

Danielle Fong, *President*
William Gebo, *Vice President*
Sara McKinney, *Secretary*
Kate Ernst, *Treasurer*
Regina Hillman, *Faculty Advisor*

Cecil C. Humphreys
School of Law
Student Bar
Association
2021 - 2022

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Melba Martin, *Election Commissioner*
Brendan Horton, *Director of Events*
Wai-Lin Danieleley, *Community Service*
Cole Harrell-Morris, *SGA Senator*
Molly Cook, *Director of Marketing*

Address
1 North Front Street
Memphis, Tennessee 38103

RATIFICATION VOTE FOR CONSTITUTIONAL AMENDMENTS

TO: SBA Members
FROM: Will Gebo, SBA Vice President
DATE: March 1, 2022
RE: Proposed Constitutional Amendments

MEMORANDUM OF ADMINISTRATIVE COUNCIL BUSINESS

Dear SBA Members,

The SBA Administrative Council has recently approved three proposed amendments to the SBA Constitution. To be ratified, the proposed amendments must receive an affirmative vote from 2/3 of the SBA members who choose to participate in a full body ratification vote. Prior to the vote proposed amendments must be posted conspicuously for at least two weeks. *This memo and attachments constitute the required conspicuous posting.* The ratification vote is scheduled to run concurrently with the SBA President and Vice President elections, from March 16th through March 21st on TigerZone.

The proposed amendments, along with an overview of the constitutionally prescribed ratification voting procedures, are included for member review below.

Sincerely,
Will

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I. AMENDMENT VOTING PROCEDURES

The SBA Constitution prescribes a specific process for constitutional amendments. *See* SBA CONST. art. X. Any member of the Administrative Council may propose an amendment to the Constitution. *See id.* at § 1. Once proposed, the amendment must be “passed by two-thirds (2/3) of the entire Administrative Council.” *Id.* at § 2(A). After a successful vote at the Administrative Council level, the proposed amendment must be posted conspicuously for at least two (2) weeks, after which time the proposed amendment may proceed to the ratification process. *See id.* at § 2(B)–(C).

To be ratified, the proposed amendment will be included on the ballot during the next SBA election and must be approved by two-thirds (2/3) of those who choose to cast a vote in said election. *See id.* at § 2(C). Based on the Constitution’s silence on date of effectiveness, it is reasonable to assume that once ratified, the amendment becomes effective immediately.

II. PROPOSED CONSTITUTIONAL AMENDMENTS

The Administrative Council has approved three amendments to bring before SBA members for a ratification vote: (1) amendment to include mandatory DEI training for Administrative Council members; (2) amendment to the Vice President duties list, specifically the duties relating to Constitution custodial responsibilities; and (3) amendment to add the privilege of free attendance to all SBA events for active Administrative Council members.

The draft of each proposed amendment is include below for member review:

1. Mandatory DEI Training Amendment

AMENDMENT SPONSOR: Melba Martin, Bar Assoc. Rep. and Election Comm’r., Chair of Diversity Committee

LOCATION: Art. IV, § 1(A)(6)

NOTES: Requiring DEI training for all Administrative Council members will further SBA’s goal of providing SBA leadership with the tools to better represent the entire student body as a whole.

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PREVIOUS LANGUAGE: None. This is an addition with no changes to existing language.

PROPOSED LANGUAGE:

- (6) All members of the Administrative Council shall attend a diversity and inclusion training session annually, held before the first day of class of the term year. The training required by this part shall be no less than one (1) hour in duration. Members of the Administrative Council elected or appointed during the term year, by reason of vacancy, 1L election, or otherwise, shall complete the training requirement of this part within a reasonable time after election or appointment but no later than forty-five (45) days after admission to the Administrative Council. The training required by this part shall be in addition to any diversity and inclusion trainings provided to all students during 1L student orientation. All sessions will be coordinated by the Executive Council of the SBA and provided free of charge to members of the Administrative Council.

2. Vice President Duties Amendment

AMENDMENT SPONSOR: William Gebo, Vice President of SBA

NOTES: Previous sub (a) removed entirely; significant modification to the language of sub(b)(i) and (ii).

LOCATION: Art. IV, § 2(D)(4)

PREVIOUS LANGUAGE:

- (1) Shall act as the custodian of this Constitution, along with the SGA Senator and Faculty Advisor to the SBA (collectively “Custodians”), 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.
- (a) There must only be three (3) modifiable versions of this Constitution (herein “Modifiable Versions”), electronic or otherwise, one (1) version each to be held by Custodians.

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- (b) Custodians are charged with the following duties:
- i. Duty to safeguard Modifiable Versions and shall not allow access by any other person. Any failure to maintain this duty may be subject to an Honor Code violation. Only non-modifiable versions of this Constitution may be distributed for review.
 - ii. Duty to maintain the consistency and integrity of the Modifiable Versions, making certain that no unauthorized changes or unauthorized amendments are made, unless such changes or amendments are made pursuant to the amendment process in Article X of this Constitution.

PROPOSED LANGUAGE:

- (4) Shall act as the custodian of this Constitution, along with the SGA Senator and Faculty Advisor to the SBA (collectively “Custodians”), 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.

- (a) Custodians are charged with the following duties:

- iii. Duty to Safeguard: in an effort to prevent unauthorized alterations of the Constitution, the Custodians will restrict access to modifiable versions of the Constitution document to members of the Constitution Committee, the President, the Vice President, and the Faculty Advisor. Modifiable versions should be distributed only as needed to draft and discuss amendments and conduct other Constitution Committee business as needed.
- iv. Duty to Maintain Integrity: to the extent reasonably possible, the Custodians will ensure that no unauthorized changes or unauthorized amendments are made to the Constitution, unless such changes or amendments are made pursuant to the amendment process in Article X of this Constitution or made to modifiable versions during the ordinary business of the Constitution Committee.

3. Attendance Privilege Amendment

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AMENDMENT SPONSOR: William Gebo, SBA Vice President

LOCATION: Art. IV, § 1(A)(2)–(3)

NOTES: This amendment has been a point of discussion for the past three years. This amendment is an effort to resolve issues of inequity caused by SBA Council member mandatory attendance and work at every SBA event while also requiring SBA Council members to pay to attend the events.

PREVIOUS LANGUAGE:

- B. The Administrative Council shall be comprised of two boards: the Executive Board and the Board of Bar Governors.
- (6) The Administrative Council shall direct the policies, activities, and general business of the SBA in pursuance of the purposes of this organization as set forth in Article II of this Constitution.
- (7) All members of the Administrative Council shall make a good faith effort to meet weekly, in accordance with Article V, § (4).
- (8) All decisions of the Administrative Council shall be by a majority of the current members of the Administrative Council.

PROPOSED LANGUAGE:

- A. The Administrative Council shall be comprised of two boards: the Executive Board and the Board of Bar Governors.
- (1) The Administrative Council shall direct the policies, activities, and general business of the SBA in pursuance of the purposes of this organization as set forth in Article II of this Constitution.
- (2) All members of the Administrative Council shall make a good faith effort to meet weekly **and attend all SBA events**, in accordance with Article V, § (4).
- (3) **In an effort to remove any barriers to compliance with the attendance requirements of Article V Section 4 caused by the personal financial limitations of Administrative Council members, all members of the Administrative Council**

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shall have the privilege of attending SBA events free of charge. This privilege shall extend solely to fees associated with admission to SBA events.

- (4) All decisions of the Administrative Council shall be by a majority of the current members of the Administrative Council.