

THE STUDENT BAR ASSOCIATION OF THE
UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW BYLAWS

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Article 1: Definition

- (a) **Business Day:** Monday through Friday of a traditional week. Weekends, Holidays, Days of no-class, School Scheduled Breaks are excluded.
- (b) **Executive Council:** The four (4) members that are elected by the Student Body as a whole to serve in the Executive Council seats.
- (c) **Good Standing:** Good Standing of a Legislative Representative means they are above the University Required GPA (2.0), are not currently subject to discipline by the Legislative Council, Honor Council, or Executive Council, have no pending allegations upon them of which written notice has been provided to the Executive Council by the By-Law Committee, or other internal or external organizations. If a question of good standing arises, it will be dealt by a case-by-case basis and voted by the proper procedures through the mechanisms proposed here within these By-Laws.
- (d) **Legislative Representative:** A Legislative Body Council Member elected or appointed per proper procedures in the SBA Election Code, ratified in 2008.
- (e) **Quorum:** Of the 24 Legislative Representatives (3/4) of the Representatives being present at the meeting, in good standing, and able to vote. This would mean Eighteen (18) Representatives are present at the meeting
- (f) **Majority:** Defined as more than (50%) of any given group, or bodies of peoples.
- (g) **Notify:** This means in writing, via email with a received email sent back from the given recipient.
- (h) **Semester:** Fall and Spring only. Summer and shorter terms are not deemed as a "semester."
- (i) **The Student Body Association Constitution: (SBA Constitution)** is the document ratified on 2004.

Article 2: By-Law Mandate

Section 1: By-Law Authority

- (a) Per Article III, Section 8 of the SBA Constitution, ratified 2004, the Legislative Council shall adopt its own rules of procedures and the By-Laws by a majority vote of the seated Legislative Membership. We herein declare these to be the By-Laws of the Student Bar Association at the University of South Carolina.

Section 1: By-Law Update

- (a) Per At least once per school year or upon a Legislative Representatives request, the by-laws may be updated, changed, or altered upon a majority vote of the representative body.
- (b) The Legislative Representative must notify the Executive Board five (5) business days before the next Legislative Representative meeting.
- (c) The Legislative Representative must submit their revision, deletion, or addition to the Executive Board, in writing, five (5) business days before the next Legislative Representative meeting.
- (d) A vote will be taken at the next Legislative Body meeting pending the above provisions were applied or upon written approval of a majority of the Executive Board.
- (e) Per Article II, Section 10 of the Constitution, the President may veto any Legislation that is enacted by the Legislative Body. The President must provide written notice to the Legislative Body within three (3) business days.
- (f) Per Article III, Section 7 of the Constitution, the Legislative Council may override any veto of the President with a two-thirds (2/3) vote at the next legislative session pursuant to the SBA Constitution.

Section 3: By-Law Committee

- a) Per Article VIII, Section 1, the President has the Power to establish any committee necessary. The President herein establishes a By-Law Committee comprised of the President, the Parliamentarian, a By-Law Committee Chair, and any committee members.
- b) The Committee will serve as a regulatory board, to ensure compliance with the By-Laws.
- c) If non-compliance to the By-Laws is found, the committee may suggest a removal of the person, be Legislative, Executive, or Honor Council, to the Legislative body. A written notice must be provided to the accused and the members of the Executive Board, Legislative Council and Honor Council at least seven (7) business days before a hearing may be heard.
- d) The Legislative or Honor Council, depending on the allegation, may hear the By-Law Committee's reasoning and must give the accused a chance to explain their reasons as well.
- e) A closed-vote must be taken under the advisement of the Vice-President. The Legislative Body or Honor Council must pass with a two-thirds (2/3) vote to succeed with the removal of someone. This can be from their position, or from their representative seat as a whole.

Article 3: Executive Council

Section 1: Positions

There shall be four (4) elected positions to the SBA Executive Board.

- a) President
 - i. The President shall be a 3L and will be the official tie-breaker for Executive Council votes. The President should not have a vote unless the Legislative Council or Executive Council deems it necessary or appropriate. This can be done as a majority vote by either body.
 - ii. The President shall be readily available for the Executive, Legislative and Honor Councils when they need assistance. The President shall respond to all emails, texts, and calls regarding SBA business within two (2) business days, unless extraordinary circumstances, of which the President must notify the Executive Council and Legislative Body in advance or at the time of their inability to respond.
 - iii. The President, in accordance with the SBA Constitution, must host five (5) office hours per week located in the SBA Office.
 - iv. The President oversees all committees and may establish and appoint committees she or he deems necessary to establish the goals of the organization. The President may also delegate other Executive Council members to oversee these committees upon their acceptance.
 - v. The President shall attend every SBA event and be the point of contact, second to whom is running the event unless written notice is provided to the Executive Council and Legislative Body no later than twenty-four (24) hours before the event.
 - vi. No one may host an SBA sponsored event on behalf of SBA without the approval of the Executive Board, as a whole. This includes, but is not limited to, hosting meetings, events, or advertising any other gathering that may be interpreted to be an SBA sponsored event. The President has the duty to let the Executive Council and the Legislative Body know of all SBA hosted events in advance in accordance with this document.
- b) Vice President
 - i. The Vice President shall be a 2L or 3L and be elected by the provisions set forth in the Election Code. The Vice President of the SBA shall be responsible for coordinating, planning, and overseeing the orientation sessions held in May and the fall of each year. The Vice President shall be responsible for updating and distributing a Legislative manual to the Legislative Council prior to the first regular Legislative Council meeting of the fall.
 - ii. The Vice President shall run the Legislative Council Meetings. The Vice President shall dictate meeting agenda and control the flow and floor of the meeting. The Vice President may require, at their discretion, the committees to submit their reports before the next meeting. The Vice President may propose a meeting agenda and give it to the Legislative body at the time of the meeting or before.
 1. The Parliamentarian shall serve on the Election Committee and shall serve at the discretion of the Vice-President.
 2. The Parliamentarian shall be appointed in accordance with the Constitution.
 3. The Parliamentarian shall prepare for and put in place the Elections for each semester and attend all of the meetings in order to make those Elections occur.

- c) Treasurer
 - i. The Treasurer is elected in accordance with the SBA Constitution.
 - ii. The Treasurer of the SBA shall and must create and submit a budget for approval within the first month of being elected. The Treasurer's budget must be approved first by the Executive Council, and then by the Legislative Council for approval. The budget must be provided to the Legislative body at least five (5) business days prior to the vote.
 - iii. The Treasurer shall, with the President and whoever they both deem necessary, be authorized signatures on any and all bank accounts in which SBA has funds available. There shall only be one (1) bank card, in the Treasurer's name.
 - iv. The President must not act in the spending of funds without the Treasurer's approval.
 - v. If the Treasurer deviates from the budget greater than or equal to a thirty (30) percent increase, it must be upon consent and approval of the legislative body. This can be simply a notification without any opposition, or a vote if it is close enough to a legislative body meeting.
 - vi. The Treasurer shall be responsible for the accounting and disbursement of the approved budget.
 - vii. The Treasurer shall submit a report of the previous month's transactions to the Legislative Council at the first regular Legislative Council meeting of each month. The Treasurer's monthly report must be posted for public viewing with the minutes of the Legislative Council Meeting that are available for public viewing on the SBA Website.
- d) Secretary
 - i. The Secretary is elected in accordance with the SBA Constitution.
 - ii. The Secretary of SBA shall prepare the minutes of each of the Executive and Legislative Council Meetings. The Secretary shall post the minutes for public viewing in less than five (5) business days after each meeting.
 - iii. The Secretary shall maintain the SBA Website.
 - iv. The best forum for public viewing is suggested to be the SBA website but is up to the discretion of the Executive Board, if it is approved by the Legislative Council.
 - v. The Secretary shall maintain an accurate and up to date list of current SBA memberships, their contact information and the status of their SBA membership. This list shall be readily available for Executive and Legislative Council Members who request it for SBA related duties.
 - vi. The Secretary shall prepare a schedule of SBA related dates and submit it to the Executive and Legislative Council members for approval.
 - vii. The Secretary shall keep track of the regular attendance required at the meetings and other SBA events. The Secretary shall provide advanced notice to the executive board of those who are nearing or over their excused absences.
 - viii. The Secretary shall assist in all matters of written correspondence and shall keep a permanent record of that correspondence.

Section 2: Elections

- a) The Executive Council shall be elected provided by the rules set forth in the Election Code.

Section 3: Service Hours

- a) All Executive Members at least ten (10) SBA Service Hours in the rules set forth below in accordance with SBA Service Hours for the Legislative Body.

Article 4: Legislative Council

Section I: Positions

- a) There shall be elections conducted every fall and spring in conjunction with the rules set forth in the election code.
- b) The Legislature shall be composed of 24 full-time law students, in good standing with the university.
- c) The Legislature shall attend regular monthly meetings and be present at all SBA hosted functions.
 - i. If they are unable to attend the Secretary shall be provided written notice no less than the amount of time prescribed by the executive board not to exceed five (5) days in advance.
- d) A Legislative Member may miss two (2) SBA meetings per semester so long as they provide an excused absence in writing to the secretary within the time prescribed by the Executive Council.
 - i. If a Legislative Member goes over their excused absences, the Executive Committee may notify them to let them know of their status as a representative.

- ii. No Legislative Member shall be removed from their seat if they have good cause for their absence; however, this is at the discretion of the Executive Committee.
- iii. Factors that shall be taken into determination by the Executive Council in determining removal are the Representative's past efforts given to SBA, the reason for their absence, and any notice that they have provided for their absence.
- e) All Legislative Body Members Shall serve at least five (5) SBA Service Hours per semester. The Executive Council determines what accounts for an hour and what projects are sufficient to qualify as service hours. If a waiver for this requirement is needed, it must be requested at least two weeks before the last day of class. At this time, the Secretary shall notify members who have not met their requirement. Their statements shall go before the Legislative Body to vote on their status as an SBA Representative.
- f) All Legislative Body Members must serve on at least one committee. There is no limit to the number of committees a Legislative member can serve on; however, there should be a good faith effort by the Executive Council to provide every Legislative member an opportunity to serve on the committee of their choice.

Article 5: Committees

Section 1: Selection

- a) Committee Chairs and Members shall be appointed in accordance with the Constitution and will be personally selected by the President amongst all Legislative Council members.

Section 2: List of Committees

- a) Permanent Committees
 - i. Election Committee
 - ii. By-Law Committee
 - iii. Alumni/Faculty Committee
 - iv. Student Voice Committee
 - v. Peer Mentor Committee
 - vi. Student Organization Committee
 - vii. Social Committee
 - viii. Philanthropy Committee
 - ix. Programs Committee
 - x. Social Media & Website Committee
 - xi. Membership Committee

Section 2: Reports

- a) Reports shall be submitted by the Committee Chair in which they will provide a summary of what the Committee did that particular week. If there was no activity done by the committee that week they shall submit no report. This is just to encourage communication between the members. The day and time of the reports shall be determined by the executive board.

Article 6: Role of the Meeting

Section 1: Attendance

- a) Members get Four (4) absences per academic school year. If you exceed that amount it may be addressed in accordance with Article II Section 3 in this document. Meaning that the Secretary shall notify the person of their status as well as notify the ByLaw Committee of the status. The accused shall have the opportunity to explain themselves and then the Bylaw Committee shall make the decision whether or not to institute impeachment proceedings, the Legislative body shall be notified of any decision. Any member of the executive council or the legislative body shall be able to inquire about the status of another member and receive the information in a timely manner.
- b) All assembly members shall receive notice of attendance status from the Secretary timely and it shall be available to them at their request or at the request of the executive council.
- c) Roll will be taken at all functions that are deemed mandatory by the SBA legislative assembly

Section 2: Schedule of the meeting

- a) Organization of Meeting
 - i. Call the Meeting to Order – Vice President or President Pro Tempore
 - ii. Roll Call – Secretary
 - iii. Approval of the Agenda
 - iv. Approval of Minutes
 - v. Unfinished Business

- vi. Reports by the Executive Board
- vii. Committee Reports
- viii. New Business
- ix. Parliamentarian's Report – Parliamentarian
- x. Public Comment
- xi. Legislative/Executive Comment
- xii. Legislative Announcements
- xiii. Adjournment – Vice President or President Pro Tempore

Section 3: Following Robert's Rules of Order

- a) Only speak if called upon.
 - i. A representative, executive member, SBA voting member, or non-SBA member of the law school community should raise his or her hand if he or she wishes to be recognized.
- b) The Vice President or President Pro Tempore should facilitate the meeting.
 - i. The Vice President or President Pro Tempore should turn over the gavel to the Secretary of the SBA if they wish to express a personal view.
- c) The President should recognize and respect the role of the Vice President or President Pro Tempore.
 - i. The President should not interject, interrupt, or speak out of turn. The President must be recognized by the Vice President or President Pro-Tempore if he or she wishes to speak.

Section 4: How a Meeting is Run

- a) To call the meeting, the Vice President or President Pro Tempore will “gavel” in the meeting and say, “the meeting for (date) has been called to order.”
- b) Meetings shall be called to order at the time the meeting was predetermined;
 - i. If the Vice President is not present when the meeting is set to begin, the President Pro Tempore will begin the meeting; if the President Pro-Tempore is not present, then a member of the legislative body will volunteer to begin the meeting and follow the agenda for that day;
 - ii. The inability of a member to be at the meeting when the meeting is set to begin is on the fault of the member and they shall not disturb the progress of the meeting to recap information which they missed due to tardiness and are responsible for getting that information at a later time.
- c) By-laws or the Executive Council will dictate that tardiness to a certain extent, a suggestion is 15 minutes will be considered an absence from the meeting.
- d) The Vice President or the President Pro Tempore will then recognize the Secretary for Roll Call.
- e) The Secretary will say, “the roll has been taken.”
- f) The Vice President or President Pro Tempore will then call for the approval of the minutes of the previous meeting. The Vice President or President Pro Tempore will move to submit the minutes, via unanimous consent. There must be a second from the legislative body. (Again, may need to delete since we don't take notes).
- g) The Vice President or President Pro Tempore will then ask for the Approval of the Agenda. If there are additions or items that need to be struck, the legislative member wishing to make that addition (or subtraction) must raise their hand at this point, be recognized, move to add or strike an item to the agenda, and then a second legislative member must second that motion. If there is no second, it will not be added or struck. *This requires that the meeting's agenda must be emailed to the legislative body 24 hours before the meeting takes place.*
- h) The Vice President or President Pro Tempore will then go through Executive and Committee Reports.
 - i. The procedure for Committee Reports shall be the same for every report:
 - i. The Vice President or President Pro Tempore will recognize the committee's chairman. If the chairman is not present, a member of the committee may give the report in lieu of the chairman.
 - ii. The Chairman will rise, give an update/report on what is occurring within their committee.
 - iii. When finished, the Chairman will then “move to submit this report as information.”

- iv. Without objection, the report will be submitted.
 - v. Then the Vice President or President Pro Tempore will ask if the body has any questions for the Chairman (or committee member) who gave the report. This time is *only* to be used for questions, and no further statements or updates.
 - vi. After questioning is over, the Vice President or the President Pro Tempore will then move on to the next committee report.
- i) When Committee Reports have been completed, the Vice President or President Pro Tempore will then ask the body if there is any unfinished business.
 - i. Unfinished business is the only business that has been tabled from a previous meeting. Unfinished business cannot be struck from the agenda unless done by the business's author. There are only three possible approaches to unfinished business. The legislative body can either vote on the business, be struck by the business's author, or table it again for the next meeting. Further, unfinished business must first come in as new business.
 - j) If there is no unfinished business or all matters in unfinished business have been addressed, the Vice President or President Pro Tempore will move on to new business.
 - i. New business can only be addressed and voted on if it has already been added to the agenda either prior to the meeting or during the Approval of the Agenda. During new business, there are the same three possibilities: stuck/removed by its author, voted on, tabled.
 - k) Once all business has been concluded, the Vice President or President Pro Tempore will call upon the Parliamentarian who will give his or her report. This report is to the discretion of the Parliamentarian but should generally address any violations of Robert's Rules. When the Parliamentarian has concluded, he or she will submit their report for information. Questions may be asked after. *During the entire meeting, the Parliamentarian, in particular, should be monitoring for Robert's Rules violations or violations of the Constitution or violations to the ByLaws.*
 - l) The Vice President or President Pro Tempore will then see if there are any Public Comments from non-voting SBA members or non-voting, non-SBA law students. The public should try and follow Robert's Rules to their ability, but leniency is expected by the SBA.
 - m) The Vice President or President Pro Tempore will then see if there are any legislative body or executive comments. Per Robert's Rules, the legislative member or executive member will only be able to offer their comments if recognized by the Vice President or President Pro Tempore. Questions or rebuttals or further statements can be made, but again, only at the discretion and by the recognition of the Vice President or President Pro Tempore.
 - n) The Vice President or President Pro Tempore will then see if there are any announcements. Announcements are purely to inform those present of happenings around the law school, university, city, state, etc. This is not a time to further debate or advocate on business matters.
 - o) Once announcements have concluded, the Vice President or President Pro Tempore will declare an open floor for a motion to adjourn. A legislative member must make a motion, have it seconded, and have a unanimous consent vote. Thereafter, the chair will declare the meeting adjourned.

Section 5: How Business and Voting is Handling

- a) To bring an item of new business, the member bringing the item must raise their hand. Unfinished business – the Vice President or President Pro Tempore will call on the member. The following is the same procedures for unfinished business, as well.
- b) When recognized by the Vice President or President Pro Tempore, the member will then say, "I move to consider (title of legislation)."
- c) This must receive a second by another member of the legislative body.
- d) The Vice President will then ask if the member wants the first word.
- e) When the member has concluded advocating for its item, or if the member waives their right to the opening word, the Vice President or President Pro Tempore will then open the floor for questioning. This must receive a second from the legislative body.
- f) This is a time for only questioning. There should not be any arguments or statements made. Members wishing to ask the author of the item a question must wait to be recognized by the Vice President or President Pro Tempore.

- g) Once questioning is over, the Vice President will ask if anyone wants to close the floor for questioning and open the floor for debate. When a legislative member makes that movement, it must be followed by a second from another member of the body. Once it receives a second, the floor is now open for debate.
- h) Debate proceeds with an item of pro debate followed by an item of con debate, continuing in that order until the debate has concluded. A member must be recognized by the Vice President or President Pro Tempore before stating his or her argument.
- i) When debate has concluded, a legislative member can make a motion to close the floor for debate and call the previous question. This must receive a second by another member.
- j) Once the question has been called, the Secretary will then conduct voting. It is to his or her discretion whether the vote should be conducted by roll call or voice.
- k) The Secretary will then announce the results. If there is a tie, and the vote only requires more than half of the voting member to vote, the Vice President will cast the deciding vote. If the Vice President is not present, and the President Pro Tempore has already cast a vote, the President will cast the final vote.
- l) Once the vote has taken place, the item cannot be revisited.

Article 7: Amending the Constitution

- a) If an Amendment to the Constitution is proposed by a member the Legislative Assembly and approved in accordance with the constitution, the By-Law Committee and Parliamentarian shall oversee the voting process on TWEN or other applicable voting software.
- b) If it is done by a petition of the student body, in accordance with the Constitution, the By-Law Committee and Parliamentarian shall oversee the voting process on TWEN or other applicable voting software.

Article 8: Constitutional Authority

- a) All By-Laws stated herein are subject to provisions and guidance specifically set out within the Constitution.

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