The Constitution of the Villanova University School of Law
Student Bar Association

Preamble

This association of students shall be known as the Villanova University School of Law Student Bar Association. The purpose of our association shall be to cultivate camaraderie among the student body, foster a comfortable and professional atmosphere for achieving a quality legal education, and establish a just and efficient form of student government.

Article I: Membership

§ 1 Membership

All full-time students currently enrolled in the Villanova University School of Law shall be members of the Student Bar Association.

§ 2 Termination of Membership

Individual Student Bar Association membership shall terminate whenever the individual is no longer an enrolled student within the Villanova University School of Law by reason of graduation, withdrawal, or dismissal.

Article II: Executive Committee and Board of Officers

§ 1 Student Bar Association Board of Officers

A. Authority

The Board of Officers shall be the governing body of the Villanova University School of Law Student Bar Association. All legislative power shall be vested in the Board of Officers, including the authority to execute the Constitution and operate the daily functions of the Student Bar Association.
B. Composition

The Board of Officers shall be comprised of the following positions:

i. President (voting)
ii. Vice President (voting)
iii. Secretary (voting)
iv. Treasurer (voting)
v. Student Groups Liaison (voting)
vi. American Bar Association Representative (voting)
vii. Pennsylvania Bar Association Representative (voting)
viii. Philadelphia Bar Representative (voting)
ix. Villanova University Senator (a.k.a. Liaison to the University) (voting)
x. Intramura Chairperson (voting)
xi. Four Representatives from the third year class (each voting)
 xii. Four Representatives from the second year class (each voting)
xiii. Two Representatives from each major section of the first year class (each voting)
xiv. Two At-Large Representatives (each non-voting)
xv. Members of the Student Bar Association serving as ABA/LSD National Officer, Division Delegate, or Circuit Governor (non-voting)

§ 2 Student Bar Association Executive Committee

A. Authority

The Executive Committee shall control and direct the actions of the Board of Officers of the Student Bar Association.

B. Composition

The Executive Committee shall be comprised of the following positions:

i. President
ii. Vice President
iii. Secretary
iv. Treasurer

C. At-Large Appointments

The President shall accept nominations for At-Large Representatives from the general membership, ordinarily during election time following the commencement of the academic school year or preceding the end of the academic year. The President will appoint At-Large Representatives by confirmation of a
simple majority of the Board of Officers.

§ 3 Organizational Behavior and Conduct

The Board of Officers shall meet no less than three times each semester. The Board of Officers shall abide by, follow, and enforce parliamentary procedure as defined in the bylaws during such meetings.

§ 4 Board of Officers Meetings

A. Presiding Officer

The President shall have the authority to set the date, time, and place of all Officers meetings. The President, or his or her designee, shall preside over all meetings.

B. Attendance

i. Officers

Each Officer is required to attend every meeting of the Board of Officers, except when excused for good cause by the President.

ii. General Members

Board of Officers meetings shall be open to all members of the Student Bar Association and the Student Bar Association Advisor. Non-Officers shall be permitted to observe meetings. Non-Officers may participate only when recognized by an Officer from the floor. Non-Officers may be included on the agenda only by the approval of the President.

iii. Non-Members

Non-members shall be admitted to Board of Officer meetings with the approval of the President. If admitted, non-members shall be permitted to observe meetings. If admitted, non-members may participate only when recognized by an Officer from the floor.

iv. Executive Session

The Board of Officers shall, at any time, have the authority to enter a Board of Officers Executive Session by two-thirds supermajority vote of the Officers present.
C. Record

The Secretary shall record minutes of Board of Officers meetings and submit the minutes to all members of the Student Bar Association in accordance with the bylaws.

§ 5 Executive Committee Meetings

The President shall have the authority to set the date, time, and place of all Executive Committee meetings. Executive Committee meetings shall be held in accordance with the by-laws.

§ 6 Quorum

Quorum shall consist of a majority of the members of the Board of Officers. Board meetings at which quorum is not met or maintained shall operate as if quorum were present; however, the Board Officers shall not pass any binding action.

Article III: Elections Commission

§ 1 Composition

A. Elections Commissioner

The Elections Commission shall be chaired by the Honor Board Chairperson, serving as Elections Commissioner.

B. Other Elections Commission Members

The Commissioner shall appoint no less than two (2) Honor Board members to the Elections Commission.

C. Commission Appointment Requirements

The Elections Commissioner shall appoint the Elections Commission members prior to the commencement of the nomination period.
§ 2 Purpose and Duty

The Elections Commission shall host elections in conformity with this Constitution and the Honor Board Election Rules.

§ 3 Organizational Behavior and Conduct

A. Temporary Elections Commissioner

Should the Elections Commissioner seek candidacy for an Executive Committee or Officer position, he or she must appoint a temporary Commissioner to serve in the Capacity of Elections Commissioner for the entire duration of the election process. The Commissioner shall make such appointment before the commencement of the elections period.

B. Appointment Limitations

The temporary Commissioner shall be a member of the Honor Board who is not participating as a candidate in the election.

Article IV: Suffrage and Eligibility

§ 1 Voting Authority

A. Spring Semester

In the spring semester, each first year and second year member shall be entitled to cast:

i. Class Representative Votes

Two (2) non-accumulating votes for his or her Class Representatives.

ii. Officer Votes

One (1) vote for each Officer position, excluding Class Representatives.
B. Fall Semester

i. Section Representatives

In the fall, each first year member shall be entitled to cast two (2) non-accumulating votes for his or her Section Representative positions.

ii. Class Representatives

In the fall, each second and third year members shall be entitled to cast two (2) non-accumulating votes for his or her Class Representative positions.

iii. Officer Votes

If any Office, not including Section Representative or Class Representatives, is vacant prior to fall elections and will be filled during the fall elections, each second and third year student shall be entitled to cast one (1) vote in accordance with Article IV, Sections A and B.

C. Emergency Election

In the event of an emergency election, each Student Bar Association member shall be entitled to cast one (1) vote for each slated Board of Officer position.

D. Referendum

In the event of a referendum, hosted either in the fall, spring, or by reason of emergency, each member of the Student Bar Association shall be entitled to cast one (1) vote favoring or opposing the proposal.

E. Victors

Each candidate receiving a plurality of the votes for his or her position shall be declared the victor.

§ 2 Election Procedure

The election process and procedures shall be enforced and monitored by the Elections Commission as set forth in Article III.
§ 3 General Elections

Election of Officers shall take place within the last thirty-one days of the academic year preceding the reading day(s), except for the Section Representatives from the first year class, which will take place in the fall.

§ 4 Fall Elections

Elections for vacant Officer positions as well as Section Representatives from the first year class shall take place within forty-five days of the commencement of the academic year.

§ 5 Emergency Elections

In the event of a vacancy or removal from office, the Elections Commission shall have the authority to host emergency elections throughout the academic year.

§ 6 Tie-Elections

In the event of a tie-election, the Elections Commission shall host a run-off election for only those candidates who have tied as soon as possible after the initial elections. In the event of a second tie-election, the President shall appoint one of the tied candidates to the position. In the event a second tie-election for the position of President, the incoming Board of Officers shall elect one of the tied-candidates by simple majority vote to the office of President.

§ 7 Eligibility

Any first or second year Student Bar Association member in good academic standing shall be eligible for election in both the spring and/or fall semester(s) for any position.

§ 8 Nomination for Candidacy

Any Student Bar Association member seeking candidacy for an Officer position shall file his or her application with the Elections Commission in accordance with the Election Commission’s processes and procedures. A member may only seek candidacy for one (1) position in any election cycle.
Article V: Vacancies, Removals, and Recalls

§ 1 Vacancy

A. Board Vacancies, Except Office of President

In the occurrence of an Office vacancy, the vacancy shall be filled by subsequent election or special election hosted by the Elections Commission in accordance with Article IV, section 5, except for the Office of President.

B. Vacancy in the Office of President

If the President’s Office should become vacant thirty-one days or more prior to General Elections, the Vice President shall immediately assume the Office of President for the remainder of the term, and a special election shall be hosted by the Elections Commission to fill the resulting vacancy in the Office of the Vice President. If the President’s Office should become vacant within thirty-one days of the General Elections, the Vice President shall immediately assume the Office of President for the remainder of the term, and the Vice President’s Office shall remain vacant until General Elections.

C. At-Large Representatives

The At-Large Representative Offices shall not be considered vacant at any time. In the event of removal or resignation of an At-Large Representative, the President shall fill the vacancy by appointment in the same manner described in Article II, section 2, part C.

D. Limitations

The vacancy procedures herein do not apply to interim vacancies set forth in Article V, section 3, part D.

§ 2 Removal

A. Cause for Removal

Any Officer shall be subject to removal for malfeasance, nonfeasance, bad behavior, or dereliction in fulfilling the duties of his or her Office. Any Officer subject to removal shall be notified immediately.
B. Authority for Removal

The Board of Officers shall have the authority to remove the officer in accordance with the following provisions:

i. The President, and if the President is subject to removal then the Vice President, or if both then the Elections Commissioner, shall appoint an Investigation Committee, including an Investigation Committee Chairperson, comprised of two Officers from each of the three classes serving on the Board of Officers. If there are insufficient Officers eligible from each class for appointment to the Investigation Committee, the President, Vice President, or Elections Commissioner shall appoint the remaining members from any class, so that the Investigation Committee has exactly six members.

ii. The Investigation Committee shall conduct an investigation concerning the removal of the Officer, operating in accordance with the by-laws. The Committee shall disclose and discuss any investigatory findings to and with the Student Bar Association Advisor.

iii. The Investigation Committee shall, by majority vote, to either dismiss the accusations leveled against the accused, or, finding probable cause, initiate removal proceedings or other proceedings consistent with the by-laws. The Investigation Committee Chairperson shall not vote.

iv. If the Investigation Committee determines the Officer(s) shall be removed for good cause, the Board of Officers shall be presented with the materials from the result of the investigation, as well as the Investigation Committee’s recommendation. The Officer(s) subject to removal shall have the opportunity to present his or her defense to the entire Board of Officers.

v. After being presented with the results of the investigation, the recommendation, and any defense(s), the Board of Officers, less the Officer(s) subject to removal, shall have the authority to remove the Officer(s) from Office by a two-thirds supermajority vote.

vi. All investigation related findings, discussions, and materials maintained by the Committee shall not be disclosed, except for an Investigation Committee Chairperson’s statement. This statement
shall provide a fair and accurate summary of the investigation’s results and include reasons for removal.

vii. Persons removed from Office shall be eligible for candidacy in any subsequent election.

§ 3 Recall

A. Illegitimate Elections

In the event of an illegitimate election, supported by sufficient foundation and evidence as determined by the Elections Commission, the Elections Commission shall order a re-election as soon as possible. The Elections Commission shall have the authority to determine whether the entire election shall be recalled or whether particular positions require re-election.

B. Total Recall

In the event of an entire recall, the current Executive Committee members and Officers shall retain the positions until a new election yields legitimate victors.

C. Partial Recall

In the event of a partial re-election, the legitimate victors shall take their Offices, and current position and office holders shall retain the positions and offices until a new election yields legitimate victors.

D. Interim Vacancy

If a current Officer has been legitimately elected to a new position or office, and the election for his or her former office was found to be illegitimate and requiring re-election, then the Officer shall take the new position of office, and the Office for re-election shall remain vacant until special elections yield a legitimate victor.

Article VI: Supremacy and Bylaws

§ 1 Supremacy

The Executive Committee, Board of Officers, and Elections Commission shall hold this Constitution as supreme rules for organization, and shall not establish bylaws or operating procedures inconsistent with this Constitution.
§ 2 Bylaws

The Executive Committee and Board of Officers each shall establish bylaws for its operation and management procedures. Bylaws shall not be inconsistent with this Constitution.

Article VII: Oath

Each Officer of the Student Bar Association shall take an oath to uphold the values, principles, and rules of this Constitution, in accordance with the bylaws, and hold this Constitution supreme to such bylaws and operational procedures.

Article VIII: Referendums, Amendments, and Safeguarding

§ 1 Referendums

A. During General and Fall Elections

The Elections Commission, by request of the Executive Committee or Board of Officers, shall have the authority to host a referendum(s) during the General Elections or Fall Elections.

B. Emergency Referendum

The Elections Commission, by request of a simple majority of the Executive Committee or Board of Officers, shall, at any time, host an emergency referendum.

C. Approval

In order for a referendum to pass, the proposal requires approval by simple majority of those Student Bar Association member voting on the referendum.

§ 2 Amendments

Any member of the Student Bar Association may propose an amendment to this Constitution. The following provisions, in the order listed, shall govern the process and procedure of amending this Constitution:
A. The proposed amendment shall be submitted to the Executive Committee.

B. The proposed amendment shall be reviewed by the Executive Committee and presented to the Board of Officers.

C. The proposed amendment must be approved by a simple majority of the Board of Officers or the Amendment is rejected with prejudice for the remainder of the academic year.

D. If approved by the Board of Officers, the proposed amendment must be presented to the entire Student Bar Association by referendum during either General or Fall Elections, or by emergency referendum.

E. The proposed amendment must be approved by two-thirds supermajority of those Student Bar Association members voting on the amendment. If the proposed amendment does not garner two-thirds supermajority vote, then it shall be rejected with prejudice for the remainder of the academic year.

F. If approved, the amendment shall be appended to the end of this Constitution and take effect as proposed and approved.

§ 3 Safeguarding

The Secretary shall safeguard and maintain the Constitution, Board of Officers’ bylaws, and Executive Committee bylaws. The Secretary shall provide current copies of the Constitution to the Honor Board and Administration at the commencement of the academic year and in the event of any approved modifications.

Article IX: Ratification

This Constitution shall be enacted upon attaining simple majority of those Student Bar Association members voting on ratification.

Respectfully submitted on this 26th day of August 2010, on behalf of the Villanova School of Law Constitution Committee 2010,

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John C. Stellakis
Chairman, Constitution Committee 2010