabled to effectively discharge the duties of office, and

2. With the vote of five (5) Council Officers (excluding the Treasurer) in favor thereof.

ii. No later than seven (7) school days from the date the petition was presented the Council shall hold a hearing open to all SBA Members.

(C) Removal from Office by SBA Member Vote.

i. Any Officer shall be removed from office:

1. Upon petition to the Council by thirty (30) or more SBA Members stating that the Officer is unfit or otherwise disabled to effectively discharge the duties of office; and

2. With a fifty percent (50%) majority of those SBA Members voting, voting in favor thereof.

ii. If an Officer is removed, the Presidents shall appoint successors in accordance with Article 2, Section 1(A). If either President is declared disabled, the corresponding Vice President shall succeed the President.

iii. Any Officer removed may petition for review by the Judiciary. The Judiciary shall apply the clearly erroneous standard of review.

## **ARTICLE 6 STUDENT ORGANIZATIONS**

Section 1. The SBA shall ensure relationships among the student organizations are conducted beneficially and in a complementary manner within the SBA requirements and the SBA Club Collaboration Program.

## **ARTICLE 7 BUDGETING**

Section 1. Each semester, prior to the first Council meeting, the Presidents shall set forth general allocations of Student Fees (in the amount set forth by the Associate Deans of Students) to SBA Leadership and to Student Organizations as a whole for the semester.

Section 2. At the first Council meeting of each semester, the Council will approve the general allocations of Student Fees with a fifty percent (50%) majority of those Council Officers present at the time the vote is taken voting in favor thereof.

Section 3. Each semester, prior to the first Council meeting, the Presidents shall prepare an SBA Leadership Budget System (“Budget”) that will allocate the SBA Leadership’s portion of Student Fees to activities including, but not limited to, specific events and programs. The Budget may also include a miscellaneous allocation to be used for unforeseen expenses. Any funds not spent on a designated event or program will be added to the miscellaneous allocation.

Section 4. At the first Council meeting of each semester, the Council will approve the Budget with a fifty percent (50%) majority of those Council Officers present at the time the vote is taken voting in favor thereof.

Section 5. Once the Budget is approved by the Council, the Presidents will have sole discretion to use the funds within each allocation for the designated purpose.

## **ARTICLE 8 COMMITTEES**

Section 1. The Presidents shall have the power to create and appoint committees as they deem is in the best interest of the SBA.

Section 2. The Standing Committees (“Committee(s)”) of the SBA shall be:

- (A) Social. Responsible for planning and organizing social activities sponsored by the SBA. This committee shall be appointed by the Presidents.
- (B) Club Outreach. Responsible for facilitating communications between clubs and SBA Leadership. Responsible for monitoring club compliance with the SBA Club Collaboration Program. This committee shall be appointed by the Presidents.
- (C) Student/Faculty Relations. Responsible for representing the views of the SBA Members as to the improvement of student faculty relations and setting up programs to foster that relationship. This committee shall be appointed by the Presidents.
- (D) Diversity, Equity & Inclusion. Responsible for presenting the views of the SBA Members to the faculty Diversity, Equity & Inclusion committee. This committee shall be appointed by the Presidents.
- (E) Library. Responsible for presenting the views of the SBA Members to the Library committee. This committee shall be appointed by the Presidents.

- (F) Curriculum. Responsible for presenting the views of the SBA Members to the Administration Faculty Curriculum Committee. This committee shall be appointed by the Presidents.
- (G) Technology. Responsible for presenting the views of the SBA Members to the faculty Technology committee. This committee shall be appointed by the Presidents.

**ARTICLE 9**  
**CONSTRUCTION OF PROVISIONS, AMENDMENT, AND EFFECTIVE DATE**

Section 1. This Constitution shall be construed to be consistent within its four corners to the extent possible. No inconsistency herein shall be deemed to void the entire Constitution. In case of conflict between this Constitution and the Honor Code, the Honor Code shall prevail. Unclear and ambiguous provisions or conflicting policy between this Constitution and the Honor Code shall be construed in favor of the Honor Code. This Constitution and the Honor Code shall be construed to overrule any legislation.

Section 2. Amendments.

- (A) This Constitution may be amended by a two-thirds (2/3) affirmative vote of the ballots cast by SBA Members.
- (B) Proposed amendments to this Constitution shall be brought by a petition of at least twenty (20) SBA Members presented to the Council, or by the Council, or by the Presidents.
- (C) When a proposed amendment has been brought, the Council shall hold a meeting of the SBA Members within ten (10) days for the presentation and discussion of the proposed amendment. Notice of such meeting shall be given to all SBA Members no fewer than five (5) school days prior to the meeting. The meeting shall be chaired by the Presidents.
- (D) Ballots shall be prepared and presented to the SBA Members not more than two (2) school days after the proposed-amendment meeting. Ballots shall be returned within two (2) school days to be tabulated by a committee appointed by the Presidents. Said committee shall consist of no fewer than three (3) persons, one (1) of which shall be an Officer. Tabulation of ballots shall be attested to by the committee. The results shall be distributed to all SBA Members not more than two (2) days after tabulation. Ballots may be inspected by an interested SBA Member upon written request presented to an Officer.

Section 3. The Presidents are responsible for the safe storage of this Constitution and amendments thereto. A true and accurate copy of the Constitution, in computer file form, shall be kept by the Dean of the College of Law. A true and accurate copy of the Constitution shall be kept on the Student Organizations/SBA page on the College of Law website.

Section 4. The Original Constitution shall become effective upon ratification by a fifty percent (50%) affirmative vote of the SBA Members and shall be instituted on October 18, 1996.

Section 5. This Amended Constitution shall become effective upon a two-thirds (2/3) affirmative vote of the ballots cast by the SBA Members and shall be instituted on August X, 2022.