

CONSTITUTION

Ave Maria School of Law Student Bar Association

Let no one despise you for your youth, but set the believers an example in speech, in conduct, in love, in faith, in purity.

1 Tim. 4:12

PREAMBLE

We the students of Ave Maria School of Law, in order to edify the student body, serve and represent, resolve disputes, maintain a budget, direct student activities, intercede with the faculty and administration, and act for the betterment of Ave Maria School of Law, do serve as the Student Bar Association.

Article I – Organizational Structure

Section I: The Student Bar Association will consist of all enrolled students of Ave Maria School of Law.

Section II: A body of students shall be elected to serve in leadership as representatives for the SBA. This body shall be broken into two branches, the “Senate” and the “Executive Board”. The Senate is comprised of four representatives from each class, and the Board is comprised of three Principal Officers in the form of President, Vice-President, and Secretary/Treasurer – as well as such minor officers in the form of Executive Appointments.

Section III: The role of the President is that of oversight and administration. His or her principal concerns are communication with the Administration and supervision of the Senate. The President shall preside over the Senate and may vote only when necessary to resolve a tie therein.

The President is vested with the unilateral power to appoint members of the Senate to such positions and responsibilities as deemed necessary. The President may also create Executive Appointments to the Executive Board with the advice and consent of the Senate.

The President may, as a matter of executive discretion, sit on any committee within the Senate as a non-voting advisory member.

The President shall retain the power to veto any action of the Senate as described in Article IV Section IV.

Section IV: The Vice-President is to support the President’s duties and act as the parliamentarian in all regular meetings of the Senate.

The Vice-President shall preside over the Finance Committee and is to maintain a budget for the SBA. In the circumstance of a tie within the Finance Committee the Vice-President must cast the determining vote.

The Vice President is vested with the right of succession at all times where the President is unavailable. When succeeding in the absence of the President, the Vice-President must appoint an active member of the Senate to act as parliamentarian.

Section V: The Secretary/Treasurer is to develop and maintain all official documents for the Senate and the Executive Board.

The Secretary/Treasurer is to record the minutes for all official Senate meetings and is to subsequently publish them to the SBA in accordance with the SBA By-Laws (hereinafter “By-Laws”).

The Secretary/Treasurer shall maintain a budget for the Executive Board and Senate and is to manage all matters regarding the Executive Board’s and Senate’s financial transactions.

The Secretary/Treasurer is vested with the right of succession at all times when both the President and Vice-President are unavailable. When succeeding the absence of the President and

the Vice-President, the Secretary/Treasurer must appoint active members of the Senate to act as Parliamentarian and Secretary.

Section VI: Executive Appointees are appointed by the President with the advice and consent of the Senate, and act as non-voting members of the Executive Board, a committee chair or both, except as noted in Section VIII.

The jurisdiction, authority, and responsibilities of each Executive Appointment shall be defined and delineated upon its creation. The same must be attached to and published with the official By-Laws.

Executive Appointments must be made to such necessary positions as are not otherwise filled by current members of the Executive Board or Senate. Positions which at all times must be filled are SBA Events Coordinator and SBA Student Organizations Coordinator.

If an executive nominee is not subjected to a vote under the full quorum of the Senate within thirty days, the nominee will serve in the appointed office until such a vote occurs, exercising the full rights, privileges, and duties of such office. Committee chairs are exempted from a confirmation vote if they are part of the Senate. Confirmation or dismissal must still be voted upon in the Senate within thirty days.

The Board shall recognize the Representative(s) to the Florida Bar Young Lawyers Division Law School Division. If this position is left vacant the Board shall recommend an appointment to the Florida Bar Association.

Any Executive Appointee may be removed by order of the President or upon motion in the Senate.

Section VII: The Senate has the power to pass any legislation, policies, rules, resolutions, expenditures, statements, appropriations, and otherwise as is necessary for the performance of its duties.

The Senate may form and fill committees as necessary to assist with the execution of its duties. Each Senator may serve on multiple committees without limitation.

Each Senator shall have one vote and hold an equal voice in all proceedings. The Executive Board does not have voting power, except as provided in Article I, Section III.

Section VIII: Committees may be formed by either executive order of the President or by vote in the Senate.

The jurisdiction, authority, and responsibilities of each committee shall be defined and delineated upon its creation. The same must be attached to and published with the official By-Laws.

Upon the creation of any committee, the President must appoint a Chair in the manner of an Executive Appointment. The Chair should hold a vote and act in like manner as the President, or as otherwise delineated upon creation. Any member of the SBA may be appointed to a committee by the authority of a majority vote by the Senate. Additionally, Committee Chairs or

the President may make appointments to any committee without a confirmation vote by the Senate.

Committees may meet independently for the execution of their duties outside of regular SBA Senate meeting times and are not constrained by requirements of quorum unless otherwise stipulated within their delineated powers.

Certain Committees must exist at all times and shall be chaired by elected members of the Senate or Executive Board. These Committees are Elections, Events, Finance, Constitution, and Community Service.

Article II – Rights and Authority

Section I: The Senate and Executive Board acts with two forms of authority: that of right by the Administration and that by vestment from the SBA.

The Senate has authority by vestment to receive or actively solicit student concerns, complaints, and recommendations regarding any and all matters of student concern.

The Executive Board has authority by vestment to appear on behalf of the SBA before the Deans, Administration, and Faculty as necessary to represent student interests.

The Senate, via the Finance Committee, has authority by vestment to maintain and allocate the SBA treasury to Student Organizations.

The Executive Board and Senate has authority by vestment to create and enforce rules and regulations for Student Organizations.

The Executive Board and Senate has authority by vestment to act in arbitration to resolve non-legal matters of inter-student disputes when so requested by the parties or on behalf of the SBA.

The Executive Board and Senate has such further authority by vestment to act on behalf of the SBA as may be necessary for its effective service.

Section II: The Executive Board and Senate authority by right is such as may be granted by the Administration and found within the Student Handbook or any other official Administrative source.

Article III – Student Organizations

Section I: All official Student Organizations exist under the advisory oversight of the Senate.

Official Student Organizations are such as are approved by the Dean and enumerated within the SBA rolls.

The constitutive documents and activities of all Student Organizations must be reasonably consistent with the mission of Ave Maria School of Law as set forth by the Administration in the Student Handbook.

Section II: The authority of the Senate over Student Organizations is limited to an advisory role of setting forth rules for their creation and dissolution, funding, and specific policy requirements for their continuance.

Section III: The Finance Committee is responsible for the disbursement of funds from the SBA treasury for Student Organizations each academic year.

Section IV: For purposes of funding, the Executive Board shall be treated as a student organization under the direction of the Secretary/Treasurer.

Article IV – Meetings

Section I: The Senate shall hold regular meetings, excepting holidays, breaks, and exam periods, in accordance with the By-Laws. These meetings shall be open to members of the SBA, Faculty, and Administration.

A portion of each meeting shall be set aside as an open forum for the participation and concerns of all members of the SBA, Faculty, and Administration. There is no requirement that student concerns be brought before a formal meeting. Senators and the Executive Board members, within their authority, may hear and resolve student concerns at any time.

All regular Senate meetings shall be held in accordance with the most recent edition of Robert's Rules of Order unless otherwise stipulated herein.

Section II: 'Quorum' is to be defined as the physical presence of at least nine Senators and at least two Principal Officers.

If less than seven Senators or no Principal Officers are present, then no quorum is achieved, and the Senate meeting may not commence.

If greater than six Senators are present, though less than nine, and at least one Principal Officer is present, then the SBA meeting may continue in a state of limited quorum. 'Limited quorum' must be noted in the minutes, and only matters upon which the Senate may resolve through majority vote may be considered on the floor.

Until such time that 11 senators are elected, Quorum is to be defined as at least two Principal Officers and five Senators.

Section III: During all Senate meetings the Senate shall be afforded opportunity to pass all such legislation, policies, rules, resolutions, expenditures, statements, and appropriations; or to otherwise act in any such manner as deemed necessary in its service to the SBA.

Any such action of the Senate shall pass with a simple majority vote, unless otherwise stipulated herein, of the full Senate and shall be delivered to the President to be signed.

Section IV: The Presidential power of the veto must be exercised within the same meeting at which the action was passed by the Senate.

In the case of a veto, the Senate shall hold the power to override the veto with a two-thirds vote of the full Senate. The Senators present must vote on whether to attempt an override within the same meeting at which the veto was exercised. If a majority of the Senators present vote in favor of an override attempt, then the override vote shall take place no later than the end of the next quorum Senate meeting, or no later than two weeks from the meeting in which the veto was exercised, whichever is earlier.

Upon an override of the veto, the action shall be considered passed.

Article V – Elections

Section I: Principal Officers, 3L Senators and 2L Senators, shall be elected by the second week of April, or prior to Barristers Ball, whichever is first.

Upon their election, these members of the Executive Board and Senate, shall begin service at such a time as designated in the Elections Code and until the remainder of the following academic year.

No student may run for both an Executive and Senatorial position within the same election. 1L Senators shall be elected, no later than the end of the second week of October, at such a time as determined by the Elections Committee.

Individuals interested in running for any office will be placed on the ballot only if they have submitted their intention to the Senate by such deadline as set forth in the Elections Code.

Section II: The President and Vice-President shall be elected together as a single ticket on the ballot. The Secretary/Treasurer and all Senators shall be elected independently in accordance with the Elections Code as set forth by the Elections Committee and approved in the Senate.

Section III: If the office of the President becomes vacant, the Vice-President shall become the President, and shall nominate another member of the Senate or Executive Board, to fill the position of Vice-President by the next quorum Senate meeting. The nominee must be ratified by a two-thirds majority of the Senate before taking office.

If the office of the Vice-President becomes vacant, the President shall nominate another member of the Executive Board or Senate to fill the position of Vice-President by the next quorum Senate meeting. The nominee must be ratified by a two-thirds majority of the Senate before taking office.

If the office of the Secretary/Treasurer becomes vacant, the President shall nominate another member of the Executive Board or Senate, to the position by the next quorum Senate meeting. The nominee must be ratified by a two-thirds majority of the Senate before taking office.

If an office of the Senate becomes vacant, a majority of the Senators from the class in which the vacancy has occurred shall nominate another member from the class to fill the position by the next quorum Senate meeting. In the event the remaining Senators of the class in which the vacancy has occurred cannot agree upon a nomination by the next quorum meeting, the President

shall cast the deciding vote, selecting from among the tied nominees. The nominee must be ratified by a two-thirds majority of the Senate before taking office.

Article VI – Amendments

Section I: The Constitution Committee, when necessary, shall propose Amendments and Revisions of the Constitution and/or By-Laws to the Senate.

Amendments are defined as any substantive changes or additions to the Constitution, shall be titled as numbered Amendments, and require a two-thirds vote in the Senate for approval.

Upon approval in the Senate, proposed Amendments must be presented to the SBA for ratification. The publication period must be at least one week prior to the ratification vote. If affirmed by a majority of respondents, the Amendment shall then be deemed ratified and delivered to the Administration for approval.

If less than two-fifths of the SBA members submit their vote, then ratification must be made instead by the Senate. For ratification in such circumstance, approval must be made by four-fifths of the Senate.

In all cases, the total number of votes must be released within forty-eight hours of the closing of the vote. If less than two-fifths of the SBA members submit their vote, this and the alternative procedure for ratification must be noted to the SBA within the same period.

Amendments that serve to add information to the body of this document will be published following the text of this document. Amendments that serve to modify or subtract language will take effect within the body of this document. Those changes will, additionally, be noted as Amendments in Article XI in the same fashion as any other Amendment.

Section II: Revisions are non-substantive technical changes to the body of the Constitution itself and require only a two-thirds vote in the Senate.

The determination of whether a proposal is a revision, or an amendment shall be made in the first instance by the Constitution Committee.

Section III: Changes to the By-Laws may be passed with a two-thirds majority of the Senate.

Article VII – Appeals

Section I: An appeal may be taken by any member of the SBA from any action of the Senate or Committees or Executive Board for reconsideration by the Senate except otherwise noted.

All appeals to the Senate must be brought during regular Senate Meetings, and the appeal must be noted in the minutes.

The Senate's reconsideration review shall be de novo, and the reconsideration vote shall require the same majority vote as the original matter in question.

Section II: All members of the SBA, after having duly appealed to the Senate, may bring further appeal to the Administration.

The procedure for such further appeal to the Administration shall be set forth in the By-Laws or Student Handbook and must be properly followed to receive consideration. In case of conflict between the By-Laws and the Student Handbook, the Handbook shall prevail.

Article VIII – Removal

Section I: If any member of the Senate or Executive Board habitually acts in a matter inconsistent with the mission of the school or is found to engage in behavior which is fundamentally inconsistent with their office, a recommendation for removal shall be presented to the Senate by the parliamentarian. The Senate may also move for the removal of any Executive Board member or Senate member independently, and at any time.

A request to remove any member of the Executive Board or Senate may be submitted by any member of the SBA to the parliamentarian, president, or that member's representative senator. If co-signed by twenty percent of the voting class (or classes, in the case of an Executive Board member), a removal vote must occur within thirty days or at the next meeting of the Senate, whichever takes place first.

Standards of conduct shall be specified in the By Laws and shall include such standards as established by the Administration and the Honor Board.

This section does not control removal due to failure to adhere to attendance requirements as set forth in Section III.

Section II: Removal of a voting member of the Senate will occur with a four-fifths majority vote by the Senate. The member under consideration shall be deemed as a present vote against for purposes of quorum, unless otherwise stipulated by the member in question.

Prior to the vote, the member in question must be provided a reasonable opportunity to address the Senate if desired. If the member in question fails to address the Senate by the next regular Senate meeting, this right shall be considered waived.

The appeal of any removal vote may be made by any member of the voting class but must be co-signed by forty percent of the SBA members and delivered to the parliamentarian, president, or that member's representative senator within seven days of the removal vote. Such an appeal is not governed by Article VII, Section I. Rather, the Elections Committee must submit the appeal for the consideration of the entire membership of the voting class within thirty days. If the vote passes with a two-thirds majority, the Senator or Executive Board member will be removed.

In no way should this Section be construed to limit the SBA member's right to further appeal to the administration under Article VII, Section II.

This section does not control removal due to failure to adhere to attendance as set forth in Section III.

Section III: If a Senator or Executive Board member fails to adhere to the attendance requirements, set forth in the By- Laws, the President has full authority to remove said person with no presentation to the Senate.

In no way should this this Section be construed to limit the SBA member's right to only appeal to the Administration, and not the Senate, under Article VII, Section II.

Article IX – Documents

Section I: The Board must maintain as recent and accurate and at all times open and available to the SBA the following documents:

SBA Constitution and Amendments.

SBA By-Laws: The By-Laws shall contain all necessary procedure as directed herein or otherwise for the proper and orderly function of the SBA.

SBA Election Code: The Election Code shall contain the procedures for the orderly and efficient conduct of election of all SBA positions.

SBA Roll Call: The SBA Roll Call shall enumerate the official list of Student Organizations as approved by the Associate Dean of Student Affairs.

SBA Minutes: Transcripts of reasonable accuracy for all official Senate meetings during the relevant academic year.

Article X – Adoption

This document will be adopted as the Constitution of the Ave Maria School of Law Student Bar Association with a 60% majority of those voting of the student body.

Article XI – Amendments

Amendment I: Add to **Article I, Section VI** that Executive Board members do not have voting privileges.

Administration Approved: Before 2018; SBA Approved: Before 2018; Constitution Committee Approved: Before 2018.

Amendment II: Add to **Article VIII** that the President has the authority to remove a member of the Senate or Executive Board for failure to adhere to attendance requirements. Additionally, add **Article VII** that adds an appeal process for decisions; first to the SBA Senate, then to AMSL Administration.

Administration Approved: Before 2018; SBA Approved: Before 2018; Constitution Committee Approved: Before 2018.

Amendment III: Modify **Article I, Section I** definition of membership of the SBA from all full-time students to all enrolled students.

Administration Approved: 10/06/2020; SBA Approved: 01/22/2019; Constitution Committee Approved: 10/01/2023.

Amendment IV: Add to **Article I, Section VI** allowing Executive Appointees to begin their job before a Senate vote to confirm the nominee. Committee Chairs are exempt from this rule and may begin serving immediately upon appointment.

Administration Approved: 10/06/2020; SBA Approved: 01/22/2019; Constitution Committee Approved: 10/01/2023.

Amendment V: Add to **Article VIII** a second option to remove Senators or Executive Board members by the voting class of SBA.

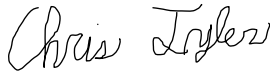
Administration Approved: 10/06/2020; SBA Approved: 01/22/2019; Constitution Committee Approved: 10/01/2023.

APPROVED BY THE SENATE: 01/11/2024

APPROVED BY ADMINISTRATION: N/A

APPROVED BY CONSTITUTION COMMITTEE: 7/7/2014

 Recoverable Signature

X 

Christopher Tyler

Chair, Constitution Committee

Signed by: 18ab9b3e-12c3-4a66-a19c-b78ecb15ad60

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Quinten Zak

President, SBA

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