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PROPOSED CONSTITUTIONAL AMENDMENT TO THE STUDENT BAR ASSOCIATION
OF THE UNIVERSITY OF MEMPHIS, CECIL C. HUMPHREYS SCHOOL OF LAW

Prime Sponsor: Hugh P. Cross
Co-Sponsor: Hallie Flanagan
Date: Monday, March 5, 2018

I. PRELIMINARIES

1. **List of proposed changes.** Pursuant to Article X, §(1) of the Student Bar Association Constitution (herein “SBA” and “Constitution, respectively), the following changes have been proposed as an amendment to the Constitution (herein “Proposed Amendment”).
2. **Steps to complete amendment.** Pursuant to Article X, §(1), the steps to amend the Constitution are as follows,
 - 2.1. **PROPOSED AMENDMENT PASSES SBA.** Proposed Amendment passes by two-thirds (2/3) of the entire SBA Administrative Council.
 - 2.1.1. **Date Carried:** _____
 - 2.2. **PROPOSED AMENDMENT POSTED FOR TWO (2) WEEKS.** Proposed Amendment has been posted conspicuously for at least two (2) weeks prior to the ratification vote
 - 2.2.1. **Date/Location:** _____
 - 2.3. **PROPOSED AMENDMENT RATIFIED.** Proposed Amendment has been ratified by two-thirds (2/3) of those voting in the election in which the Proposed Amendment appears.
 - 2.3.1. **Date Carried:** _____

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II. OVERVIEW--PROPOSED CHANGES.

1. **Constitution reflects anchored positions only.** In effort to streamline the efficiency of the SBA by allowing the organization to only have specific roles (herein “Anchor Roles”) in the Constitution. These Anchor Roles have demonstrated long-term use and involvement in the SBA for many years. All other roles will be removed (herein “Non-Anchored Roles”) will be considered for inclusion in the by-laws (herein “By-Laws”), which the SBA has constitutional authority to enact. Also, a provision will be added to each Anchor Role that will allow the By-Laws to supplement duties based on current needs. The Anchor Roles including the following,
 - 1.1. **President.**
 - 1.2. **Vice President.**
 - 1.3. **Secretary.**
 - 1.4. **Treasurer.**
 - 1.5. **Bar Governors.**
 - 1.6. **Bar Associations Representative.**
 - 1.7. **SGA Senator.**
 - 1.7.1. Will require reference to the by-laws of The Student Government Association (herein “SGA” or “SGA By-Laws” respectively).
 - 1.7.2. Placed in Article IV, §(2) of the Constitution.
 - 1.8. **SGA Senator-Elect.**
 - 1.8.1. Will require reference to the by-laws of The Student Government Association (herein “SGA” or “SGA By-Laws” respectively).
 - 1.8.2. Placed in Article IV, §(4) of the Constitution. This is a new provision in the Constitution that will be for “Other Officers” or those not otherwise placed.
 - 1.9. **By-Laws will reflect other positions.** It is with the understanding that the anchored roles mentioned above will be in the Constitution. However, while undergoing the amendment process, the SBA will discuss the following,
 - 1.9.1. Whether to include any of the Non-Anchored Roles in the By-Laws.
 - 1.9.2. Whether to create any new, Non-Anchored Roles that may address any particular needs of the SBA.
 - 1.10. **By-Laws will reflect committees.** It is with the understanding that while undergoing the amendment process, the SBA will discuss the following,
 - 1.10.1. Whether to create committees that may address any particular needs of the SBA.

III. SPECIFIC—PROPOSED CHANGES.

1. Article IV, §(1)(B)(1).

- 1.1. ADDED: *italicized* portion, “The power to adopt and amend By-Laws and to propose Constitutional amendments, *unless such amendments relate to the SGA or its officers which must be pursued according to Article V, §(4) of the SGA By-Laws, as well as pursued in according to Article X, §(3) of this Constitution.*”

2. Article IV, §(2)(B).

- 2.1. REMOVED: Executive Director, Direct of Student Affairs, Director of Student Events, Director of Communications, Community Service Liason.
 - 2.1.1. These removed roles are to be implemented, as needed, into the By-Laws.
- 2.2. ADDED: SGA Senator to the SBA Executive Board.

3. Article IV, §(2)(C).

- 3.1. REMOVED: The duty to create and agenda and moved this to the duties for the Secretary.
- 3.2. REMOVED: The duty to call role and notify President of any absences and moved this to the duties for the Secretary.

4. Article IV, §(2)(D).

- 4.1. ADDED: Subsections (3)-(5) as duties for the Vice President. These duties were previously under the Executive Director role, which has now been removed.
- 4.2. ADDED: Subsection (4), *italicized portion(s)*, “Act as the custodian of this Constitution and ensure compliance with this Constitution by the Administrative Council and all members of SBA. *Each spring semester following an election, the Vice President shall create a Constitutional Review Committee, which must include the SGA Senator, for the purpose of reviewing this Constitution and By-Laws and to propose any changes to the SBA.*”
- 4.3. ADDED: Strict requirements to the duties of custodians of this Constitution. There must only be three (3) modifiable versions of this Constitution—one (1) to the Vice President, one (1) to the SGA Senator, and one (1) to the Faculty Advisor to the SBA. Any violations may be subject to a violation of the Honor Code.

5. Article IV, §(2)(E).

- 5.1. REMOVED: Role of Executive Director and merged those duties to those of the Vice President.
- 5.2. This section now describes the role of Secretary (now §E), then Treasurer (now §F).

6. Article IV, §(2)(F).

6.1. REMOVED: Role of Director of Student Affairs, since those duties will be performed by the SGA Senator and SGA Senator-Elect.

6.2. This section now describes the role of SGA Senator.

7. Article IV, §(2)(K).

7.1. ADDED: *italicized portions* “Other Executive Officers *and Committees*”

7.2. ADDED: Subsection (1), *italicized portions*, “The Administrative Council may create new executive offices *and may create new committees* through the By-Laws. The name of the office, the duties of the officer, the term of office, the means of assuming office and whether the officer is to have a vote in the business of the Administrative Council shall be specified in the By-Laws and approved by a vote of the Administrative Council. *The term of office is not to last more than one (1) year, but can be proposed annually by the Constitutional Review Committee to be re-adopted into the By-Laws. The name of the committee, the purpose or goals of the committee, and the term of the committee shall be specified in the By-Laws and approved by a vote of the Administrative Council. The term of the committee is not to last more than one (1) year, but can be proposed annually by the Constitutional Review Committee to be re-adopted into the By-Laws.*”

7.3. ADDED: the following to

8. Article IV, §§(2)(I)-(K).

8.1. REMOVED: Role of Director of Communications, Director of Student Events, Community Service Liason.

8.1.1. To be implemented, as needed, into the By-Laws.

9. Article IV, §§(2)(K).

9.1. REMOVED: This section was erroneously listed as (K).

10. Article IV, §§(3)(A).

10.1. ADDED: “**unless interpretation regards the SGA—here, the SGA Executive Board must be included.**”

11. Article IV, §§(3)(B).

11.1. REVISED: Number of 3L bar governors from four (4) total TO two (2).

11.2. REVISED: Number of 2L bar governors from four (4) total TO two (2).

11.2.1. These can always be raised, as needed, by adopting a supplemental By-Law.

11.2.2. Overall: this will help address vacancy issues and ultimately help efficiency by easing the quorum required to conduct business.

12. Article IV.

- 12.1. ADDED: Subsection (4), Other Officers. This section was added to include the SGA Senator-Elect.

13. Article V.

- 13.1. ADDED: Section (5), Qualifications for SGA Officers. This section was added to include the qualifications to serve as SGA Senator-Elect and SGA Senator, as voted upon by the SBA and SGA.
- 13.2. ADDED: Section (6), Nominations and Election of SGA Officers. This section was added to include the qualifications to serve as SGA Senator-Elect and SGA Senator, as voted upon by the SBA and SGA.
- 13.3. ADDED: Language that references the SGA By-Laws, from which the power of this position will stem from.
- 13.4. Overall: this is necessary, because the SGA positions must abide by SGA and SBA standards, since these positions will effectively be a part of both organizations. The intent as well, is to make certain that no language pertaining to the SGA can be changed without involvement by both the SGA and SBA working together.

14. Article IX, §(2).

- 14.1. ADDED: *Italicized portions*, “By-Laws of the SBA shall be adopted by the Administrative Council by a two-thirds (2/3) vote of the entire Council membership. “Adopted By-Laws shall take effect for not more than one (1) year, *after proposal by the Constitutional Review Committee. By-Laws must be reviewed annually and adopted or re-adopted pursuant to this provision.*”

15. Article X, §(2)(C).

- 15.1. ADDED: *Italicized portions*, “The proposed amendment is ratified by a two-thirds (2/3) of those voting in the election in which the proposed amendment appears. *To protect the minority, the required two-thirds (2/3) must meet quorum of those voting in the election in which the proposed amendment appears, or the proposed amendment fails.* A non-vote is to be considered an abstention and is not to be included in the two-thirds (2/3) necessary for passage.”

16. Article X, §(3).

- 16.1. ADDED: Section (3), Process for Amending language pertaining to SGA Officers. This section was added to include the language that restricts amendment of any language relating to the SGA Officers, by requiring a process that consists of passing any proposed amendments to this language to both the SBA and the SGA.
- 16.2. Overall: There are three (3) main points for including this provision,

- 16.2.1. First, SGA Officers will be a part of both the SBA and the SGA, this provision will enforce the organizations to work together to modify any relevant

language in the constitution or by-laws of either organization. This will alleviate the vacancy problems with the Senator position, as it pertains to the law school's representation in the Senate of the SGA, among other issues.

- 16.2.2. Second, the incumbent SGA Senator, Hugh Cross, spent nearly two (2) years proposing amendments to the SGA Constitution and SGA By-Laws to not only create a process tailored to the law school finding representation in the Senate of the SGA, so this process should not be undone or modified without inclusion of both the SBA and SGA.
- 16.2.3. Third, the relevant provision to note, is Article V, §(4) of the SGA By-Laws, which now lists the process for the 2L Senator-Elect. This process requires inclusion and voting by both the SBA and SGA in order to find representation for the law school in the Senate of the SGA.

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III. MISCELLANEOUS—PROPOSED CHANGES.

1. Formatting Throughout.

- 1.1. REMOVED: Double-spacing for all provisions, except for TITLE.
- 1.2. ADDED: 1.5 spacing for SECTION(S).
- 1.3. ADDED: 1.0 spacing for all other provisions.
- 1.4. ADDED: Justified text throughout.
- 1.5. REMOVED: Gender-specific language such as “his or her” and replaced with gender-neutral language such as “their.”
- 1.6. ADDED: Centered, preview sub-titles for each Article. For example, at the end of Article I, the following will appear to guide the reader: **(Continues with ARTICLE II Next Page)**. This preview statement re-appears for each Article.
- 1.7. REMOVED: Various typographical errors and other minor, but clearly erroneous formatting issues with spacing.
- 1.8. ADDED: “SECTION 1.” Under Article I to maintain consistency within the document.
- 1.9. REMOVED: “The [insert OFFICER] shall [insert DUTY]...” where duties are listed for each officer.

1.9.1. **Example: For the Secretary—instead of:**

Secretary shall create the agenda for the meeting, as well as keep the records and minutes of the Administrative Council. These minutes shall be available to any SBA member to view upon request.

The Secretary shall take attendance at every meeting of the Administrative Council and make note of which members of the Administrative Council did not notify the President or delegated officer of their absence in advance.

The Secretary shall also perform of duties as supplemented by the By-Laws.

1.9.2. **It will now read (for each officer):**

Secretary shall create the agenda for the meeting, as well as keep the records and minutes of the Administrative Council. These minutes shall be available to any SBA member to view upon request and have other duties as follows:

Shall take attendance at every meeting of the Administrative Council and make note of which members of the Administrative Council did not notify the President or delegated officer of their absence in advance.

Shall also perform of duties as supplemented by the By-Laws.