

**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 ASSOCIATION

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 or LLM students of the American University 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. Membership in the Student Bar Association automatically terminates whenever a student is separated from the American University Washington College of Law by reason of graduation, withdrawal, transfer, or dismissal.
- Subsection 3. 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:
 - (i) The Legislative Branch, represented by the Senate;
 - (ii) The Executive Branch, represented by the President and the Executive Cabinet;
 - (iii) 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. Sole Clause

The legislative power of the Student Bar Association shall be vested in the Senate, which serves as the primary representative body of the students of the American University Washington College of Law. The Senate shall have the power to enact legislation, oversee the Executive and Judicial Branches, regulate student organizations, and appropriate funds, as provided for in this Constitution, Bylaws, and applicable governing rules.

Section B. Legislative Election, Installation, and Succession

- Subsection 1. The members of the Senate shall be chosen by members of the Student Bar Association in the general election held during the spring semester. Elections shall be conducted at the locations designated for voting, including electronic means, as stipulated in the Bylaws. The results of each election shall be compiled on distinct lists, which shall include the names of all persons voted for as Senators, the number of votes received by each candidate, and any additional information required by the Bylaws. These lists shall be signed, digitally or in person, by the election administrators designated under the Bylaws and transmitted to the Speaker of the Senate, who shall certify the results before the Senate.

The candidates receiving the highest number of votes for each available Senate seat shall be declared elected, provided they meet all eligibility requirements. If a Senate election results in a tie or if no candidate receives the necessary number of votes as stipulated in the Bylaws, a runoff election shall be held between the candidates receiving the highest number of votes. The procedures for runoff elections shall be determined by the Bylaws. The administration of election contests for Senate seats, including challenges, recounts, and procedural disputes, shall be governed by the provisions of the Bylaws.

- Subsection 2. The Senate shall be composed of 29 Senators, apportioned as follows:
- (i) Five (5) Senators elected from and representing the first-year class, with equal distribution among its sections.
 - (ii) Seven (7) Senators elected from and representing the full-time second-year class.
 - (iii) Seven (7) Senators elected from and representing the full-time third-year class.
 - (iv) Seven (7) Senators elected from and representing the combined second, third, and fourth-year evening students.
 - (v) Two (2) Senators elected from and representing the LLM student population.
 - (vi) One (1) Senator elected from and representing the transfer student population.

The apportionment of Senate seats shall be reviewed at least once every three academic years by the Rules and Privileges Committee, or as directed by the Speaker, to ensure equitable representation among the student body.

- Subsection 3. No person shall be eligible to serve as a Senator unless they are a duly enrolled student pursuing a Juris Doctor degree at the American University Washington College of Law and a member of the Student Bar Association in good academic standing.

No person shall concurrently serve as a Senator and as an appointed Executive Officer or a Justice of the Supreme Court. Any Senator who accepts an appointment to an Executive or Judicial Branch office shall be deemed to have vacated their Senate seat upon confirmation of such appointment.

Subsection 4. Newly elected Senators shall assume office upon certification of election results and completion of the Oath of Office. No elected Senator shall exercise the powers of their office until they have taken the prescribed Oath as stated under Section B, Subsection 6. The installation of new Senators shall occur at the first meeting of the Senate following the certification of election results, at a time and manner designated by the Speaker of the Senate. Any Senator appointed to fill a vacancy during the academic year shall be installed immediately upon confirmation by the Senate and shall assume office following administration of the Oath of Office.

Subsection 5. A Senate seat shall be considered vacant upon the resignation, removal, disqualification, or ineligibility of a sitting Senator, as determined by this Constitution. A Senator wishing to resign must submit a written notice of resignation to the Speaker of the Senate. The resignation shall take effect immediately upon receipt by the Speaker, unless the Senator specifies a later effective date in their written notice. In the event of a vacancy, the Senate shall fill the seat in accordance with the following procedures:

- (i) If a vacancy occurs before January 1st of the given academic year, the Speaker of the Senate shall initiate a special election to fill the seat, conducted in the manner prescribed by the Bylaws.
- (ii) If a vacancy occurs on or after January 1st of the given academic year, the Speaker shall nominate a replacement, subject to confirmation by a majority vote of the Senate.

A Senator appointed or elected to fill a vacancy shall serve the remainder of the unexpired term and shall assume office upon confirmation and administration of the Oath of Office.

Subsection 6. Every newly elected or appointed Senator shall take the following Oath of Office before assuming their duties, as provided in Section G, Subsection 1 of the Bylaws. The administration of the Oath shall take place at a time and manner designated by the Speaker of the Senate.

Section C. The Speaker of the Senate

Subsection 1. The Vice President of the Student Bar Association shall serve as the Speaker of the Senate. The Speaker shall:

- (i) Preside over all meetings of the Senate and ensure the orderly conduct of legislative business.
- (ii) Enforce the rules of the Senate, including those set forth in this Constitution and the Bylaws.
- (iii) Interpret and rule on procedural questions, subject to appeal by the Senate.
- (iv) Issue legislative orders to administer the flow of Senate business, subject to appeal by the Senate or by opinion of the Supreme Court.
- (v) Refer legislation to the appropriate committees for review and consideration.
- (vi) Act as a point of communication for the Senate in matters requiring representation, as determined by Senate rules, resolutions, or precedent.

The Speaker shall have such additional duties and responsibilities as may be assigned by the Senate through duly enacted legislation or the Bylaws.

Subsection 2. The Speaker of the Senate shall not vote in Senate proceedings except in the case of a tie, in which they shall cast the deciding vote. The Speaker shall not vote by proxy, nor delegate their voting authority to any other individual.

Subsection 3. The Speaker of the Senate shall nominate a Senator to serve as Speaker Pro Tempore, subject to confirmation by a majority vote of the Senate at the first meeting of each legislative session. The Speaker Pro Tempore shall serve for the duration of the legislative session unless removed by a majority vote of the Senate and replaced by the Speaker. The Speaker Pro Tempore shall preside over meetings of the Senate in the absence of the Speaker and shall exercise all procedural powers granted to the

Speaker while presiding. When presiding over the Senate, the Speaker Pro Tempore shall retain their right to vote as a Senator. The duties and responsibilities of the Speaker Pro Tempore may be further defined by the Bylaws or Senate rules.

Section D. Senate Officers

- Subsection 1. In addition to the Speaker of the Senate and Speaker Pro Tempore, the Senate shall have the following officers:
- (i) **Secretary of the Senate:** Responsible for maintaining official records of the Senate, including meeting minutes, legislative documents, and attendance records. The Secretary shall ensure the timely publication of Senate proceedings as required by this Constitution and the Bylaws.
 - (ii) **Senate Parliamentarian:** Advises the Speaker and the Senate on parliamentary procedure and ensures adherence to Senate rules. The Parliamentarian shall interpret and apply Robert's Rules of Order, Newly Revised, and any procedural rules adopted by the Senate.

Additional Senate officer positions may be created or modified by legislation duly enacted by the Senate.

- Subsection 2. The Speaker of the Senate shall nominate the Secretary of the Senate and the Senate Parliamentarian, subject to confirmation by a majority vote of the Senate at the first meeting of each legislative session. Senate officers shall serve for the duration of the legislative session, unless removed or replaced by a majority vote of the Senate. The duties and responsibilities of Senate officers may be further defined by the Bylaws or by duly enacted Senate legislation.
- Subsection 3. A Senate officer may be removed from their position at any time by a majority vote of the Senate. In the event of a vacancy in a Senate officer position, the Speaker of the Senate shall nominate a replacement, subject to confirmation by a majority vote of the Senate. An officer appointed to fill a vacancy shall serve for the remainder of the unexpired legislative session, unless removed or replaced in accordance with this Section.

Section E. Senate Committees

- Subsection 1. The Senate shall establish the following Standing Committees, which shall function continuously throughout the legislative session:
- (i) **Rules and Privileges Committee:** Responsible for overseeing Senate rules, privileges, and procedural matters, including the interpretation and enforcement of Senate policies.
 - (ii) **Finance Committee:** Manages budgetary allocations, financial oversight, and reviews funding requests from student organizations.
 - (iii) **Academic Affairs Committee:** Addresses academic policies for both the Juris Doctor and LLM degree programs, curriculum concerns, faculty relations, and any issues affecting student academics.
 - (iv) **Student Services Committee:** Focuses on non-academic student needs, including student wellness, campus services, and general student life initiatives, for all students pursuing a Juris Doctor or LLM degree at the American University Washington College of Law.
 - (v) **Groups and Organizations Committee:** Oversees the recognition, regulation, and governance of student organizations, including compliance with Senate policies.
 - (vi) **Evening Student Services Committee:** Focuses on evening student needs, including student wellness, campus services, and general student life initiatives uniquely inherent to the evening cohort.

The responsibilities and operational procedures of each Standing Committee shall be further defined in the Bylaws, the procedural rules duly adopted by the Senate, or rules adopted by the Senate through legislation governing its internal operations.

- Subsection 2. The Speaker of the Senate may establish Special or Ad Hoc Committees as necessary to address specific issues or temporary matters not within the jurisdiction of a Standing Committee. Upon establishing a Special or Ad Hoc Committee, the Speaker shall notify the Senate of its purpose, scope, and duration. The Senate may, by a majority vote, amend or dissolve the committee at any time. A Special or Ad Hoc Committee shall be dissolved upon completion of its designated tasks, unless the Speaker extends its mandate or the Senate votes to continue its work. The procedures governing the operations of Special and Ad Hoc Committees shall be established in the Bylaws or through procedural rules duly adopted by the Senate.
- Subsection 3. Each Senator shall serve on at least one Standing Committee, as determined by the Speaker of the Senate in consultation with the Senate and subject to confirmation by a majority vote of the Senate. The Speaker of the Senate shall nominate the chairs of all Standing Committees, subject to confirmation by a majority vote of the Senate. Special and Ad Hoc Committees shall elect their own chairpersons unless otherwise directed, by choice or due to lack of consensus, by the Speaker of the Senate at the time of their formation. The Speaker may also, at their discretion, grant Special or Ad Hoc Committee members an exception to the requirement to serve on at least one Standing Committee when appropriate. The rules governing committee membership, including procedures for reassignment or removal from a committee, shall be further defined in the Bylaws or through procedural rules duly adopted by the Senate.
- Subsection 4. Each Standing, Special, and Ad Hoc Committee shall have the authority to conduct hearings, issue reports, and propose legislation within the scope of its designated jurisdiction. Committees shall establish their own internal procedures, including quorum requirements, voting methods, and hearing protocols, provided that such procedures do not conflict with this Constitution, the Bylaws, or procedural rules duly adopted by the Senate. The powers, jurisdiction, and procedural requirements for each committee may be further refined in the Bylaws or through procedural rules duly adopted by the Senate.

Section F. Individual Senators

- Subsection 1. Each Senator shall have the duty to represent their constituency and actively participate in the legislative functions of the Senate. In fulfilling this duty, Senators shall:
- (i) Attend all meetings of the Senate, except when excused in accordance with Senate rules or the Bylaws.
 - (ii) Serve on at least one Standing Committee, as assigned pursuant to this Constitution.
 - (iii) Sponsor, review, and vote on legislation, resolutions, and other matters before the Senate.
 - (iv) Engage with their constituents, including communicating Senate activities and soliciting feedback on issues relevant to the student body.
 - (v) Adhere to the rules of the Senate, including all ethical and procedural requirements established by this Constitution, the Bylaws, and Senate rules.

Additional duties and responsibilities of Senators may be defined in the Bylaws or by duly enacted Senate rules.

- Subsection 2. Senators shall uphold the integrity of the Senate and conduct themselves in a manner befitting their office. In carrying out their duties, Senators shall:
- (i) Act in good faith and in the best interest of the Student Bar Association, avoiding any conduct that would undermine the credibility or effectiveness of the Senate.
 - (ii) Abstain from participation in matters where they have a direct personal or financial conflict of interest, as defined by the Bylaws or Senate rules.
 - (iii) Maintain the confidentiality of privileged or closed-session discussions, except as authorized by Senate rules or applicable policy.
 - (iv) Engage in debate and discussion with professionalism and respect, adhering to the rules of order and decorum established by the Senate.

- (v) Refrain from using their office for personal gain or for the unfair advantage of any individual or organization.

Additional provisions governing Senatorial conduct may be established in the Bylaws or by duly enacted Senate rules.

- Subsection 3. Each Senator shall have the following rights and privileges in the execution of their legislative duties:
- (i) The right to speak, debate, and offer motions and amendments on all matters properly before the Senate, subject to procedural rules governing debate and decorum.
 - (ii) The right to introduce and sponsor legislation, resolutions, and other measures for Senate consideration.
 - (iii) The right to access Senate records, documents, and proceedings, except where confidentiality is required by Senate rules, the Bylaws, or applicable policy.
 - (iv) The right to request information from the Executive and Judicial Branches regarding matters relevant to Senate oversight or legislative functions, subject to limitations established by this Constitution, the Bylaws, or applicable policy.
 - (v) The right to fair and equal participation in committee assignments, legislative deliberations, and official Senate activities.

The Senate may establish additional rights and privileges through the Bylaws or duly enacted Senate rules.

- Subsection 4. Each Senator shall be required to attend all regular and special meetings of the Senate and actively participate in their assigned committee(s). At the first meeting of each legislative session, the Speaker of the Senate shall prescribe the procedure for requesting an excused absence, including the required timeframe for prior written notice. A Senator who accumulates an excessive number of unexcused absences, as defined in the Bylaws, may be subject to disciplinary action, including removal from office, in accordance with procedures established in this Constitution and the Bylaws. The Senate shall ensure that the Bylaws specify a clear threshold for excessive absences and the procedures for enforcement. The Senate may establish additional participation requirements through the Bylaws or duly enacted Senate rules.
- Subsection 5. No Senator shall concurrently serve as a Justice of the Supreme Court or as an appointed Executive Officer of the Student Bar Association. A Senator who accepts appointment to an Executive Branch office or the Judicial Branch shall be deemed to have vacated their Senate seat immediately upon confirmation of their appointment. The Senate may establish additional restrictions on the simultaneous holding of offices through the Bylaws or duly enacted Senate rules.
- Subsection 6. A Senator may resign from office in accordance with the procedures outlined in Article II, Section B, Subsection 4.
- Subsection 7. A Senator may only be removed from office through the impeachment and removal process as outlined in this Constitution.

Section G. Disqualification and Impeachment of Senators

- Subsection 1. A Senator shall be automatically disqualified from office if they:
- (i) Cease to be a duly enrolled student pursuing a Juris Doctor degree at the American University Washington College of Law.
 - (ii) Are placed on academic probation as determined by the academic policies of the law school.
 - (iii) Are found responsible for a violation of the Honor Code following a final determination by the appropriate disciplinary body of the law school.
 - (iv) Cease or fail to meet the eligibility requirements for office as prescribed in this Constitution.

Disqualification shall take effect immediately upon confirmation of the ineligibility by the Speaker of the Senate. The vacated seat shall be filled in accordance with the procedures established in this Constitution and the Bylaws.

- Subsection 2. A Senator may be impeached and removed from office for violations of the duties and expectations set forth in Article II, Section F, Subsection 1 and Subsection 2, or for other actions that undermine the integrity of the Senate. Articles of Impeachment may be introduced by any Senator. The Articles must specify the charges and be endorsed in writing by at least one-third of the Senate to proceed to a formal hearing. The Speaker of the Senate shall preside over impeachment proceedings, except when the Speaker is the subject of impeachment, in which case the Speaker Pro Tempore shall preside. The accused Senator shall have the right to respond to the charges and present a defense before the Senate. The impeachment hearing must be scheduled no later than ten academic days after the Articles of Impeachment have been sponsored, unless postponed by a majority vote of the Senate for good cause. A vote shall be taken following deliberation. A two-thirds majority vote of the Senate shall be required to remove the Senator from office. Once removed, the vacated seat shall be filled in accordance with the procedures established in this Constitution and the Bylaws.

Section H. Term of Office and Senate Vacancies

- Subsection 1. Each Senator shall serve a term commencing at 12:00 a.m. on May 1 of the year of their election and concluding at 11:59 p.m. on April 30 of the subsequent year, unless intervened upon by removal, resignation, ineligibility, or permanent incapacitation. A Senator may serve multiple terms if duly re-elected. The term of a Senator elected or appointed to fill a vacancy shall begin upon certification of their election or appointment and shall last for the remainder of the unexpired term.
- Subsection 2. A Senate seat shall be considered vacant upon the resignation, removal, disqualification, or permanent incapacitation of a sitting Senator, as determined by this Constitution. Vacancies shall be filled in the following manner:
- (i) If a vacancy occurs before the midpoint of the term, the Speaker of the Senate shall initiate a special election to fill the seat, conducted in the manner prescribed by the Bylaws.
 - (ii) If a vacancy occurs at or after the midpoint of the term, the Speaker has the discretion to either hold a special election or to nominate a replacement, subject to confirmation by a majority vote of the Senate.

A Senator elected or appointed to fill a vacancy shall serve the remainder of the unexpired term and shall assume office upon certification and administration of the Oath of Office.

ARTICLE III. THE EXECUTIVE BRANCH

Section A. Sole Clause

The executive power shall be vested in a President, Vice President, and Solicitor General of the Student Bar Association, and any inferior Executive Officers as provided for in the Constitution and the Bylaws.

Section B. The President of the Student Bar Association

- Subsection 1. The President shall be the chief executive officer of the organization and shall take care that the policies, principles, programs, initiatives, and strategic direction be faithfully executed and that the affairs of the government be properly administered.
- Subsection 2. The President shall serve as the official representative and spokesperson of the student body of the American University Washington College of Law, promoting and addressing advocacy efforts on any relevant academic, systemic, and community issues to that end.
- Subsection 3. The President, or their appointed designee, shall represent the Student Bar Association to the faculty and administration of American University Washington

College of Law and of the university at large, to the Law Student Division of the American Bar Association, and to the community at large.

- Subsection 4. The President shall nominate and, by and with the advice and consent of the Senate, shall appoint Executive Officers, student members of faculty committees, Judges of the Supreme Court, and all other officers of the Student Bar Association whose appointments are not herein otherwise provided for, and which shall be established; but the Senate may, at its discretion, waive its advice and consent authorities as it relates to the above appointed officers of the Student Bar Association, upon a two-thirds (2/3) vote of the Senate. The Senate may vest the appointment of such inferior officers, as it thinks proper, in the President alone or in the Supreme Court.
- Subsection 5. The President shall, as soon as practicable after their election, nominate a Chief of Staff of the Student Bar Association to serve subordinate to the President.
- Subsection 6. The President shall have power to fill all vacancies in non-elective offices that may happen during the recess of the Senate, by granting commissions which expire at the next meeting of the Senate, unless a majority thereof otherwise approves the appointments, in which case the officers may serve as if appointed under Subsection 4 of this Section.
- Subsection 7. The President shall have the power to issue executive orders, pursuant to granted authority under this Constitution, but that may not conflict with this Constitution, the Bylaws or Acts of the Senate. These orders must be issued in writing, organized in a manner akin to legislation, reported to the Senate, and made public to the relevant communities of the Student Bar Association within two (2) business days after its signature. Executive 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 8. 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 will automatically ratify the Act as Student Bar Association policy. The exercise of a veto must be reported to the Senate by 11:59pm on the sixth (6) day post-passage. 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 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 powers, authority, and responsibilities of the President and the Executive Officers, not otherwise contained within this Constitution, shall be stipulated in the Bylaws and relevant Acts of the Senate.

Section C. 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, in their capacity in the Executive Branch, will serve on the Executive Cabinet and as Speaker of the Senate, as outlined in Article II, Section C of this Constitution.
- Subsection 3. The Vice President may exercise any authority, responsibilities and privileges inherent or delegated to the office by the policies of American University Washington College of Law, within parameters of this Constitution, the Bylaws, and relevant SBA policies.
- Subsection 4. In the case of a vacancy in the office of Vice President, the President shall nominate a replacement, who requires confirmation by the Senate.

- Subsection 5. 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 D. Executive Cabinet of the Student Bar Association

- Subsection 1. The President may create an Executive Cabinet to assist with presidential duties and may appoint its members. Any Executive Cabinet role so created expires with the election of a new President. Any role so created within the Executive Cabinet must have a clearly defined scope of responsibilities and assignments, and that information must be communicated in writing to the Senate in a timely manner.
- Subsection 2. The Executive Cabinet shall serve as the administrative body of the Student Bar Association, with authority to create administrative policies necessary to execute established organizational policies and administer Student Bar Association functions. The Executive Cabinet shall also set strategy for achieving the policy and programming objectives of the Student Bar Association. The Executive Cabinet cannot regulate the internal affairs of the Senate or the operations of the Supreme Court.
- Subsection 3. The President, or their designee, shall chair the Executive Cabinet and preside over its meetings, which must be open to the student body and follow the same meeting announcement requirements as meetings of the Senate. Minutes from the meetings described herein must be made available to Senators in a timely manner.
- Subsection 4. The Executive Cabinet to the President shall include the Vice President and any principal appoint Executive Officers. The principal appointed Executive Officers of the Student Bar Association must include:
- (i) Solicitor General
 - (ii) Student Honor Code Prosecutor
 - (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) Director of Mental Health
 - (xi) Director of Evening Student Services
 - (xii) Any additional principal officers deemed necessary, nominated and appointed in accordance with the provisions of Section B, Subsection 4 of this Constitution.
- Subsection 5. At no time shall any member of the Executive Cabinet, or any other duly appointed executive officer, be a member of the Senate or the Supreme Court. Upon appointment and confirmation of a member of the Senate or the Supreme Court to an executive role, the applicable Senate or Supreme Court seat shall immediately become vacant.
- Subsection 6. Teleconferencing, videoconferencing, or other electronic means of communication approved by the Senate or by the President can be used to convene official meetings of the Executive Cabinet.
- Subsection 7. The powers, authority, and responsibilities of the Executive Cabinet, not otherwise contained within this Constitution, shall be stipulated in the Bylaws and relevant Acts of the Senate.

Section E. Terms of Office and Executive Vacancies

- Subsection 1. 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 2. 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 any other provision of Student Bar Association policy, as passed by the Senate or contained within its governing documents.
- Subsection 3. In the case of the President's death, resignation, removal from office, permanent incapacitation, or permanent inability to discharge the powers and duties of the office, or any other vacancy in the office of the President, the Vice President shall become President.
- Subsection 4. 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 5. Whenever there is a vacancy in the office of the Vice President, the President may nominate a Vice President who shall take office upon confirmation by a majority vote of the Senate.
- Subsection 6. The President, Vice President, Solicitor General, and all other Executive Officers of the Student Bar Association may be removed from office on impeachment for, and conviction of, malfeasance in office, corruption, dereliction of duty, or other for cause justifications, in accordance with the Bylaws.
- Subsection 7. 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 must take place within three (3) weeks of the applicable vacancies, regardless of the normal semester schedule.
- Subsection 8. 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 Student Bar Association operations. The appointment must be communicated to the Senate and will 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, each of whom shall be nominated by the President and confirmed by a simple majority vote of 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 students at the American University Washington College of Law, unless otherwise removed by a two-thirds (2/3) vote by the Senate or the tendering of their resignation.
- Subsection 4. The jurisdiction of the Supreme Court shall extend to all cases and controversies arising under this Constitution, the Bylaws, or the legislative acts of the Senate. Members of the Student Bar Association may also petition the Supreme Court to consider a specific issue, and the Supreme Court has absolute discretion as to whether said issue merits judicial consideration. The opinions of the Supreme Court are binding on the Student Bar Association and all entities under its jurisdiction and control. No Supreme Court judge shall participate in deciding a case or controversy where a conflict of interest exists and shall recuse themselves from such a case should the situation arise.

- Subsection 5. The Supreme 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. 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. At no time may a judge of the Supreme Court simultaneously serve in the Senate or as an appointed Executive Officer. They may, with the permission of the Chief Judge and the President, 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. A written and detailed summary of each case heard, with sensitive information redacted, must be made available to the Senate.
- 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, must be published by the Supreme 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 Student Bar Association to provide representation will automatically resolve the issue in favor of the opposing party. Should the stance of the President, and therefore of the Solicitor General, run contrary to the stance of a simple majority of the Senate, the senators of the majority may designate a representative to argue an alternative position or join in the defense of the opposing party with their approval.

Section C. Substantive Restrictions to Jurisdiction & Miscellaneous Provisions

- Subsection 1. 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 2. 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 nominated and confirmed.
- Subsection 3. 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 4. The Supreme 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 Supreme 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 5. 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.

Subsection 6. The judges of the Supreme Court shall refrain from discussing ongoing cases or controversies with any member of the Student Bar Association, including members of the Executive and Legislative branches.

ARTICLE V. GENERAL PROVISIONS

Section A. Student Bar Association Order of Precedence & Policy Framework

- Subsection 1. The governing documents of the Student Bar Association shall be interpreted and applied in the following order of precedence:
- (i) The Constitution of the Student Bar Association;
 - (ii) The Bylaws of the Student Bar Association
 - (iii) The duly enacted legislative acts of the Senate
 - (iv) Executive Orders issued by the President of the Student Bar Association pursuant to granted authority
 - (v) Judicial opinions issued by the Supreme Court of the Student Bar Association;
 - (vi) Handbooks and policy manuals duly adopted by authorized entities of the Student Bar Association;
 - (vii) The most current edition of Robert's Rules of Order, Newly Revised, as the default parliamentary authority.
- Subsection 2. The above-listed order of precedence applies only where each document is properly ratified, documented, and made accessible to the Student Bar Association.
- Subsection 3. Issues concerning the interpretation or application of Student Bar Association policies may be referred to the Supreme Court or, where appropriate, to the Senate Committee on Rules and Privileges.

Section B. Governing Principles and Policy Standards

- Subsection 1. The Student Bar Association, its officers, and its entities shall uphold and enforce policies that promote inclusivity, transparency, accountability, and student welfare.
- Subsection 2. All recognized and funded organizations under the Student Bar Association shall adhere to the American University Washington College of Law's anti-discrimination policies, including but not limited to protections against discrimination 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.
- Subsection 3. No entity, officer, or representative of the Student Bar Association shall implement or enforce policies that are arbitrary, capricious, discriminatory, or inconsistent with the governing documents of the organization. Such policies, actions, or statements affiliated with such stances are strictly prohibited and may open the offending organization or student leader to such remedies available under extant SBA policy.
- Subsection 4. 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 5. All policies, regulations, and administrative actions taken by any branch or officer of the Student Bar Association must be documented and made accessible to the student body, except where confidentiality is required by law or university policy.
- Subsection 6. 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 7. All officers, Senators, Judges, and recognized organizations of the Student Bar Association shall be bound by this Constitution, the Bylaws, and all duly enacted policies.
- Subsection 8. Any officer, entity, or organization found to be in violation of Student Bar Association shall be subject to corrective measures, which may include reprimand, suspension, or removal from officer, as stipulated in the governing documents.
- Subsection 9. The Supreme Court shall have the authority to resolve disputes regarding compliance with governing policies and may issue binding interpretations of this Constitution, the Bylaws, or enacted policies.
- Subsection 10. 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. Interaction with University Administration

- Subsection 1. The Student Bar Association shall maintain active communication and collaboration with the American University Washington College of Law administration to advocate for student interests and concerns.
- Subsection 2. The Student Bar Association shall have the authority to appoint student representatives to faculty committees, working groups, and other relevant administrative bodies to ensure adequate student representation in institutional decision-making.
- Subsection 3. The Student Bar Association shall ensure that any agreements, policies, or initiatives undertaken with the American University Washington College of Law administration are documented and made accessible to the student body.

Section D. Limitations on Student Bar Association Authority

- Subsection 1. No officer, Senator, Justice, or entity of the Student Bar Association shall act beyond the scope of authority granted by this Constitution, the Bylaws, or duly enacted legislative or administrative policies.
- 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 Student Bar Association shall not take any action that is in violation of the policies of the American University Washington College of Law or American University, nor shall it engage in any activity that jeopardizes the legal standing, accreditation, or financial integrity of the institution.
- Subsection 5. Any Student Bar Association action or policy found to be in violation of university policies or applicable law shall be deemed void and unenforceable.

Section E. Rights of the Student Body

- Subsection 1. Students shall have the right to petition the Student Bar Association for redress of grievances, propose policy initiatives, and bring forward concerns regarding student governance.
- Subsection 2. No student shall be denied participation in Student Bar Association activities, events, or programs on the basis of race, gender, sexual orientation, disability, religion, nationality, or political affiliation.
- Subsection 3. Student shall have the right to fair and transparent processes in all matters concerning elections, funding allocations, disciplinary actions, and policy enactment.

- Subsection 4. The Student Bar Association shall take reasonable steps to ensure that all students are adequately informed about their rights, responsibilities, and avenues for participation in student governance.

ARTICLE VI. AMENDMENTS & REFERENDA

Section A. Amendment Procedures

- Subsection 1. Amendments to this Constitution may be proposed by any member of the Senate in the same manner as any legislation in accordance with the Bylaws and Senate procedures, or through a petition signed by at least ten percent (10%) of the Student Bar Association membership. A two-thirds (2/3) majority vote of the Senate shall be required to put any amendments to this Constitution before the student body by Referenda.
- Subsection 2. Upon receipt of any proposed amendments through a petition signed by at least ten percent (10% of the Student Bar Association membership, the Vice President, in their capacity as Speaker of the Senate, may elect at their discretion, to convene the Law & Revisions Committee as an ad hoc committee, if such committee has not yet been convened, to review the amendment. If the Speaker does not elect to convene the Law & Revisions Committee, the committee of jurisdiction will be the Rules & Privileges Committee. The reviewing committee must consider the amendment and provide a recommendation to the Senate at the next regularly scheduled Senate meeting.
- Subsection 3. If approved by a majority vote of the reviewing committee, the proposed amendment must be presented for consideration before the full Senate at its next regularly scheduled meeting. If the reviewing committee does not approve the amendment, the Senate may override the reviewing committee's recommendation by a two-thirds (2/3) majority vote and proceed with further consideration of the amendment.
- Subsection 4. Amendments to this Constitution shall be publicly announced and open for notice and comment to the entire Student Bar Association 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 Bar Association member may bring a referendum question to all members of the Student Bar Association for resolution. Such questions must be brought to the President and certified by a two-thirds (2/3) vote of the Senate. Referenda questions brought to the President and the Senate through a petition signed by at least ten percent (10%) of the Student Bar Association membership must be immediately certified without Senate action and placed on a ballot.
- Subsection 2. Referenda questions, or other legislative operations requiring referenda, once certified and placed on a ballot, must be open to all members of the Student Bar Association for voting, in accordance with the Bylaws and the Elections Handbook, within fifteen (15) days following certification, unless requested to be scheduled for vote at a later date by the petitioner or a majority vote of the Senate.
- Subsection 3. A referendum will be deemed viable upon the participation of twenty percent (20%) of current membership of the Student Bar Association. Passage of a referendum question requires a majority of said votes in the affirmative.
- Subsection 4. Upon passage, such referenda must be enacted and recorded in the same manner as any other Senate legislation in accordance with the Bylaws and Senate procedure.