CONSTITUTION OF THE STUDENT BAR ASSOCIATION
OF THE UNIVERSITY OF SOUTHERN CALIFORNIA

Last Updated: August 2023

ARTICLE I. GENERAL

§1 – Definitions

(A) Executive board hereinafter refers to all student members of the Student Bar Association, both appointed and elected.
(B) Cabinet hereinafter refers to the Student Bar Association President, Vice President, Treasurer, and Secretary.
(C) Voting member hereinafter refers to all elected SBA positions.
(D) Non-voting member hereinafter refers to all appointed SBA positions.
(E) General assembly hereinafter refers to the entire student body.

§2 – Membership

(A) All currently enrolled graduate students in Gould degree programs are eligible non-voting members.
(B) All current elected Executive Board officers of the organization are eligible voting members.
(C) All members are required to demonstrate support for the purpose of this organization.
(D) Membership decisions will not discriminate on the basis of age, race, religion or creed, national origin, ethnicity, gender, disability, or sexual orientation.

§3 – Affiliations

(A) This organization is a recognized student organization at the University of Southern California, but is not part of the University itself.
(B) In all correspondence and business transactions, it may refer to itself as an organization at USC, but not as part of USC itself.
(C) SBA accepts full financial and production responsibility for all activities it sponsors.
(D) SBA agrees to abide by all pertinent USC policies and regulations. Where USC policies and regulations and those of SBA differ, the policies and regulations of USC will take precedence.
(E) This organization recognizes and understands that the University assumes no legal liability for the actions of the organization, and that the University is not providing blanket indemnification insurance coverage for any activities of the organization, unless those activities expressly benefit and further the goals of the University, and have received prior review, approval, and consent of Campus Activities, Risk Management, and/or General Counsel.

§4 – Allocation of Powers

The functions of the SBA shall be allocated between the Executive Board, which shall have the power to generally act on behalf of the SBA, and the General Assembly, which will have the power to act as a check on the Executive Board.

§5 – Privileges that May Not Be Diminished or Denied

Whatever other powers are allocated in this Constitution, the following privileges of membership in the General Assembly may not be diminished nor denied:

(A) To elect every member of the Executive Board;
(B) To examine a copy of the official minutes of every official SBA meeting;
(C) To examine a full accounting of allocations and expenditures from student-paid funds.
ARTICLE II. EXECUTIVE BOARD

§1 – Purpose

The Executive Board shall serve the student body and must work to improve the law school in any capacity it can. At the end of every term of office, the Executive Board shall make a report to the student body on its progress and achievements in accomplishing this purpose.

§2 – Powers of the Executive Board

The Executive Board shall have the power to make and carry out ordinary decisions on behalf of the SBA. The Executive Board shall have the authority to:
(A) Represent and speak for the student body;
(B) Establish bylaws that all members will observe;
(C) Spend and allocate money from SBA accounts;
(D) Recognize student organizations;
(E) Interpret this Constitution and any bylaws or resolutions established pursuant to this authority; (F) Establish and award SBA honors;
(G) Grant redress or relief to student concerns.

§3 – Limits on the Power of the Executive Board

The Executive Board, in the exercise of its power, may not:
(A) Evaluate any individual or group based on race, sex, sexual orientation, national origin, or religion;
(B) Remove funding from a recognized student group once money has been allocated or distributed during the school year without reasonable cause;
(C) Spend money without the specific approval of a majority of the Executive Board.

§4 – Schedule of Meetings; Availability of Minutes

(A) The Executive Board shall establish a regular schedule of meetings. Official minutes of these meetings shall be made available to the entire student body.
(B) Regular Executive Board meetings shall be open to all Executive Board officers. The Executive Board may choose to invite or allow other individuals to attend its meetings.
(C) Once a regular schedule of meetings has been established, the Executive Board must approve any change to or cancellation of a scheduled meeting.

§5 – Committees of the Executive Board

(A) The Executive Board, in its discretion, may create committees to accomplish its mission Standing committees are permanent committees with specific tasks and membership set forth in the bylaws. Ad hoc committees are temporary in nature, and shall not last beyond the end of the academic year in which they are proposed, unless they are proposed to be reinstated the following academic year. Committees must each have a clearly stated purpose, clearly set forth tasks, and specific membership.
(B) The President shall nominate the chairperson and regular membership of the committee. Each person nominated to serve on the committee is subject to confirmation by the Executive Board.
(C) A committee shall be authorized to act within the scope for which it was created, provided that any decision to spend SBA funds is approved by the Executive Board.
§6 – Confidentiality

The Executive Board may choose to keep details of its meetings or activities confidential. Any detail proposed to be kept confidential must be expressly designated in an Executive Board meeting and a majority of all the Executive Board officers must vote to approve its confidentiality.

ARTICLE III. EXECUTIVE BOARD OFFICES

§1 – Offices, Officers, and Terms of Office

(A) The Executive Board shall be a board of separately elected and separately appointed offices. Only members of the SBA may hold office. Officers may hold only one office at a time.

(B) Each officer shall serve a term of office beginning on the first day after spring graduation and extending until the day of spring graduation the following year.

(C) Only elected officers may vote on Executive Board matters and all present elected officers have equal representation on all votes.

§2 – General Duties of Office

(A) It is the duty of Executive Board Officers to respond to and advocate for the student body’s interests. Officers must uphold the spirit and letter of this Constitution and any bylaws enacted pursuant to its authority.

(B) Officers who have committed a specific act or series of acts determined by the Cabinet’s discretion to be unbecoming of an Executive Board officer, such as but not limited to missing meetings, nonperformance of their office duties, or failing to advocate for the good of the law school and the student body, may be disciplined and/or removed from office by the Executive Board under Art. III, §11.

§3 – Duties of the President

In addition to the general duties of office, the President shall:

(A) Represent the SBA to all outside groups;

(B) Set and prepare the agenda for all Executive Board and General Assembly meetings;

(C) Preside over Executive Board and General Assembly meetings;

(D) Cast the deciding vote when the vote in an SBA meeting is tied;

(E) Nominate the chairperson and members of all Executive Board committees;

(F) Be aware of and advise all activities of the SBA;

(G) Act on behalf of the Executive Board in emergency situations;

(H) Serve as an ex officio member on all committees;

(I) Work to ensure that no action or decision made by either the University or the law school administration is contrary to the best interests of the students.

§4 – Duties of the Vice President

In addition to the general duties of office, the Vice President shall:

(A) Perform the duties of the President in his or her absence;

(B) Represent, or appoint someone to represent, the law school at Graduate Student Government meetings unless someone who has been elected to represent the law school at these meetings will be present;

(C) Act as the official law student contact in dealing with Graduate Student Government in collaboration with other schools and academic units designed by the USC administration;

(D) Serve as an ex officio member on all committees.
§5 – Duties of the Treasurer

In addition to the general duties of office, the Treasurer shall:

(A) Serve as the chief fiscal officer on behalf of the entire student body;
(B) Oversee allocation of funds to student organizations and other groups;
(C) Maintain all SBA financial records, including a listing of all funds allocated and spent;
(D) Audit all subsequent uses of SBA funds, and ensure that there is no improper use of SBA funds;
(E) Obtain GSG Umbrella Funds and manage the distribution of the fund.
(F) Advise the Executive Board on how to best spend its limited funds.

§6 – Duties of the Secretary

In addition to the general duties of office, the Secretary shall:

(A) Record the minutes at all Executive Board and General Assembly meetings;
(B) Prepare and distribute the official SBA meeting minutes in a manner that will reach the entire student body;
(C) Maintain all the general records of the SBA;
(D) Advise the President on parliamentary procedure during official meetings;
(E) Advise the Executive Board and General Assembly on faithful adherence to the SBA Constitution and bylaws;
(F) Prepare and distribute a calendar of SBA, academic, and student organization events to the student body.

§7 – Other Executive Board Officers

The Executive Board shall also consist of at least one representative from each class year for the J.D. program and at least one representative for the Graduate and International Programs.

§8 – Limits on Members of the Executive Board

(A) No member of the SBA Board shall use their powers as a SBA Board member to further their own personal interests or opinions without the expressed consent of a majority vote of the SBA Board. Such actions are an abuse of power and will be grounds for discipline and/or removal from the Board.
(B) No member of the SBA Board shall receive or accept a benefit that is not otherwise available to the rest of the student body when that gift pertains to the SBA Member’s official work. Such benefits shall include, but are not limited to, any gifts or other forms of inducement, but do not include food or beverage given at a meeting or any items or privileges reasonably necessary to fulfill the SBA Member’s official obligations. The SBA Board member has an affirmative duty to report any and all offers of a gift or other forms of inducement to the SBA Board. Failure to comply with this provision is grounds to initiate discipline and/or removal proceedings.

§9 – Amendments to the Duties of Office

(A) Other offices can be added to or removed from the Executive Board, and the duties and privileges of each office may be expanded or reduced, either by amendment to this Constitution or by bylaws.
(B) Any amendment to remove an office shall become effective the first day of the next new term of office.
(C) If an amendment to remove an office is approved after someone has been elected to that office but has not yet assumed office, the amendment will not become effective while that person is in office.

§10 – Order of Succession
In the absence of the President, or if for any other reason the President is not able to execute the duties of his or her office, those duties shall be assumed by the Vice President, followed next by the Treasurer, then the Secretary.

§11 – Discipline and Removal of Officers

(A) The Cabinet shall have the power to discipline and/or remove any officer who has committed a specific act or series of acts unbecoming of an Executive Board officer. Acts unbecoming include, but are not limited to, those described in Art. III, §§ 2, 8, and repeated occurrences of such acts.

(B) If the President is the subject of discipline and/or removal proceedings, the Vice President or next available Executive Board officer in succession shall conduct the meeting.

(C) Once discipline and/or removal proceedings have begun upon a specific officer, the removal procedures may not be amended and may not be brought up against that officer for the same specific act again.

(D) Discipline requires a majority affirmative vote of all elected Executive Board officers regardless of whether they are present for the proceedings. Removal requires a two-thirds affirmative vote of all elected Executive Board Officers regardless of whether they are present for the proceedings.

(E) The Executive Board, in good faith, may determine the rules of its discipline and/or removal proceedings, discipline its officers for conduct that warrants a less severe rebuke than removal, and remove an officer.

§12 – Resignation

Executive Board officers may resign at any time for any reason through communication to the Executive Board.

ARTICLE IV. GENERAL ASSEMBLY

§1 – Purpose of the General Assembly

The General Assembly shall serve as a forum for student and student organization concerns. The General Assembly shall also serve as a forum for the Executive Board to inform the General Assembly of its policies, decisions, and activities. The General Assembly may not attend budget meetings or Cabinet meetings.

§2 – Membership and Voting

(A) All voting members of the SBA shall be entitled to attend and vote at General Assembly meetings.

(B) Only members in attendance during a vote at General Assembly meetings may vote.

§3 – Powers of the General Assembly

(A) The General Assembly shall have the power to petition the Executive Board to consider a written proposal upon approval of a majority vote. Such proposals may ask the Executive Board to initially consider something, or to reconsider a past decision made by the Executive Board.

(B) The Executive Board shall consider any issue supported by a majority vote of the General Assembly, and make a written report to the student body within a reasonable time, normally two weeks, about what action it has taken.

§4 – All Members Shall Be Recognized

Any member of the SBA may be recognized at General Assembly meetings. Recognition includes the right to offer a proposal for the Executive Board to consider. Members shall make every possible effort to notify the President of the SBA in advance of any issue to be placed on the agenda for discussion.
§5 – Regular Meetings

(A) General Assembly Meetings shall be held no less than once a semester.
(B) The President of the SBA shall preside over meetings of the General Assembly.
(C) The agenda for the meeting shall be posted and the student body will be notified by the Executive Board within a reasonable time, normally three days, prior to the meeting being called to order.

§6 – Special Meetings

(A) The Executive Board may, in its discretion, call a special General Assembly meeting. Notice of the date, location, time, and topic of the special meeting shall be made no less than seven days prior to the meeting.
(B) Any current member of the SBA may call a special meeting by collecting the signatures of one-sixth of the student body and submitting the signatures in the form of a petition to the Executive Board. The Executive Board shall have thirty days from the receipt of the proper petition to hold the meeting.

ARTICLE V. STUDENT ORGANIZATIONS

§1 – Purpose

Recognized student organizations provide essential services to the law school and are necessary partners with the Executive Board in carrying out the mission of the SBA. Student organizations shall be supported and, to the extent possible, be given the resources they need to prosper.

§2 – Recognition Petitions

(A) Each student organization shall petition the SBA for recognition each academic year. The Cabinet shall make available in writing, the official procedures and criteria by which student organizations will be evaluated for recognition; which may include proof of RSO recognition, submission of board leadership for the following year, and/or request for funding.
(B) The Executive Board shall have the discretion to determine whether those criteria are met, but may not evaluate a petition for recognition based on criteria other than the official criteria listed in writing.
(C) The Executive Board shall consider the petition for recognition using the official procedure and criteria in force on the day the petition was submitted.

§3 – Constitutions and Officer Lists

(A) Each recognized student organization shall have a written constitution, and the Executive Board shall retain a copy of each organization’s constitution. New organizations petitioning for recognition shall submit their constitution to the Executive Board for approval.
(B) At the beginning of each academic year, student organizations shall submit officer contact and faculty sponsor information to the Secretary by a deadline the Secretary establishes. Student organizations shall submit updated officer lists and constitutions as they are changed.

§4 – Funding Petitions

(A) All recognized student organizations are eligible to petition and receive funding from the student fees received by the SBA.
(B) The Executive Board shall establish in advance the procedure student organizations must follow and the criteria on which petitions are evaluated. The Executive Board shall have discretion to determine whether those criteria are met and funding should be issued, but may not evaluate the petition for funding based on criteria other than those officially listed in writing.
(C) The Executive Board must consider the petition for funding using the official procedure and criteria in force on the day the petition was submitted.
(D) Any funds allocated by the SBA remaining in a student organization’s account at the end of an academic year shall revert back to the SBA.

ARTICLE VI. ELECTIONS

§1 – Election by Popular Vote

(A) All elected officers of the Executive Board shall be elected by a popular vote. To be elected to any elected Executive Board office, a candidate, whether or not appearing on the ballot, must receive a majority of affirmatively cast votes for that office.

(B) When the votes for an office are tallied, all blank and affirmative votes shall be recorded.

§2 – Election Notice and Procedures

(A) Within a reasonable time in advance of the election, and normally fourteen days before, the Executive Board shall notify the student body of all relevant dates and procedures by which the election will be conducted.

(B) Any candidate who does not follow election procedures shall be disqualified.

(C) The Executive Board shall establish procedures and dates that will ensure the largest turnout of voters as reasonably possible, but may not make any material changes to the date or the procedures of the upcoming election once they have been announced.

(D) Voting shall take place over a period of at least two consecutive school days.

(E) With the exception of flyers, no physical promotional campaign materials, including but not limited to food, beverages, buttons, and t-shirts, shall be allowed.

§3 – Election Schedule

(A) The Executive Board shall establish two general elections per school year.

(B) Spring semester elections shall be conducted no less than four weeks prior to the start of final examinations and will elect officers that will assume office for the next term of office.

(C) Fall semester elections shall be conducted no less than five weeks after the start of classes and will elect officers to serve in the remaining current term of office.

§4 – Special Elections

(A) The Executive Board may establish a special election for an Executive Board office made vacant due to a resignation or removal.

(B) When there are less than three months remaining in the term of office, the President may choose instead to nominate an individual who will assume office upon confirmation by the Executive Board.

§5 – Run-off Elections

(A) If no candidate receives a majority of all votes affirmatively cast for that office, the Executive Board shall conduct a run-off election without undue delay, and normally within seven days. The run-off election shall be between the two candidates that received the highest number of votes affirmatively-cast for that office, and no write-in candidates will be allowed. If there is a tie for second place, those tied candidates shall be in the run-off with the first place candidate.

(B) If no candidate receives the majority of the affirmatively-cast votes in the run-off election, the winner shall be the person who has received the largest number of affirmatively-cast votes.

(C) In the event of a tie in a run-off election, the winner will be chosen by a vote from the election committee.

§6 – Election Committee
(A) The Executive Board shall establish an election committee to work with the President to ensure that every SBA election is conducted as fairly as possible. The President must keep the election committee informed of all relevant details of the election and seek its advice in making election decisions. The election committee shall be charged with overseeing and reporting back to the Executive Board on every aspect of all elections, including certifying the vote result.

(B) The election committee shall be impartial. At the very least, no member of the election committee may seek an office in the same election for which he or she is serving on the election committee.

(C) The election committee shall be made up of at least three members at all times, and shall include at least one outside, independent member who is not, and has never been an officer on the Executive Board. The President shall nominate the members of this committee and those nominees shall serve after they are confirmed by the Executive Board. The election committee members may include, but are not limited to, the President, Vice President, Treasurer, and Secretary.

(D) This election committee shall be subject to all provisions that apply to Executive Board committees in general laid out in this Constitution and in bylaws adopted by the Executive Board.

§8 – Secrecy of the Votes

Any procedure used to conduct the election must maintain the secrecy of all votes.

§9 – Notice and Campaign Policy

(A) The Executive Board shall provide notice to all students of the opportunity and procedure for ballot candidacy at a reasonable time prior to elections, normally two weeks.

(B) Any candidate, whether or not appearing on the ballot, may withdraw from the elections at any point prior to the release of the election results by notifying any member of the election committee through written notice.

(C) The Executive Board shall establish a campaigning policy that discourages personal attacks between candidates and that allows fair and equal opportunity to campaign to all candidates. Non-compliance with these procedures may result in disqualification from the election.

§10 – Vote Tallies

The election committee shall prepare a report of the vote tallies with all deliberate speed, and normally within one day, after voting has ended and this report will be available upon request.

§11 – Irregularity and the Power to Grant Relief

(A) The Executive Board shall have the power to grant relief to any challenge or complaint of election irregularity, including the extraordinary powers of setting aside an election, conducting a new special election for that office, or disqualifying someone from running for office.

(B) Anyone who wishes to challenge an election must submit a complaint alleging a prima facie showing of irregularity to the Executive Board within seven days of discovering the irregularity. The Executive Board may not set aside an election after fourteen days have passed since the publication of the election results.

(C) Within a reasonable time of the receipt of any timely challenge or complaint, and normally within seven days, the Executive Board must discuss the matter in person and decide whether to take action on the position.

ARTICLE VII. BYLAWS

§1 – Purpose and Scope of Bylaws

The Executive Board shall have the power to enact written bylaws to clarify and execute the provisions of this
Constitution or otherwise promote the mission of the SBA. All students shall be subject to the provisions of the bylaws enacted by the Executive Board.

§2 – Procedure and Availability

(A) All bylaws shall be in written form, and the exact wording of the bylaws must be enacted by an affirmative majority vote of Executive Board officers.
(B) All properly enacted bylaws shall be recorded and retained by the Secretary.
(C) The Secretary shall promptly notify the entire student body of all changes to the bylaws. (D) The bylaws shall be available and easily accessible to the entire student body.

§3 – Effective

(A) Bylaws shall remain effective until they are repealed by a majority vote of the Executive Board or superseded by another bylaw.
(B) The Executive Board shall have the sole power to interpret the meaning of any bylaw.

§4 – Supremacy of this Constitution

Any bylaw provision that contradicts this Constitution is without force.

ARTICLE VIII. AMENDMENTS

§1 – General Procedure
Any proposed amendment to this Constitution shall be enacted if it is approved by two-thirds of all the Executive Board officers and two-thirds of those students in attendance at a meeting called for the purpose of adopting the amendment.

§2 – Special Procedure
An amendment may also be proposed to the entire student body by special election once the Executive Board is presented with a petition signed by one-fourth of the student body. Upon receipt of the petition, the Executive Board must establish a special election within thirty days. If two-thirds of the student body approves the amendment, it will be enacted.

§3 – Effective Date
An enacted amendment will become effective on the first day of classes of the next new academic semester unless the amendment specifies otherwise.

ARTICLE IX. APPROVAL OF THIS CONSTITUTION

§1 – New Constitution
This Constitution was drafted on February 17, 2005. It shall supersede the existing constitution if it receives two thirds affirmative vote of the General Assembly. This Constitution will take effect on the first day after this condition is met and the previous constitution will have no effect afterwards.

§2 – Update to Constitution
This Constitution was updated by approval of an affirmative vote of the General Assembly on March 19, 2019.

USC RECREATIONAL SPORTS RESERVATION & SCHEDULING POLICY AMENDMENT TO THE CONSTITUTION OF THE STUDENT BAR ASSOCIATION
§1 – University of Southern California Recreational Sports Reservations & Scheduling Policies

(A) All SBA sanctioned events shall be in full compliance with USC Recreational Sports Reservations & Scheduling Policies as fully described on the USC Recreational Sports website and as may be hereafter amended;

(B) No alcohol is permitted at any SBA sanctioned event in any of the facilities overseen by USC Recreational Sports;

(C) If alcohol is found in any of the facilities overseen by USC Recreational Sports the event shall be immediately cancelled and SBA will be suspended from using any and all USC Recreational Sports facilities for a period of six years;

(D) All law school organizations recognized by SBA shall adhere to USC Recreational Sports Policies. Failure to adhere to these policies will result in recognition penalties and funding revocation by SBA.

USC MEMBERSHIP & AFFILIATIONS POLICY AMENDMENT
TO THE CONSTITUTION OF THE STUDENT BAR ASSOCIATION

ARTICLE I. MEMBERSHIP

Section A – Requirements

(1) All currently enrolled law students are eligible non-voting members.

(2) All current elected Executive Board officers of the organization are eligible voting members.

(3) All members are required to demonstrate support for the purpose of this organization.

(4) Membership decisions will not discriminate on the basis of age, race, religion or creed, national origin, ethnicity, gender, disability, or sexual orientation.

ARTICLE II. AFFILIATION

Section A – USC Affiliation

(1) This organization is a recognized student organization at the University of Southern California, but is not part of the University itself.

(2) In all correspondence and business transactions, it may refer to itself as an organization at USC, but not as part of USC itself.

(3) SBA accepts full financial and production responsibility for all activities it sponsors. (4) SBA agrees to abide by all pertinent USC policies and regulations. Where USC policies and regulations and those of SBA differ, the policies and regulations of USC will take precedence.

Section B – Legal Liability

This organization recognizes and understands that the University assumes no legal liability for the actions of the organization, and that the University is not providing blanket indemnification insurance coverage for any activities of the organization, unless those activities expressly benefit and further the goals of the University, and have received prior review, approval, and consent of Campus Activities, Risk Management, and/or General Counsel.