

THE BYLAWS
OF THE STUDENT BAR ASSOCIATION,
FRANKLIN THOMAS BACKUS SCHOOL OF LAW,
CASE WESTERN RESERVE UNIVERSITY

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TITLE I - PURPOSE, SCOPE, AND APPLICATION

1.01 Purpose and Entrance into Force.

These Bylaws are hereby established by the Senate pursuant to the Student Bar Association ("SBA") Constitution, art. I, § 8 to govern matters not expressed in the SBA Constitution, and, following their adoption by a two-thirds majority vote of the Senate there present, shall enter into full force and effect on February 16, 1998.

1.02 Construction.

These Bylaws shall be construed to be consistent with the SBA Constitution. They shall also be construed to secure fairness and efficiency in the administration of the Student Bar Association.

1.03 Supremacy Over Previous Rules.

Any and all previous bylaws and/or procedural and operational rules of the Student Bar Association, including any and all standing or temporary organizational, budgeting, or electoral procedures, that may have existed through a separate vote, action, or document of any kind, prior to February 16, 1998, are hereby permanently rescinded, and cease to have any force and effect.

1.04 Uncodified Legislation of the Senate.

Any and all legislation of the Senate that does not expressly amend these Bylaws shall automatically lapse, and cease to have any force and effect, as of the third Monday of April of each calendar year.

1.05 Responsibility of the Senate Counsel for Continual Update.

The Senate Counsel shall be responsible for the continual update of these Bylaws, and ensure that any amendment is codified and reflected in these Bylaws not later than thirty days subsequent to the adoption of any amendment by the Senate.

- (A) The Senate Counsel shall be responsible to ensure that each member of the Senate has a current copy of both these Bylaws and the SBA Constitution.
- (B) Because the Senate finds that this is an integral duty of the Senate Counsel's office, failure of the Senate Counsel to do so may constitute a just cause for impeachment and removal from office within the meaning of SBA Constitution, art. V, § 1(d).
- (C) The Senate Counsel shall be responsible with the task of periodically reviewing these Bylaws for grammatical and other non-substantive changes and making such changes.
 - (1) The Senate Counsel shall perform this audit once a year.
 - (2) Any student may bring a grammatical or non-substantive change to the Senate Counsel's attention.
 - (3) The Senate Counsel shall deliver a report detailing any changes made to the next meeting of the Student Bar Association.
 - (4) The Senate may reject any changes made by the Senate Counsel under this section by a majority vote of the Senate there present.
- (D) The changes to these bylaws made pursuant to §1.05(C) shall be noted in Title V of these bylaws with sufficient specificity for later review.

1.06 Decisions of the Honor Court.

Because the Senate finds that the doctrine of stare decisis should apply to decisions of the Honor Court when interpreting the Constitution and/or Bylaws, the Honor Court, when convened for the purposes of interpreting the Constitution and/or Bylaws, shall reduce its

decision into a syllabus format of not more than forty words, and submit such syllabus to the Senate Counsel for verbatim codification into these Bylaws.

- (A) These syllabi shall constitute prima facie evidence of the Honor Court's decision.
- (B) The written opinions of the Honor Court shall remain the governing law of the case, and shall govern over the syllabus if there is a conflict.

1.07 Amendment.

These Bylaws may be amended by a three-quarters majority vote of the Senate there present at any meeting of the Senate, provided that written notice has been provided to each member of the Senate not less than seven calendar days prior to such meeting.

- (A) Proposed amendments shall include the precise language that is to be amended, as well as the precise the language of the new section(s) effected.
- (B) Such amendment shall be incorporated into the appropriate article, and logged in Title V of these Bylaws, noting the date of amendment and section(s) affected.
- (C) Changes passed pursuant to §1.05(C) shall not be considered Amendments for the purposes of this section.

1.08 Temporary Suspension.

In the event of extraordinary and/or emergency circumstances, a bylaw may be temporarily suspended from operation only by a three-quarters majority vote of the Senate there present.

- (A) A suspended amendment shall automatically re-enter into full force and effect at the next meeting of the Senate, or unless a two-thirds majority of the Senate shall vote to remove its suspension during the same meeting at which the Bylaw was suspended.
- (B) Any suspension of Bylaws affecting elections and returns, suspended during times of elections, shall only be effective upon written notice to the entire law school student population immediately following the bylaw(s) suspension, as well as the reason(s) for such suspension.
- (C) Changes passed pursuant to §1.05(C) shall not be considered Amendments for the purposes of this section.

TITLE II - LEGISLATIVE ORGANIZATION OF THE SENATE AND GOVERNANCE OF OTHER BODIES OF THE STUDENT BAR ASSOCIATION

2.01 Meetings of the Senate.

- (A) The Senate shall meet during the academic year at times and places that shall be established by proposal of the President and adopted by the Senate at the first fall meeting in September, and at the first spring meeting in January.
- (B) The Executive Board shall meet one week prior to the Senate meeting to plan the agenda of the Senate meeting.

2.02 Rules of Senate Procedure.

The Senate shall use rules of procedure as proposed by the President and consented to by the Senate, which shall generally conform with the current edition of Robert's Rules of Order, to the extent that such provisions do not conflict with the SBA Constitution and/or these Bylaws.

2.03 Oath of Office.

Prior to assuming office, Senators, Officers, and law student Justices of the Honor Court shall be administered the following oath of office: "I, (name), do solemnly swear (or affirm), that I shall faithfully execute the office of (Name of Officer, Senator of the Student Bar Association, law student Justice of the Honor Court, as appropriate), that I shall support and defend the Constitution of the Student Bar Association, that I take this obligation freely, without any moral reservation or purpose of evasion, that I shall well and faithfully discharge the duties of the office into which I am about to enter, (so help me God)."

2.04 Expulsion Procedure.

To effect SBA Constitution art. I, § 10, cl. 3, and assure appropriate due process, the Senate adopts the following procedure to expel Officers and Senators for non-compliance with the following attendance policy:

- (A) The Executive Secretary shall include in the minutes of each session of the Senate the attendance or absence of each Officer and Senator.
- (B) Any Officer or Senator, at any time, may call upon the Executive Secretary to provide to the entire Senate membership, and/or the entire law student population, a report of the attendance of every Officer and Senator. To prevent the use of this Bylaw to embarrass or seek otherwise unfair advantage, the attendance report of only a single individual shall not be produced unless included in a report of the attendance of the entire membership of the Senate.
- (C) An individual who has received a total of three unexcused absences or a total of five absences (in any combination of excused and unexcused) shall stand censured by the Senate, and have such status officially entered into the minutes by the Executive Secretary. Such censure shall include a formal warning that an additional absence result in expulsion from the Senate.
- (D) If an individual attains a total of three unexcused absences or a total of five absences (in any combination of excused and unexcused), the Executive Secretary shall notify the individual with three absences as well at the entire membership of the Senate of this fact.
 - (1) At the meeting of the Senate following this notice by the Executive Secretary, the President of the Student Bar Association shall introduce, in writing, a bill of censure, which shall contain the following:
 - (a) The name of the individual in violation of the attendance requirement;

- (b) The dates of the absences; and
 - (c) The following statement: "Resolved, in accordance with the Senate's power under SBA Constitution art. I, § 10, that (name of the individual), having attained three absences, is hereby expelled from the Senate, effective immediately."
- (2) The individual shall have a full and meaningful opportunity to explain his or her circumstances at such meeting, and present extenuating and/or mitigating circumstances.
- (a) If the individual with three absences, and with notice thereof pursuant subsection (D) of this section, fails to appear at such meeting, that individual may submit a writing to the Senate explaining his or her circumstances, and presenting any extenuating and/or mitigating circumstances for the three previous absences, as well as the absence at such meeting.
- (E) If an individual attains a total of four absences, the President of the Student Bar Association shall introduce a motion for expulsion, notwithstanding the fact that this absence accrues at the meeting immediately following the individual's third absence. Such motion for expulsion shall be successful upon a two-thirds majority vote of the Senators present.
- (F) For the purposes of this section the term "absence" shall not include meetings missed due to:
- (1) A conflicting class that is taken for credit in pursuance of an advanced degree at Case Western Reserve University; or
 - (2) A co-curricular activity taken for credit including, but not limited to, Mock Trial, Moot Court, Law Review, The Journal of International Law, and the Health Matrix; or
 - (3) A work commitment, provided that the meeting missed was held before 7:00 p.m; or
 - (4) An approved absence by three-fifths of the SBA Executive Board.
 - (a) If a Senator has prior notice of the absence, he or she must notify the executive secretary prior to the meeting or that absence will be unexcused.
 - (b) Any unexpected absence, resulting from an event near the start of the meeting, will be excused if reasonable notice is given to the Executive Secretary.
- (G) If a person qualifies for an exemption under subsection (F) of this section, that individual shall use all reasonable haste to attend the meeting if the reason for their non-attendance is abated previous to the termination of the SBA meeting. In addition, that person shall not be included in quorum calculations and shall have no voting rights until and unless they appear at the meeting.

2.05 Standing Committees.

- (A) The following shall be the permanent Standing Committees of the Student Bar Association, whose Chairs shall be appointed by the President, by and with the advice and consent of the Senate:
 - (1) The Budget Committee;
 - (2) The Election Commission;
 - (3) The Student Life Committee;
 - (4) The Commencement Committee;
 - (5) The Professionalism Committee;
 - (6) The Website Committee; and
 - (7) The Curriculum Committee.
- (B) The President shall also appoint student representation, by and with the advice and consent of the Senate, to the following student-faculty committees of the law school:
 - (1) The Admissions Committee;
 - (2) The Career Planning Committee;
 - (3) The Library and Information Systems Committee;
 - (4) The Building and Grounds Committee;
 - (5) The Curriculum Committee;
 - (6) The Loan Repayment Assistance Program Advisor Board; and
 - (7) Any other student-faculty committee which may be established.
- (C) The President shall propose the creation of other committees and bodies as necessary, with the advice and consent of the Senate, which shall be established until the next Senate elections are certified.
- (D) The President may, in consultation with the Executive Board and the advice and consent of the Senate, establish limits on the size of any or all SBA committees.

2.06 Other Committee Procedures.

- (A) Committee Chairs shall call committee meetings at least monthly.
 - (1) Committee Chairs shall publicize the date, time, and location of all committee meetings.
 - (2) Committee Chairs shall be responsible for conveying the substance of what transpires at a committee meeting to the Vice-President.
- (B) To provide for maximum planning and organization time associated with an individual academic class's Commencement from the law school, the Senate shall have the power to organize the Commencement Committee for the next following graduating class earlier than other committees, notwithstanding the existence of the Commencement Committee focusing on that current academic year's commencement ceremony.

2.07 Applications for Committee Chairs & Membership.

- (A) To ensure the widest possible representation and involvement of students, the President shall utilize an open application process for the Chairs and student-faculty committee representatives, in which all eligible students are given a free and open opportunity to apply for such positions.
- (B) Following the appointment of Chairs of Standing Committees, such applications shall be turned over to such Chairs for subsequent use in filling committee memberships.
- (C) All SBA Senators must either chair or be a member of at least one committee.
 - (1) The President shall appoint to a committee any Senator that is not a member of any committee.
 - (2) Each Senator shall notify the President of the committee(s) which they wish to chair and the committee(s) of which they wish to be a member.

2.08 Nomination Procedure for the Honor Court.

Because the Senate finds that a uniform nominating procedure for the Honor Court shall promote the professionalism of the Honor Court, the Senate, when nominating law students as candidates for election to the Honor Court, shall utilize a formal Nomination Form, as shall be created jointly by the President and the Executive Secretary.

- (A) An Officer or Senator may nominate himself or herself for election to the Honor Court, provided:
 - (1) The individual completes a Nomination Form as specified in this Bylaw; and
 - (2) If elected, that the Officer or Senator submits a formal letter of resignation to the President of the SBA within 24 hours of his or her election to the Honor Court, as required by SBA Constitution, art. 3, § 1(a).
- (B) No individual shall be nominated by any Senator or Officer for election to the Honor Court unless such individual shall complete such form prior to one's nomination within the Senate.
- (C) The Executive Secretary shall ensure each member of the Senate receives a copy of the completed Nomination Form.
- (D) The Nomination Form shall include, at a minimum, the following:
 - (1) The name and class year of the candidate;
 - (2) A personal statement, including:
 - (a) Qualities that would make the individual an asset to the Honor Court;
 - (b) Examples of situations in which the candidate has demonstrated the ethical qualities associated with the high standards of conduct expected of the legal profession;
 - (c) Reasons why such individual should be entrusted with confidential information and decision-making capacity that may ultimately affect the professional careers of his or her peers;
 - (3) The following statement: "I hereby attest that the information contained in this nomination form is true to the best of my knowledge, and that I have not been subject to disciplinary sanctions while a law student in accordance with SBA Constitution, art. III. I understand that any misrepresentation on this form may constitute a false statement under the Law School Code of Conduct;" and
 - (4) The candidate's signature affirming the truth of the statements therein contained.

2.09 Honor Court Organization.
{Section Rescinded}

2.10 ~~Mandatory Honor Court Mock Trial Each October.~~

{Section Rescinded}

2.11 ~~Representatives from Case Western Reserve University School of Law to the American Bar Association – Law Student Division.~~

The official representatives from Case Western Reserve University School of Law to the American Bar Association – Law Student Division shall be the President and one student elected pursuant to § 2.15.

2.12 ~~Procedure for the Selection of the Student Representative to the American Bar Association-Law Student.~~

{Section Rescinded}

2.13 ~~Representative from Case Western Reserve University School of Law to the Ohio State Bar Association.~~

The official representative from Case Western Reserve University School of Law to the Ohio State Bar Association shall be one student elected pursuant to § 2.14. The Representative shall report to the Senate information and knowledge attained as the Representative at the request of the SBA President or the request of one third of the Senate.

2.14 ~~Representative from Case Western Reserve University School of Law to the Cleveland Bar Association.~~

The official representative from Case Western Reserve University School of Law to the Cleveland Bar Association shall be one student elected pursuant to §2.15. The Representative shall report to the Senate information and knowledge attained as the Representative at the request of the SBA President or the request of one third of the Senate.

2.15 ~~Procedure for the selection of the Student Representatives to the American Bar Association Law Student Division, the Ohio State Bar Association and the Cleveland Bar Association~~

The Student Representatives to the American Bar Association Law Student Division, the Ohio State Bar Association, the Cleveland Bar Association, and any other bar association for which the Senate deems it necessary and proper to select an official student representative shall be selected from a pool of candidates who apply by filling out the Application Form.

(A) Contents of the Application Form:

(1) The Application Form shall include, at a minimum, the following:

(a) The name of the given bar association for which the candidate seeks office

(b) The name and class year of the candidate;

(c) A personal statement, including:

(i) Those Qualities that would make the individual a good Representative of our law school within the given bar association;

(ii) Reasons as to the student's interest in being the Representative of Case Western Reserve Law School to the given bar association;

(iii) Manners in which the student will disseminate the information and knowledge that the student has attained as the Representative;

(iv) The following statement: "I hereby attest that the information contained in this application form is true to the best of my knowledge, and that I have not been subject to disciplinary sanctions while a law student in accordance with SBA Constitution, art. III. I understand that any

misrepresentation on this form may constitute a false statement under the Law School Code of Conduct;” and

(d) The candidate’s signature affirming the truth of the statements therein contained.

(B) Term of Office and Removal:

(1) The term of office for each Representative shall be one year or until a Representative’s successor shall be elected, except that a Representative may be removed pursuant to Article V Section 5 of the SBA constitution.

(C) Voting Procedure

(1) At a meeting in the month of April after the election for second year and third year academic class senators, the SBA shall elect the Case Western Reserve University School of Law official student representative to the American Bar Association-Law Student Division, Ohio State Bar Association, Cleveland Bar Association, and any other bar association for which the Senate determines that it is necessary and proper to elect an official student representative except for the following:

(a) Upon the determination of the Senate that it is necessary and proper to elect an official representative to a bar association, the election of that representative shall take place by the end of the second meeting of the Senate thereafter except the following:

(i) Because the Representative to the Ohio State Bar Association has already been selected, the current Representative shall remain the Representative until the Representative’s successor is selected at the second meeting in the month of April.

(2) The order of election of the student representatives shall be the Student Representative to the American Bar Association-Law Student Division, the Representative to the Ohio State Bar Association, the Representative to the Cleveland Bar Association, any other bar association for which the Senate determines that it is necessary and proper to elect an official student representative.

(3) The Student Representative shall be the student who receives the most votes from the Senate.

(4) If there is a tie between two applicants, the SBA President shall cast the deciding vote.

(5) Any law student may nominate himself or herself for election to the position of Representative to the given bar association provided the student completes an Application Form as specified by this Bylaw except the following:

(a) Any law student who wishes to nominate himself or herself for election to the position of Representative to more than one bar association shall complete a separate application form for each position.

(b) No student shall serve as the Representative to more than one bar association concurrently.

(c) Because the President of the SBA, pursuant to §2.10 is an official representative to the American Bar Association-Law Student Division, the President shall not nominate himself or herself for election to the position of Representative to any other bar association.

(6) If a Senator nominates himself or herself as an official representative to any bar association, that Senator shall be disqualified from casting his or her vote for that position.

(7) The Executive Secretary shall ensure each member of the Senate receives a copy of the completed Application Form of each applicant.

TITLE III - RULES FOR THE CONDUCT OF ELECTIONS AND RETURNS

3.01 Supremacy of Constitution.

Elections shall be conducted in accordance with SBA Constitution, art. VII.

3.02 Notice of Elections.

The Election Commission shall be responsible for giving full and adequate notice of elections prior to and during their holding(s) within the law school community.

3.03 Interpretation of these Rules During Elections.

All election questions that shall arise, and are not otherwise covered by the SBA Constitution and/or these Bylaws, and require adjudication during times of elections shall be decided by majority vote of the Election Commission. Such decisions may be amended and/or vacated by a majority vote of the Senate.

3.04 Candidate Disqualification.

A candidate may only be disqualified from running for office by vote of the Election Commission, and only for the reasons for which one may be removed from office as articulated in SBA Constitution, art. V, §§ 1(a)-(d).

3.05 Prohibition of Absentee Ballots.

Absentee ballots or proxies shall neither be utilized nor accepted in any election.

3.06 Candidacy Forms.

In order to run for office, a candidate shall complete a Certificate of Candidacy disclosing the office he or she is seeking.

- (A) The Certificate of Candidacy shall be developed by the Senate Counsel and approved by vote of the Senate.
- (B) The Certificate shall include the following statement, which shall be acknowledged by signature: "I hereby certify that I am eligible in all respects for election to the Student Bar Association, and that I have read both the SBA Constitution and the SBA Bylaws, a personal copy of which has been issued to me by the SBA Senate Counsel."

3.07 Write-In Candidates.

Any person otherwise eligible for election may be elected by write-in ballots. An individual who provisionally wins by write-in must both:

- (A) Certify, within 24 hours of the election, his or her eligibility for office by signing a Certificate of Candidacy form, including his or her signature as required in Bylaws 3.06(b) above; and
- (B) Notify the Election Commission, in writing, of his or her acceptance of election within 24 hours of the election.

3.08 Polling Place Staffing.

Because the Senate finds that public confidence in elections is promoted by removing elected SBA officials from possible conflicts of interest during elections, the Election Commission shall have the power to select and designate individuals to staff polling places during times of elections, who shall not hold any elected office of the Student Bar Association.

- (A) No person shall staff a polling place unless he or she is one of the four members of the Election Commission, or so designated to staff the polls.
- (B) A list of these individuals shall be transmitted in writing to the entire Senate membership not less than 72 hours prior to the holding of election(s).
- (C) In the event the Election Commission requires an emergency substitution of polling place staff after the submission of the polling staff list called for in Bylaw 3.08(b), the Election Commission may effect the appropriate personnel substitutions following reasonable notification to the SBA President.

3.09 Sunshine Provision.

- (A) Ballots shall only be counted by members of the Election Commission or individuals designated under the meaning of Bylaw § 3.08 above.
- (B) Any law student may witness the counting of ballots, provided such individuals shall not impede the counting of such ballots and, if they shall do so, the Election Commission may compel the ejection of such offending individuals.

3.10 Gag Rule.

No polling station worker under the meaning of Bylaw § 3.08 above may comment upon any candidate and/or issue to be elected and/or decided during the election.

3.11 Electioneering.

Candidates may conduct reasonable electioneering up to and including the day or days of elections by whatever means necessary, provided that:

- (A) No candidate may utilize class time for electioneering of any kind.
- (B) No limitations for campaign spending shall be imposed.

3.12 Prohibition of SBA Facility Use.

No incumbent Officer or Senator, nor agents thereof, shall utilize SBA facilities to support any candidacy for office. This prohibition includes, but is not limited to, the photocopying and telephone privileges accorded the SBA by the law school administration.

3.13 Run-off Procedures for SBA Officers.

- (A) Because of the decision of the Special Student Division of the Honor Court on Monday, March 30, 1998, the Senate adopts a run-off election procedure for SBA Officer elections.
- (B) Accordingly, under the Senate's powers under SBA Constitution art. I §§ 8(e), (i), & (j), and art. VII § 5, "majority vote" for SBA Officer elections shall mean a fifty percent plus one majority of the total votes cast per office.
- (C) The Election Commission shall arrange for the two candidates for SBA Officer who received the highest number of votes in the previous balloting to submit to a run-off election.
- (D) Since this run-off is only between the candidates with the two highest vote totals in the previous balloting, write-ins shall be prohibited on the run-off ballot.
- (E) The candidate who receives the highest number of votes in this run-off shall be elected.
- (F) "Elections" as it appears in SBA Constitution art VII et seq. shall be defined as the completion of all balloting, including appropriate run-offs.

3.14 Meaning of "Majority Vote" for SBA Senator Elections.

- (A) Because of the decision of the Special Student Division of the Honor Court on Monday, March 30, 1998, the Senate adopts the following meaning of "majority vote" in SBA Constitution as it relates to SBA Senator elections.
- (B) Accordingly, under the Senate's powers under SBA Constitution art. I §§ 8(e), (i), & (j), and art. VII § 5, the words "by majority vote" for SBA Senator elections hereby are understood, in terms of custom, practice, and legislative intent, to mean "plurality vote."
- (C) Each voter shall be entitled to vote for the number of candidates to be elected from his or her class as required in SBA Constitution art. I §2(b).
- (D) The candidates from each class who receive the highest number of votes shall be elected.

TITLE IV - BUDGETING PROCEDURES AND PROCEDURES REGULATING STUDENT ORGANIZATIONS

4.01 Transfer of Books and Financial Authority Between the Outgoing Treasurer and Incoming Treasurer.

Because the Treasurer of the SBA is elected prior to the third week of March per the SBA Constitution, and due to the financial regulations of the University, the Senate finds that a transition arrangement is required between the new Treasurer and the individual he or she has succeeded in office. As such:

- (A) The new Treasurer shall assume office within the time frames called for by the SBA Constitution.
- (B) The Treasurer, having assumed office, shall meet with his or her predecessor, and determine an appropriate turnover schedule of financial authority.
 - (1) Under such an arrangement, the previous Treasurer will serve in an advisory capacity to the new Treasurer until such time as the financial books are closed on the SBA and related accounts in accordance with University and all other relevant procedures.
 - (2) This arrangement in no way shall undermine the ability of the duly elected Treasurer to conduct his or her constitutional obligations.

4.02 Records.

The SBA Treasurer shall retain custody of all checking and savings account books and records. All disbursements of funds shall be in the form of a check.

4.03 Receipts.

All disbursement requests must be accompanied by receipts.

4.04 Audits.

- (A) The Audit Commission shall conduct an audit of the Law Student Activities Fund and the Student Bar Association's budget twice per academic year and shall report their findings to the Senate.
 - (1) A complete audit of the previous fiscal year's transactions shall be conducted within the month of October.
 - (2) A mid-year audit of the current fiscal year's transactions shall be conducted within the month of March.
 - (3) The Audit Commission shall be made up of members of the Honor Court.
- (B) The scope of the Audit shall be to analyze reported transactions for accuracy, to reconcile balances with reported transactions, to compare spending against budget requests of student organizations, and any other relevant information that the Senate shall request from the Honor Court or that the Honor Court deems fit to report.

4.05 Budget Procedure.

- (A) The Treasurer shall hold a meeting once per year describing the Budget Process, appeals process, and the filling out and submission of all forms required by the Treasurer of the Student Organizations.
 - (1) The meeting shall take place no later than 2 weeks prior to the first meeting of the Budget committee.
 - (2) The Treasurer shall report the names of Student Organizations that are represented at this meeting in the Budget Proposal.
 - (3) Student Organizations shall only send 1 representative and that representative should be the treasurer of that organization or in the alternative an elected member of the Student Organization's executive board as defined by that organization's constitution and/or bylaws.
 - (a) The Treasurer may grant exceptions to this subsection as needed if no qualifying member is available to attend this meeting due to schedule conflicts.
 - (b) If the Treasurer grants an exception it shall be noted in the Budget Proposal.
- (B) Each student group or organization shall be required to submit a Budget Proposal Form to the Treasurer of the SBA by the deadline established by the Treasurer in consultation with the Budget Committee.
- (C) The Budget Proposal Forms will be reviewed by the Budget Committee.
 - (1) Each Budget Committee member shall report to the Treasurer any and all groups in which that Budget Committee member is an executive board member.
 - (2) A list of all Budget Committee members' executive positions shall be submitted to the Senate along with the Budget.
 - (3) Each event funding request shall include a detailed list of costs and estimated date, giving the week and month in which the event shall occur.
- (D) The Budget Committee shall take into account the neatness, promptness and amount of detail in each budget request, along with any past budget misappropriations provided from the Audit Commission.
- (E) The Budget Committee shall review the Budget Proposal Forms and make suggested allocations of such monies based upon the respective criteria of each group.
- (F) Appeals Process
 - (1) If a student group is not satisfied with what has been proposed to be allocated to it by the Budget Committee, such group may make a formal appeal in writing to the Budget Committee, again in accordance with the schedule established. Such appeals must explain the basis for the group's dissatisfaction and list all prospective justifications for the need for more monies. Afterwards, the Budget Committee will notify each appealing group in writing of their decisions as to such appeal.
 - (2) Afterwards, the Budget Committee shall notify each group in writing, as well as the entire membership of the Senate, of the Committee's decisions as to such proposed allocations.
- (G) If a student group is still not satisfied with what has been allocated to them by the Budget Committee, such group may formally present its grievance to the entire Senate as such time the budget comes before the Senate for adoption.
- (H) Once the Senate shall adopt the budget of a student group, the group will be able to request funds in writing from the Treasurer at which time a check will be issued to the appropriate agent of such organization.

4.06 Prohibition Against Granting Exclusive Arrangements to Student Organizations.

In accordance with its power to regulate student organizations under SBA Constitution art. I, §§ 8(a), (i), and (j), the Senate finds that market solutions are generally the optimal way to ensure

the widest possible availability and diversity of goods and services within the law school community. Therefore:

- (A) No student organization at the Case Western Reserve University School of Law has any preferential status of any kind, expressed or implied, which accords single source status for providing any good or service; and
- (B) The Senate shall not grant any agreement, contract, or other form of binding commitment, expressed or implied, to or upon any student organization for single source status of any good or service.

4.07 Promoting Efficient Use of Resources and Maximum Attendance at Events.

In accordance with its power to regulate student organizations under SBA Constitution art.I, §§ 8(a), (I), and (j), to conserve financial resources, avoid waste, promote planning, and promote efficient allocation of resources, the Senate finds that the central student activities fund (“Fund”) requires additional regulation. Therefore:

- (A) No more than two student organizations at Case Western Reserve University School of Law shall be authorized to hold any event on the same calendar day, Monday through Friday, beginning between 11:30 am and 1:00 pm, at which food is provided and paid for or otherwise subsidized by funds obtained from the Fund.
- (B) Any student organization which desires to hold an event at which food is provided shall first obtain written authorization from the Vice-President of the Student Bar Association.
- (C) The Vice-President shall maintain a central scheduling calendar upon which he or she shall schedule and authorize the holding of no more than two events per calendar day at which food is provided and paid for or otherwise subsidized by the Fund.
- (D) The Vice-President shall issue a written authorization verifying the scheduling of the event.
- (E) Any student organization which shall violate this Bylaw and hold an event at which food is provided and paid for or otherwise subsidized by funds obtained from the fund may not be reimbursed for the expenses of such event, and/or may have its budget subsequently reduced by action of the Budget Committee.
- (F) The Budget Committee shall enforce this Bylaw by appropriate action.
- (G) The Student Bar Association Vice-President and Treasurer, within seven calendar days following the adoption of this Bylaw, shall promulgate to all student organizations and the student body at large the precise procedure that shall be followed by organizations desiring to schedule events in light of this Bylaw.
- (H) In the event a previously scheduled event for a student organization is cancelled and/or rescheduled, for reasonable causes as determined by the Vice-President, the student organization shall be allowed to reschedule that event as contained in this Bylaw as is necessary and appropriate, even if such rescheduling creates more than two events per calendar day. No student organization shall be sanctioned or otherwise negatively impacted if such event is cancelled and/or rescheduled.
- (I) To prevent conflicts with events already scheduled during the 1998-99 school year, this Bylaw shall enter into force on October 1, 1998.

4.08 Student Organization Space Allocation.

The Senate shall allocate cubicle space, as well as bulletin board and mail folder space, to student organizations in the Student Activities Room in the law school building.

- (A) The Vice-President shall solicit space requests from student organizations and make allocation suggestions accordingly.
- (B) The Senate shall approve the space allocations by majority vote.
- (C) The Student Bar Association has jurisdiction over the Student Activities Room because such jurisdiction has been delegated to the Student Bar Association by the administration of Case Western Reserve University School of Law. Therefore, the Student Bar Association shall not have jurisdiction, express or implied, over any other student office at Case Western Reserve University School of Law other than the Student Activities Room.

4.09 Speaker Fund.

In order to facilitate the scheduling of speakers by the student organizations, the Senate finds that the establishment of a Speaker Fund is necessary and proper. Therefore:

- (A) The Budget Committee and the Senate, in accordance with their normal roles in the budgeting process, shall allocate from the Law Student Activities Fund a Speaker Fund which shall not exceed the greater of 10% of the Law Student Activities Fund or \$5000. Because of this allocation:
 - (1) No student organization shall be allocated funds during the budgeting process for a speaker event, except upon a showing of substantial need and definiteness so that it would be unreasonable not to allocate such funds.
 - (2) At the end of each fiscal year all unused Speaker Fund monies shall be returned to the Law Student Activities Fund.
- (B) The Treasurer shall have the power to distribute or decline to distribute funds from the Speaker Fund without the approval of the Senate, except that:
 - (1) Any distribution for a speaker event which exceeds \$250 shall be approved by a majority vote of the Senate there present.
 - (2) If the Treasurer declines a student organization's request for a Speaker Fund distribution, that student organization may present its request to the entire Senate, which may approve the distribution to the organization from the Speaker Fund by a majority vote of the Senate there present.
 - (3) Funds shall not be distributed from the Speaker Fund for any non-speaker event or removed from the Speaker Fund except upon the following:
 - (a) the recommendation of at least one of the following:
 - (i) The Treasurer; or
 - (ii) Two SBA officers; or
 - (iii) A majority vote of the Budget Committee; or
 - (iv) At least six Senators provided at least one Senator is from each of the three classes; and
 - (b) written notice is provided to each member of the Senate not less than two calendar days prior to the meeting at which such distribution or removal will be voted on which notice shall include:
 - (i) the names of those individuals recommending the distribution or removal, except that in the case of a recommendation by the Budget Committee a statement reflecting as much shall be deemed sufficient; and
 - (ii) The activity or event for which the distribution is recommended or, in the case of removal, the group to which removal is recommended, even if such removal is to the Student Bar Association or Law Student Activities Fund; and
 - (iii) The amount of such proposed distribution or removal; and

- (iv) The amount that will remain in the Speaker Fund after such proposed distribution or removal; and
 - (c) Approval by a two-thirds majority vote of the Senate there present.
- (4) The Senate may revoke the Treasurer's power to distribute funds without the approval of the Senate for the remainder of that Treasurer's term of office by a three-quarters majority vote of the Senate there present at any meeting of the Senate, provided that written notice has been provided to each member of the Senate not less than seven calendar days prior to such a meeting. Upon the swearing in of a new Treasurer, the power of the Treasurer to distribute funds without the approval of the Senate shall be reinstated.
- (C) For purposes of this section:
 - (1) Distribution means the total amount paid from the Speaker Fund to any student organization or collection of student organizations for a single event.
 - (2) Remove, removal, and removed mean the taking of funds from the Speaker Fund for reallocation to any student organization or collection of student organizations, including the SBA and its committees and subcommittees.
 - (3) Written notice means tangible notice on paper, e-mail or other electronic notification, while encouraged, shall be insufficient.

TITLE V - HISTORY OF AMENDMENTS TO THE SBA BYLAWS

5.01 Date of Original Enactment.

SBA Bylaws Titles I - VII proposed by special Reform and Drafting Committee, and adopted by the unanimous vote of the SBA Senate on February 16, 1998, entering into force on the same date.

5.02 Election Clarification Amendments.

Bylaws 3.13 and 3.14 were added by the required vote of the SBA Senate on March 31, 1998.

5.03 Event Attendance Maximization & Resource Efficiency Amendment.

Bylaw 4.07 was added by the required vote of the SBA Senate on September 2, 1998.

5.04 Student Organization Space Allocation Amendment.

Bylaw 4.08 was added by the required vote of the SBA Senate on September 23, 1998.

5.05 Rescinding of Honor Court Organization Amendment.

Bylaw 2.09 was rescinded by the required vote of the SBA Senate on September 8, 1999. The following was rescinded:

The law student Justices of the Honor Court, once duly elected and sworn in, shall be required to meet within thirty days, and, within sixty days, arrange a general organizational session with their three faculty Justices. The Chief Justice of the Honor Court shall report the completion of these requirements in writing to the President and to the Senate Counsel.

5.06 Rescinding of Mandatory Honor Court Mock Trial Each October Amendment.

Bylaw 2.10 was rescinded by the required vote of the SBA Senate on September 8, 1999. The following was rescinded:

Because the Senate finds both that the Honor Court's role should be elevated within the law school community, and that law students should be impressed with the importance and scope of the Law Student Code of Conduct early in their law academic careers, the Honor Court shall each October hold a mock trial of a law student offense, with the first such mock trial occurring in October 1998.

(A) Preparations and conduct of the Honor Court mock trial shall be determined as the Honor Court, Senate Counsel, and law faculty member of the Office of the Law Counsel shall organize and direct.

(B) The Honor Court shall publicize this mock trial as necessary and appropriate.

5.07 Modification of Temporary Suspension Amendment.

Bylaw 1.08(a) was modified by the required vote of the SBA Senate on September 15, 1999.

5.08 Addition of Speaker Fund Clause.

Bylaw 4.09 was added to the SBA Bylaws by the required vote of the SBA Senate in Spring, 2004

5.09 Modification of Expulsion Procedure Amendment.

Bylaw 2.04 was modified by the required vote of the SBA Senate

5.10 Non-Substantive Edits.

Non-substantive edits were made to 1.04, 1.07, 2.11, 2.14, 2.15(C)(3), and 4.07. Also 2.12 was removed as being redundant with 2.15. Finally, ‘§’ symbols were removed from Section headings.

5.11 Expansion of Senate Counsel’s Duty to Update.

Bylaw 1.05 was modified by adding subsections (C) and (D). Bylaw 1.07 was amended by adding subsection (C). Both amendments received the required vote of the SBA Senate on March 29, 2006.

5.12 Clarifying the Budget Procedure.

Bylaw 4.04 was completely redrafted. Several changes were made to Bylaw 4.05 to more accurately reflect the realities of the process. Both amendments received the required vote of the SBA Senate on March 29, 2006.

5.13 Updating Committees and Committee Selection Procedures.

Bylaws 2.05-07 were amended by the required vote of the SBA Senate.

5.14 Reformatting

Changed font, etc. and inserted table of contents pursuant to Bylaw 1.05(C).

[REMAINDER RESERVED FOR FUTURE USE].

**TITLE VI - HISTORY OF AMENDMENTS TO THE SBA
CONSTITUTION**

[RESERVED FOR FUTURE USE].

TITLE VII - CONSTITUTIONAL INTERPRETATIVE HOLDINGS **OF THE HONOR COURT**

7.01 The Meaning of "Majority Vote" for SBA Officer Elections.

"It was unconstitutional to declare a winner of an Art. I §2(d) office absent the candidate receiving greater than fifty percent of the total eligible votes cast." James R. Bennett, Brett M. Mancino v. Student Bar Association, ___ SBA Opinions ___ (Honor Court, Special Student Division, Mar. 30, 1998).

7.02 The Meaning of a Completed Candidacy Form for SBA Elections.

"Section 3.06 of the SBA Bylaws requires a signed certification by the deadline for a candidate's name to appear on the ballot. Missing the deadline does not preclude a student from campaigning and receiving write-in votes."

7.03 The Meaning of Removing a Student from Chairing a Committee Created by the SBA.

"The SBA President alone may remove a committee chair for just cause, but must provide his reasons in writing to the individual and Senate. The Senate may reinstate the individual pursuant to Article V, Section 5 of the SBA Constitution."

[REMAINDER RESERVED FOR FUTURE USE].