CONSTITUTION
OF THE
STUDENT BAR ASSOCIATION
OF THE
AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

PREAMBLE

We, the students of the Washington College of Law of the American University, to represent and support the law school student body, to provide relevant services and quality student programming, to ensure an environment for open political discussion and exchange, to secure a community free from discrimination and intimidation, and to encourage an interactive and involved student community, do ordain and establish this Constitution.

Now, therefore, we bind ourselves to the following provisions.

THE CONSTITUTION

ARTICLE I. THE STUDENT BAR ASSOCIATON

Section A. *Name and Object*

Subsection 1. The student governance organization of the American University Washington College of Law shall be known as the Student Bar Association.

Subsection 2. The objectives of the Student Bar Association shall be to promote the interests and general welfare of the students of the Washington College of Law, to further the principles as stated in the preamble to this Constitution, as well as to regulate the various entities, programming, and initiatives under its charge.

Subsection 3. The organization shall be the central student governance authority from which all student organizations are recognized and are allocated funding, except as otherwise stated by the policies of the Washington College of Law, this Constitution, or other Student Bar Association policies.

Section B. *Student Bar Association Membership*

Subsection 1. All duly enrolled Juris Doctor students of the Washington College of Law shall be considered the membership of the Student Bar Association, entitled to the privileges, services, programming, and rights thereto appertaining.

Subsection 2. The powers of the Student Bar Association, its branches, and its officers shall be derived from and answerable to the membership, and shall always work in its best interests.

Section C. *Structure and Organization*

Subsection 1. There shall be three distinct and separate entities of the Student Bar Association, known as the Legislative Branch, represented by

the Senate; the Executive Branch; and, the Judicial Branch, represented by the Supreme Court.

Subsection 2. The powers, duties, and responsibilities under each branch shall be executed as stipulated under this Constitution, the Bylaws, and policies created in furtherance of the same.

Subsection 3. Each branch shall have co-equal status within the Student Bar Association and appropriate deference shall be afforded to each branch by other branches, while in the furtherance of their duties.

ARTICLE II. THE LEGISLATIVE BRANCH

Section A. Name and Object

Subsection 1. The legislative body shall be the Senate of the Student Bar Association. It shall hereinafter be referred to as "the Senate."

Subsection 2. The objectives of the Senate shall be to promote the interests and general welfare of the students of the Washington College of Law, to provide general oversight to the Student Bar Association and its entities, officers, programs, and operations, as well as to regulate and administer the student organization and programming structures of the law school, where appropriate.

Subsection 3. The Senate may set other objectives and policies for itself and the Student Bar Association through appropriate legislation, provided that they are consistent with this Constitution, the Bylaws, and the policies of the Washington College of Law.

Section B. Senate Composition and Membership

Subsection 1. The Senate shall be composed of duly enrolled full-time and part-time students in pursuit of a Juris Doctor degree, who have been elected or appointed to a Senate seat in a manner compliant with this Constitution and the Student Bar Association Bylaws.

Subsection 2. The composition of the Senate shall include the following representation allocations:

(i) One (1) senator for each individual section of the First-Year class

(ii) Six (6) senators for the entire Second Year full-time class

(iii) Six (6) senators for the entire Third Year full-time class

(iv) Six (6) senators for the Evening students, First Year part-time students excepted

(v) Two (2) senators for the transfer students

Subsection 3. Qualifications and eligibility for election or appointment to seats of the Senate shall be stipulated in the Bylaws and/or duly passed Senate legislation.

Subsection 4. At no time, may a senator serve as an appointed executive officer or judge of the Supreme Court.

Section C. Senate Authority, Powers and Responsibilities

Subsection 1. All legislative authority shall be vested in the Senate, as a whole body, and shall be exercised within the context of official Senate meetings or within the committees, as authorized by the Senate. Such directives, policies, and acts shall be binding on all portions of

the organization, except as specified by this Constitution, the Bylaws, or relevant Senate legislation.

Subsection 2. The Senate shall have the following enumerated powers and authority:

(i) The Senate shall be empowered via the legislative process to set the policy and programmatic framework, as well as the general objectives of the Student Bar Association, and may authorize the creation and execution of initiatives, events, and programs to these ends.

(ii) The Senate shall be empowered to regulate the operation, continuity, and administration of the Student Bar Association, including its powers and its responsibilities, as well as exercise oversight over itself, the executives, and judicial officers, where necessary and proper.

(iii) The Senate shall be empowered to set fiscal and budgetary policy and authorize, allocate, and appropriate the use of funds for purposes supported by the body and compliant with Student Bar Association and Washington College of Law policies

(iv) The Senate shall be empowered to regulate its internal operations and procedures, and to nominate and elect its officers, as necessary and compliant with this Constitution, for the purposes of executing and furthering its established will.

(v) The Senate shall be empowered to define the parameters and details of Student Bar Association officer duties, where not in conflict with or contravening University policy, this Constitution, or the Bylaws.

(vi) The Senate shall be the authority on Student Bar Association disciplinary measures, with power to suspend and remove officers, as well as suspend and expel its own members, performing impartial due diligence and affording due process, in doing so.

(vii) The Senate shall be empowered to regulate and direct the actions of the members and officers who are performing actions in the furtherance of Student Bar Association business, where appropriate.

(viii) The Senate shall have advice and consent authority on executive and judicial appointments where specified in this Constitution, the Bylaws or by duly passed legislation.

(ix) The Senate shall have power to recognize and regulate all student organizations, student programming and finances, and inter-organizational relations within the Washington College of Law.

(x) All powers and authority not delegated by the Constitution or Bylaws shall be reserved by the student body at large.

Subsection 3. The Senate shall ensure that all programs, initiatives, and objectives fall within the principles and overall programmatic vision of the Student Bar Association.

Subsection 4. The Senate shall be empowered to delegate, through legislation, any of the aforementioned powers – in whole or in part – to specific officers or independent boards or commissions for specific, particularly defined purposes. The Senate reserves the right to maintain appropriate oversight and amend, curtail or revoke any delegation of authority.

Section D. Meetings of the Senate

Subsection 1. The Senate shall hold its regular meetings at a time and location that is announced to the membership in advance and that shall be suitable for transacting the business of the Student Bar Association.

Subsection 2. All meetings of the Senate and applicable meetings of the Senate committees shall be recorded in minutes maintained by the Secretary of the Senate.

Subsection 3. At no time, shall the Senate or any subset thereof meet or transact business at a time or place that is kept secret from Student Bar Association membership or Senate membership or not authorized by the Senate. All meetings of the Senate, or any subset thereof, shall be open to the student body, except as provided within this Constitution or authorized by the Bylaws.

Subsection 4. Special or Emergency meetings of the Senate can be authorized in a manner consistent with the Bylaws or, where silent, *Robert's Rules of Order*.

Subsection 5. Teleconferencing or other electronic means of communication approved by the Senate can be held as official meetings of the Senate or any committee thereof, except in cases of personnel confirmation or disciplinary action, amending any governing document of the organization, or the certification of election results.

Subsection 6. For the transaction of Senate business, a quorum of a simple majority of sitting Senate members shall be required to be present for either the full body or any of its committees.

Subsection 7. Only members who are present and accounted for at any meeting of the Senate shall be allowed to vote on any question or in any election before the body. Voting by proxy shall only be permitted where detailed by the Bylaws or legislative acts of the Senate.

Subsection 8. Non-transactional news, reports, or other happenings may be discussed, but not acted upon, in the absence of a quorum.

Section E. Senate Committees

Subsection 1. The Senate shall be empowered to establish standing and special committees to discharge the various decisions and programs of the Senate

Subsection 2. Each committee shall be composed of at least three (3) members of the Senate, and shall be headed by a committee chair, who shall be appointed by the Speaker, wherein such a position is not specifically designated by the Constitution or Bylaws. Where

stipulated by the Bylaws, such chairpersons shall be confirmed by the Senate.

Subsection 3. All members of the Senate shall be eligible to serve on any applicable committee, and shall be placed in at least one (1) standing committee.

Subsection 4. Standing committees shall be known as permanent committees within the Senate which shall continue to operate within the course of the Senate's business, having purview over a set of issues.

Subsection 5. Special committees shall be known as *ad hoc* committees that are created by the Senate, which have a specific purpose, and that end with the sufficient execution or dissolution of said purpose in the view of the Senate.

Subsection 6. The primary standing committees of the Senate shall be established as the following: The Committee on Rules and Privileges, the Finance Committee, the Groups and Organizations Committee, the Academic Affairs Committee, and the Student Services Committee. The membership of these committees shall be constituted by the second meeting of the academic year, unless otherwise decided by the Senate or the Committee on Rules and Privileges.

Subsection 7. Special committees of the Senate may include, but are not limited to, the Law and Revision Committee, and any specific program planning committees.

Subsection 8. All committees shall report regularly on the work under their charge, as well as provide any necessary recommendations, Bills, resolutions, or other business for the Senate to consider.

Subsection 9. The committees shall meet regularly, and the time and place of these meetings shall be made publicly available.

Subsection 10. The committees, under the direction of the appointed committee chair, may establish subcommittees for the efficient discharge of their duties.

Subsection 11. The powers, duties, and responsibilities of Senate committees, where not otherwise contained in this Constitution, shall be stipulated in the Bylaws.

Section F. Senate Officers

Subsection 1. The Vice President of the Student Bar Association shall be the Speaker of the Senate, serving as its primary presiding officer and spokesperson. In this capacity, the Vice President shall be answerable to and directed by the Senate, alone.

Subsection 2. There shall be both elected and appointed officers who shall carry out the operational and administrative functions of the Senate, under the direction of the Speaker. They, within their respective functions, shall have power to carry out the will of the Senate in a manner consistent with the policies of the Student Bar Association.

Subsection 3. The following positions shall be elected by the Senate, in a manner consistent with the Bylaws:

(i) The Speaker Pro Tempore
(ii) Chairpersons of Senate Standing Committees

Subsection 4. The following positions shall be appointed directly by the Speaker of the Senate:

(i) Chairpersons of Senate Special Committees
(ii) The Secretary of the Senate
(iii) The Senate Parliamentarian

Subsection 5. The terms, duties, powers and responsibilities of all Senate officer positions not specified herein shall be established by the Bylaws or by duly passed legislation.

Subsection 6. At no point shall the nomination and election to these offices, where applicable, deprive any duly elected or appointed member of the Senate of their ability to vote on questions before the body, except as stipulated by this Constitution or the Bylaws.

Subsection 7. At no time, shall the President of the Student Bar Association be permitted to preside over the Senate or administer its operations.

Section G. Voting

Subsection 1. Each senator shall be empowered to exercise one (1) vote on all questions before the Senate or its committees.

Subsection 2. All questions or nominations coming before the Senate shall require a majority vote to pass, unless otherwise stipulated by this Constitution, the Bylaws, special rules of order created by the Senate, or the selected parliamentary authority of the Senate. Votes taken shall be counted on the basis of those present and voting at the time the question is put to the body.

Subsection 3. The presiding officer of the Senate may cast a vote where it shall effect the outcome of a tie vote of the Senate.

Subsection 4. At no time shall any Executive or Judicial officer, except as permitted by this Constitution, be allowed to cast a vote on any matter before the Senate.

Subsection 5. Electronic voting may be used in a manner consistent with the explicit authorization of the Committee on Rules and Privileges in exigent circumstances where the full body, or a subsidiary thereof, is unable to meet in person or such emergency action is required as would make an in-person meeting inexpedient.

Section H. Parliamentary Authority

Subsection 1. The most current edition of *Robert's Rules of Order, Newly Revised* shall be the parliamentary authority at all official meetings of the Senate and any subset thereof, and shall be held as Student Bar Association policy in any case where any superseding document is unclear or silent.

Subsection 2. The Senate may adopt rules of order that shall regulate the internal operations of the Senate, and any subset thereof. Senate committees, under the direction of the committee chairs, may adopt a more relaxed or informal method of meeting and collaboration, under Senate rules, where appropriate.

Section I. Sessions of the Senate

Subsection 1. The period in which official actions of the Student Bar Association Senate are recorded, enacted, and held as validly transacted shall be within the official sessions of the Senate, except where permitted by this Constitution and the Bylaws.

Subsection 2. The sessions of the SBA Senate shall open with the first meeting of the new Senate and shall close with its adjournment *sine die* after the Annual Meeting. Following adjournment *sine die*, no action requiring Senate approval may be initiated or considered until the opening of the new Senate session.

Subsection 3. Each session shall be numbered and records shall be maintained to be consistent with actions taken during a Senate session. For chronological consistency, the numerical order shall be set for sessions starting with and following the 1980-1981 SBA Senate Session. Upon the discovery of more antiquated records of Senate history, the Senate may reorder the numerical progression by legislative act.

ARTICLE III. THE EXECUTIVE BRANCH

Section A. The President of the Student Bar Association

Subsection 1. The executive power of the Student Bar Association shall be vested in its President, who shall be elected by the students of the Washington College of Law in a manner consistent with the Constitution, Bylaws, and extant SBA policy.

Subsection 2. The President shall be the chief executive officer of the organization, charged with the execution and enforcement of the policies, principles, programs, initiatives, and strategic direction of the Student Bar Association.

Subsection 3. The President shall serve as the official representative and spokesperson of the student body of the Washington College of Law, promoting and addressing advocacy efforts on any relevant academic, systemic, and community issues to that end.

Subsection 4. The President of the Student Bar Association shall have power to administer the policies and initiatives of the Student Bar Association, as well as regulate the proper operation of executive functions and affairs, and may issue executive orders to these ends.

Subsection 5. Executive orders may not conflict with the Constitution, the Bylaws, or extant Acts of the Senate, but shall be issued pursuant to granted authority under extant SBA policy. The orders will be issued in writing, organized in a manner akin to legislation, and made public to the Senate and relevant communities within two (2) business days after its signature. These orders may be reviewed, superseded, or revoked, in full or in part, by legislative action of the Senate or by opinion of the Supreme Court, in a manner consistent with this Constitution and the Bylaws.

Subsection 6. The President shall have power to veto any Bill passed by the Senate, within six (6) business days of passage. Failure to sign or veto a Bill within the given timeframe shall automatically ratify the act as Student Bar Association policy. The exercise of a veto shall be reported to the Senate. The Senate may take up a vetoed Bill at its next regular meeting or initiate procedures for a special meeting

prior to its next regular meeting. A two-thirds (2/3) majority vote of the Senate shall be sufficient to override a veto.

Subsection 7. The President shall be empowered to nominate eligible students for all vacancies on the Supreme Court and executive positions authorized by the governing documents or extant legislation, with the advice and consent of the Senate, consisting of a two-thirds vote.

Subsection 8. The President, or their appointed designee, shall represent the student body on any University committees and working groups to which the Student Bar Association has been invited.

Subsection 9. The President may exercise all authority, responsibilities and privileges inherent or delegated to the office by the policies of American University and the Washington College of Law, within the context and parameters of this Constitution, the Bylaws, and relevant SBA policies.

Subsection 10. The President, or their designee, shall represent the Washington College of Law in the Law Student Division of the American Bar Association, and shall be empowered to coordinate the student presence and relationship with the American Bar Association and other professional groups.

Subsection 11. The powers, authority, and responsibilities of the President of the Student Bar Association, not otherwise contained within this Constitution, shall be stipulated in the Bylaws and relevant Acts of the Senate.

Section B. The Vice President of the Student Bar Association

Subsection 1. There shall be a Vice President of the Student Bar Association, who shall be elected by the students of the Washington College of Law in a manner consistent with the Constitution, Bylaws, and extant SBA policy.

Subsection 2. The Vice President shall be a senior executive officer of the organization, charged with assisting the President of the Student Bar Association with the overall operational management and advocacy efforts of the Student Bar Association, as directed by the President.

Subsection 3. The Vice President, in their capacity as Speaker of the Senate, shall be empowered to issue legislative orders to administer the flow of Senate business, so long as such orders are not in conflict with the Constitution, the Bylaws, or extant Senate legislation. Such orders will be issued pursuant to granted authority under extant SBA policy, be documented in writing, organized in a manner akin to legislation, and made public to the Senate in a timely fashion. These orders may be reviewed, superseded, or revoked, in full or in part, by legislative action of the Senate or by opinion of the Supreme Court, in a manner consistent with this Constitution and the Bylaws.

Subsection 4. The Vice President shall be empowered to entertain nominations of eligible students for vacancies in the Senate, as well as to appoint Senate officers as stipulated in the Bylaws or extant legislation.

Subsection 5. The Vice President may exercise any authority, responsibilities and privileges inherent or delegated to the office by the policies of

American University and the Washington College of Law, within the context and parameters of this Constitution, the Bylaws, and relevant SBA policies.

Subsection 6. In the case of a vacancy in the office of Vice President, the President shall nominate a replacement, who shall require confirmation by the Senate.

Subsection 7. The powers, authority, and responsibilities of the Vice President, not otherwise contained within this Constitution, shall be stipulated in the Bylaws and relevant Acts of the Senate.

Section C. Appointed Executive Officers of the Student Bar Association

Subsection 1. The principal appointed executive officers of the Student Bar Association shall include:

(i) Director of Academic Affairs
(ii) Director of Communications
(iii) Director of Diversity Initiatives
(iv) Director of Finance
(v) Director of Programming
(vi) Director of Student Life
(vii) Director of External Affairs
(viii) Solicitor General

Subsection 2. There may be other inferior directors and staff members as may be created by executive order, who shall serve at the pleasure and direction of the President, unless otherwise removed. When created, a clear and particular stipulation of duties of said offices shall be included in the executive order and communicated to the Senate at the next available Senate meeting or by electronic communication within seven (7) business days of creation, the sooner date prevailing.

Subsection 3. At no time, shall any executive officer be a member of the Senate or the Supreme Court. Upon appointment of a member of the Senate or Supreme Court to an executive role, and following the applicable confirmation of the same, the applicable Senate or Supreme Court seat shall immediately become vacant.

Subsection 4. The powers, authority, and responsibilities of officers, not otherwise contained within this Constitution, shall be stipulated in the Bylaws and relevant Acts of the Senate.

Section D. Executive Cabinet of the Student Bar Association

Subsection 1. The Executive Cabinet shall be the administrative body of the Student Bar Association, having power to create such administrative policies as to execute the established policies of the organization and administer its functions.

Subsection 2. The Executive Cabinet shall also set strategy for achieving established policy and programming objectives of the Student Bar Association. At no time shall the Executive Cabinet regulate the internal affairs of the Senate or the operations of the Supreme Court.

Subsection 3. The President of the Student Bar Association, or their designee shall chair the Executive Cabinet and preside in its meetings, which shall be open to the student body and follow the same meeting announcement requirements as meetings of the Senate.

Subsection 4. The Executive Cabinet shall be comprised of the following voting members:

(i) President of the Student Bar Association
(ii) Vice President of the Student Bar Association
(iii) Director of Academic Affairs
(iv) Director of Communications
(v) Director of Diversity Initiatives
(vi) Director of Finance
(vii) Director of Programming
(viii) Director of Student Life
(ix) Director of External Affairs
(x) Solicitor General

Subsection 1. The President may allow any other executive appointee to participate in the meetings of the Executive Cabinet, but they shall have no vote, except as allowed by Senate legislation.

Subsection 2. Teleconferencing or other electronic means of communication approved by the Senate or by the President can be held as official meetings of the Executive Cabinet.

Subsection 3. The powers, authority, and responsibilities of the Executive Cabinet, not otherwise contained within this Constitution, shall be stipulated in the Bylaws.

Section E. Executive Vacancies and Term of Office

Subsection 1. In the case of the resignation, removal, permanent incapacitation or any other vacancy in the office of President, the Vice President shall become President.

Subsection 2. In the case of prolonged absence or temporary incapacitation of the President of at least fourteen (14) days, either realized or directly communicated, the Vice President shall be empowered to notify the Senate and seek authorization to carry out the duties and powers of the President until the absence or incapacitation is resolved. During this time, the Vice President shall be ineligible to preside over the meetings of the Senate.

Subsection 3. Should the offices of President and Vice President be simultaneously vacant, the Speaker Pro Tempore of the Senate shall serve as Acting President, exercising all the duties and powers of the office of President, until a special election can be held to fill the office of President. Such an election shall take place within three (3) weeks of the applicable vacancies.

Subsection 4. The terms of office for the President and Vice President shall commence at 12:00 am on May 1 of the year of their election, and shall conclude at 11:59 pm on April 30 of the subsequent year, unless intervened upon by removal, resignation, ineligibility, or permanent incapacitation.

Subsection 5. The terms of appointed executive officers shall run concurrently with that of the appointing President from the point of their applicable appointment or confirmation, unless intervened upon by removal, resignation, ineligibility, permanent incapacitation, or other provision of SBA policy, as passed by the Senate or contained within the governing documents of the organization.

Subsection 6. In the case of a vacancy in an Executive Cabinet-level position, except for the office of Vice President, during the summer recess of the Senate, the President shall be empowered to make a temporary recess appointment to ensure the continuity of SBA operations. The appointment shall be communicated to the Senate and shall expire at the first meeting of the new Senate session, unless the officer is put forward for retention and subsequently retained by majority vote of the Senate.

ARTICLE IV. THE JUDICIAL BRANCH

Section A. The Supreme Court of the Student Bar Association

Subsection 1. The judicial power of the Student Bar Association shall be vested in the Supreme Court of the Student Bar Association.

Subsection 2. The Supreme Court shall be comprised of one Chief Judge and six (6) Associate Judges, who shall be appointed by the President and confirmed by the Senate.

Subsection 3. The members of the Supreme Court shall hold their offices while in good standing with the Student Bar Association and enrolled as a student at the Washington College of Law, unless otherwise removed or the tendering of their resignation.

Subsection 4. The jurisdiction of the Supreme Court shall extend to all cases and controversies arising under the Constitution, the Bylaws, the legislative acts of the Senate, or any other areas delegated to their purview by the Washington College of Law, except where stipulated in the Bylaws. The opinions of the Court are binding on the Student Bar Association and all entities under its jurisdiction and control.

Subsection 5. The Court shall have the power of judicial review on all policies and actions executed by the Student Bar Association and its entities, except where stipulated by this Constitution.

Subsection 6. The Supreme Court shall exercise discretionary jurisdiction on all petitions coming before it, and may dispense summary judgment where warranted and permissible by the Bylaws. At no time shall the Supreme Court initiate a review of Student Bar Association policy or actions on its own volition.

Subsection 7. The Supreme Court shall be empowered to issue orders in furtherance of a petition or case before it. Orders enjoining Student Bar Association action or providing injunction against Student Bar Association action shall be directly related to the investigation or resolution of a duly accepted case before the Supreme Court.

Subsection 8. The Supreme Court shall be the panel of last resort on all questions relating to interpretation of this Constitution, the Bylaws, or Student Bar Association policy.

Subsection 9. At no time, may a judge of the Supreme Court serve in the Senate or as an appointed executive. They may, with the permission of the Chief Judge, serve on an executive council, task force, or working

group so long as their ability to hear a case impartially is not substantially impaired.

Section B. Procedures of the Supreme Court

Subsection 1. Cases before the Supreme Court shall be heard before no less than a quorum of the full Court. A simple majority shall constitute a quorum of the Court.

Subsection 2. The Supreme Court may establish further rules and procedures pursuant to the powers delegated to it by this Constitution, the Bylaws, and relevant Senate legislation to ensure the proper and orderly exercise thereof. Such rules, and subsequent amendments thereto, shall published by the Court and be subject to review by the Senate, in a manner prescribed by the Bylaws.

Subsection 3. The Solicitor General, or in their absence, a presidential designee, shall represent the Student Bar Association in all cases where the Student Bar Association is a party to the dispute. Failure of the SBA to provide representation shall automatically resolve the issue in favor of the opposing party.

Section C. Substantive Restrictions to Jurisdiction & Miscellaneous Provisions

Subsection 1. The judicial power of the Student Bar Association shall not extend to the following policy areas over which the Senate shall have sole adjudication authority:

(i) Substantive Election Challenges and Disputes

(ii) Substantive Grounds for Disciplinary Action

Subsection 2. At no time, may the orders of the Supreme Court seek to interrupt the proper, ordinary procedures of any other branch without just cause arising from a current case or controversy pending before the Court.

Subsection 3. In the case of a vacancy in the office of Chief Judge, the most senior associate judge, by order of appointment, shall serve as acting chief judge until a new Chief Judge is appointed and confirmed.

Subsection 4. At no point, shall the Senate or any subsidiary entity thereof, any executive officer, or any other organ of the Student Bar Association retaliate, harass, or otherwise take any action – official or otherwise – against the Supreme Court or its judges in response to a properly decided ruling, order, or other adjudicatory action.

Subsection 5. The Court shall afford due deference to and apply its own precedents, except as it may decide to diverge from, distinguish, differentiate or discard prior decisions and opinions. The Court may adopt and exercise generally known concepts of jurisprudential development (e.g., justiciability, mootness, ripeness, etc.) in the course of its duties, and such tests and concepts as it may develop under its own analysis.

Subsection 6. The powers, authority, and responsibilities of the Supreme Court, not otherwise contained within this Constitution, shall be stipulated in the Bylaws or in relevant Senate legislation.

ARTICLE V. GENERAL PROVISIONS

Section A. *Student Bar Association Policy Precedence & Procedures*

Subsection 1. The Order of Precedence for the policies of the Student Bar Association shall be as follows:

(i) The Constitution
(ii) The Bylaws
(iii) The ratified legislative acts of the Senate and associated handbooks/policy manuals
(iv) The administrative policies of the Executive Cabinet
(v) The executive orders of the President or legislative orders of the Vice President, issued pursuant to extant policy.
(vi) The most current edition of *Robert's Rules of Order, Newly Revised*

Subsection 2. All issues relating to the interpretation or application of the policies of the Student Bar Association may be referred to the Supreme Court.

Subsection 3. Rulings of the presiding officer, within the context of Senate or Senate committee meetings, regarding interpretation of Student Bar Association policy or parliamentary procedure may be appealed per the dictates of *Robert's Rules of Order* and other extant policies.

Subsection 4. Handbooks and other like policy manuals enacted by the Senate or other authorized entities to cover specific areas of regulation may not be amended to contain any policy, mandates, or other binding legislative acts that are not germane to its subject matter.

Subsection 5. No part of this Constitution may be suspended, set aside, or countermanded, apart from policies dealing with procedural rules of order in the Senate, which may be suspended under the provisions of the Bylaws and any rules of order authorized by the provisions of the same.

Section B. *General Policies of the Student Bar Association*

Subsection 1. The Student Bar Association, and those organizations recognized or funded by the Student Bar Association, shall not discriminate based on ancestry, color, race, cultural or ethnic background/identity, economic status, political or ideological beliefs, marital or parental status, national, regional, or ethnic origin, physical disability, religious affiliation, gender, gender identity, or sexual orientation. Policies, actions, or statements affiliated with such stances are strictly prohibited by recognized entities, affiliates, officers, or members of the Student Bar Association, and may open the offending organization or student leader to such remedies as is available under extant SBA policy.

Subsection 2. All constituent and regulated entities of the Student Bar Association shall be expected to uphold the WCL Honor Code and the ethical standards thereof. Its provisions are incorporated by reference as binding policy on all members and recognized entities of the Student Bar Association.

Subsection 3. All executive officers, Supreme Court judges and staff, and Senate members and staff of the Student Bar Association are required to avoid explicit and implicit conflicts of interest when voting or acting in their official capacities as student representatives. If such conflicts

exist, members shall exercise professional judgment and recuse themselves from action, as appropriate.

Subsection 4. The Student Bar Association shall be in active communion with the Washington College of Law and American University, and the officers, faculty, boards and committees of the same.

Subsection 5. The Student Bar Association shall, when necessary and proper, provide representation to the various boards, working groups, and committees of the law school and the university, at large.

Subsection 6. The Student Bar Association, its officers, its agents, and every recognized entity and student organization under its jurisdiction will comply with all relevant university policy, as well as local, state, and federal laws, while acting in the furtherance of Student Bar Association business or other authorized activities.

Section C. Supremacy & Restrictions on Official Action

Subsection 1. The governing documents, legislation, and administrative policies of the Student Bar Association, in furtherance of duties and powers herein specified, shall supersede all other governing documents, policies, and procedures enacted by student organizations and groups. All student organization policy documents shall comply with the dictates of relevant SBA policy.

Subsection 2. The entities of the Student Bar Association with delegated or inherent power to create binding legislative or administrative policies shall refrain from imposing rules, regulations, or policies that are arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with Student Bar Association or University policy.

Subsection 3. Student organizations shall enjoy a right of reasonable operational autonomy and freedom from unduly burdensome, arbitrary, capricious, or needlessly intrusive regulation of their individual affairs by the Student Bar Association.

Subsection 4. The right to petition the Student Bar Association for redress of grievances, to address student concerns, or to challenge SBA actions in official proceedings shall not be circumscribed, purposely frustrated, or unreasonably encumbered without sufficient cause.

Subsection 5. The Student Bar Association, its officers, and its entities shall be charged with a general duty to know, understand, and apply the most current policies, practices, and procedures of the organization even-handedly and professionally, and with due regard for the interests and welfare of the students of the Washington College of Law.

ARTICLE VI. AMENDMENTS & REFERENDA

Section A. Amendments to the Constitution

Subsection 1. Amendments to the Constitution may be presented in a manner consistent with other policies pertaining to the presentation of proposed legislation. A two-thirds (2/3) majority vote of the Senate shall be required to put any amendments to the Constitution before the student body by referenda.

Subsection 2. Amendments may also be brought directly to the student body by referenda by a petition presented to the President bearing the

signatures of no fewer than ten-percent (10%) of the Juris Doctor student body.

Subsection 3. Amendments to the Constitution shall be publicly announced and open for notice and comment for a period of no less than fifteen (15) days prior to a vote on the proposed amendment(s).

Section B. Referenda

Subsection 1. Any student may bring a referenda question to the student body for resolution. Such questions shall be brought to the President and certified by a two-thirds (2/3) vote of the Senate. Questions brought by petition bearing the signatures of no fewer than ten-percent of the Juris Doctor student body shall be immediately certified without Senate action and placed on a ballot.

Subsection 2. Referenda questions or other legislative operations requiring referenda, once certified, shall be conducted not less than two (2) weeks following certification, unless requested to be scheduled later.

Subsection 3. A referendum shall be deemed viable upon the participation of twenty percent (20%) of current Juris Doctor students. Passage of a referenda question shall require a majority of said votes in the affirmative.