

**Bill No. 2223-01**

**An Act to Amend and Adopt the Revised  
Constitution of the Washburn Student Bar Association  
and to Place the Revised Constitution on the  
Fall General Election Ballot**

*Author(s): Nicholas Smith, Vice President*

*Sponsor(s): Nicholas Smith, Vice President; Constitution Committee*

*Background:*

The Washburn Student Bar Association (WSBA) received a recommendation to amend the WSBA Constitution from the Constitution Committee after it researched how to resolve the conflict, silence, and ambiguity in the current Constitution on terms of office. The Constitution Committee offered suggestions on how to enhance the Constitution and formalized such suggestions as shown in the Appendix. Article IX, Section 1 of the current Constitution states that any amendment to the Constitution shall occur only by a three-fourths affirmative vote of the student body.

*Legislative Notes:*

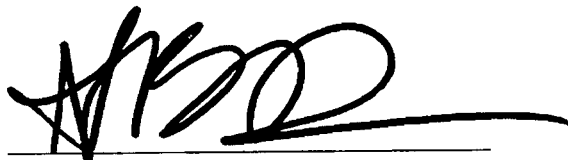
This bill seeks to adopt the amendments offered by the WSBA Constitution Committee and as discussed and reviewed by the WSBA Governing Body. This bill also seeks to refer the question of whether to adopt these amendments to the student body at the upcoming fall general election for the 2022-2023 school year.

Presented to the Governing Body of the Washburn Student Bar Association on August 20, 2022, with a vote of:

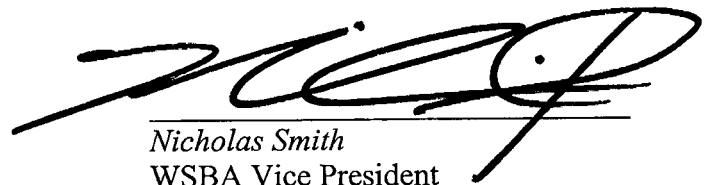
*Ayes: 13*

*Nays: ∅*

*Abstentions: ∅*



*Audriana Berry Dunn*  
WSBA President



*Nicholas Smith*  
WSBA Vice President

**An Act to Amend and Adopt the Revised  
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BE IT ENACTED BY THE GOVERNING BODY OF THE  
WASHBURN STUDENT BAR ASSOCIATION

*Author(s): Nicholas Smith, Vice President*

*Sponsor(s): Nicholas Smith, Vice President; Constitution Committee*

AN ACT

**Section 1.** The Washburn Student Bar Association shall hereby amend the Constitution of the Washburn Student Bar Association in accordance and conformity with the amendments made in the Appendix, where language in strikethrough is deleted and language underlined is added.

**Section 2.** The WSBA shall hereby adopt the amendments as written in the Appendix and as amended in Section 1 of this Act of the Constitution of the Washburn Student Bar Association, subject to a three-fourths affirmative vote by the student body. The WSBA shall hereby recommend to the student body for an affirmative three-fourths vote the adoption of the amendments as written in the Appendix and as amended in Section 1.

**Section 3.** The WSBA shall hold a vote on the question of whether to adopt the revisions made in Sections 1 and 2 at the upcoming fall general election of the 2022-2023 academic year. Such question shall only pass by a three-fourths affirmative vote in support of the ballot question. The question shall read:

“Shall the Washburn Student Bar Association amend and adopt the Constitution of the Washburn Student Bar Association as presented on this ballot and as presented in Bill No. 2223-01?”

**Section 4.** The ballot question shall contain a brief explanation that a “yes” vote would support the amendment and the adoption of the amended constitution, and a “no” vote would not amend the constitution. The electronic ballot shall have a link to the revised Constitution with language that is in strikethrough to indicate a deletion and underlined to indicate additions for the purpose of clearly and conspicuously showing the changes proposed. The electronic ballot shall also have a link to a clean version of the revised Constitution without strikethroughs or underlines.

**Section 5.** The WSBA shall take all reasonable efforts to educate the student body on the proposed changes to the Constitution, including by sending explanation emails and holding town hall meetings.

**Section 6.** Any WSBA law, policy, procedure, rule, or regulation, in whole or in part, in conflict with this Act shall be hereby repealed.

**Section 7.** This Act shall become effective immediately upon passage.

## APPENDIX

### THE CONSTITUTION *of the* WASHBURN STUDENT BAR ASSOCIATION

#### **Preamble.**

Empowered by the students of at Washburn University School of Law, the Washburn Student Bar Association shall create opportunities for academic excellence, civic duty, and cultural exchange. Understanding the special position it holds ~~within~~ among the university community, the Washburn Student Bar Association shall serve as the liaison between the students and faculty concerning policies that affect the academic, cultural, and social welfare of Washburn University School of Law.

#### **Article I. Name.**

Section 1. The name of the organization shall be the Washburn Student Bar Association (WSBA).

Section 2. The Washburn Student Bar Association adopts and utilizes the acronym "WSBA," written in any manner, as an official moniker.

#### **Article II. Membership.**

Membership in the Washburn Student Bar Association shall be conferred upon any person matriculating as a student at Washburn University School of Law, including part-time students, visiting students, L.L.M. students, and M.S.L. students. Membership in the organization is automatic, and all members shall equally enjoy the privileges of membership.

#### **Article III. Governing Body.**

Section 1. The Washburn Student Bar Association shall be governed by the General Council Governing Body comprised of student members ~~selected~~ elected or appointed, in accordance with the provisions of this Constitution and this organization's Bylaws, through the general election process or by appointment in accordance with all applicable bylaws to serve on the General Council.

~~a. The General Council must consist of a minimum of fifteen (15) voting positions and the number of voting positions must be an odd number.~~

~~Section 2. Within the General Council there shall be a Leadership Council consisting of specific voting positions from the General Council.~~

~~Section 3. The Leadership Council shall consist of the following positions:~~

- ~~a. President~~
- ~~b. Vice President~~
- ~~c. Academic Affairs Liaison~~
- ~~d. Treasurer~~
- ~~e. Communications Liaison~~

~~Section 4. The General Council shall include the “Leadership Council” voting positions and at a minimum, the following voting positions:~~

- ~~a. Secretary-Historian~~
- ~~b. American Bar Association (ABA) Representative~~
- ~~c. Barrister’s Ball Coordinator~~
- ~~d. J-Section Representative~~
- ~~e. 1L Class Representative~~
- ~~f. 2L Class Representative~~
- ~~g. 3L Class Representative~~
- ~~h. Three (3) At-Large Representatives~~

~~Section 5. The 1L, 2L, 3L Class Representative and At-Large Representative positions can be increased from their respective minimum number of positions as the needs of the Student Body Members necessitate, provided the total number of voting positions remains an odd number in accordance with Article III § 1(a).~~

~~Section 6. In an effort to support consistency and continuity within the Washburn Student Bar Association certain voting positions include a mandatory preceding semester long term as an assistant to the voting position.~~

- ~~a. The assistant position is a non-voting and does not count toward quorum for the purposes of conducting a formal General Council or Leadership Council meeting.~~
- ~~b. Assistant position holders work directly with the current voting position holder to learn the responsibility of the position and assist the voting position holder as necessary.~~
- ~~c. Assistant position holders automatically transition into the associated voting position at the beginning of the next term for the specific position.
  - ~~i. Assistant position holders are elected or appointed in accordance with all applicable bylaws as the holder of the assistant position and the transition to the full voting position occurs automatically.~~~~

~~Section 7. Non-voting assistant positions shall include the following non-voting positions:~~

- ~~a. Assistant Academic Affairs Liaison~~
- ~~b. Assistant Treasurer~~
- ~~c. Assistant Communications Liaison~~
- ~~d. Assistant Secretary-Historian~~
- ~~e. Assistant American Bar Association (ABA) Representative~~
- ~~f. Assistant Barrister’s Ball Coordinator~~

Section 2. Minimum Elective Positions. The Governing Body shall at all times consist of a minimum of a President, Vice President, Treasurer, Secretary, American Bar Association (ABA) Representative, Events Director, Communications Director, two representatives from each class year, and three at-large representatives, cumulatively a minimum of sixteen (16) positions. Additional representatives may be added to the Governing Body for good cause, in accordance with this organization’s Bylaws.

~~Section 8. Terms of Office. Term length, beginning and ending dates, and other related specifics shall be provided for in the bylaws.~~

Section 3. Terms of Office. The terms of office for each elected member of the Governing Body shall reasonably consist of one academic year, which shall commence no later than thirty (30) days after the member was elected by the student body and shall cease no later than thirty (30) days after a member has been elected to replace the preceding member, except as provided in the subsections below.

- a. The terms of office for members who are elected to Treasurer, Secretary, American Bar Association (ABA) Representative, and Communications Director shall commence no later than thirty (30) days after the general election of the subsequent semester, providing the incoming Treasurer, Secretary, ABA Representative, and Communications Director a semester to train and shadow their predecessor and assume at least one-fourth of the duties of the position.
- b. The terms of office for members who are elected to Events Director shall commence no later than thirty (30) days after the final event of the subsequent semester, providing the incoming Events Director a semester to train and shadow their predecessor and assume at least one-fourth of the duties of the position.

~~Section 9. Creation of New General Council Positions. Based on the needs of the Student Body Members, the Washburn Student Bar Association President may create New General Council Positions in accordance with all applicable bylaws, rules and regulations, and policies and procedures.~~

~~Section 10. Minimum Duties and Responsibilities of the General Council.~~

- a. ~~All General Council position holders, both voting and non-voting, shall~~
  - i. ~~Have a working knowledge and understanding of the Washburn Student Bar Association governing documents, including but not limited to the Constitution, bylaws, rules and regulations, policies and procedures, and all other applicable information;~~
  - ii. ~~Regularly attend and vote at General Council meetings in accordance with applicable bylaws, rules and regulations, and policies and procedures;~~
    1. ~~Voting requirement does not apply to non-voting positions holders~~
  - iii. ~~Responsibly and in good faith manage and expend Washburn Student Bar Association funds;~~
  - iv. ~~Serve on and meaningfully contribute to, stand and ad hoc committees;~~
  - v. ~~Be regularly available to the Student Body Members;~~
  - vi. ~~Advocate for the best interests of the Student Body Members; and~~
  - vii. ~~Reasonably fulfill the duties and responsibilities of the specific position(s) held within the Washburn Student Bar Association, including committee roles.~~

1. ~~Specific duties and responsibilities of each position and committee roles shall be provided for in the bylaws.~~

Section 4. Minimum Duties of the Governing Body. Members of the Governing Body shall act responsibly and in good faith when managing and expending the funds of the organization. Members of the Governing Body shall comply with Washburn University School of Law policies, rules, and regulations and maintain a status of good standing with the School of Law. Members of the Governing Body shall uphold the Pillars of Professionalism. The duties specific to elective positions, as set forth in Section 2 of this Article, shall be provided in this organization's Bylaws.

Section 5. Enduring Financial Responsibilities. The Washburn Student Bar Association shall be financially responsible for:

- a. The development, publication, and distribution of the Washburn School of Law Student Directory, provided freely to the student body and administrators on an annual basis;
- b. The per diem, travel, and lodging expenses to send the American Bar Association (ABA) Representative and President to the annual ABA Student Conference as representatives of the organization, school, and student body;
- c. The properties owned, possessed, and managed by the organization, including digital properties;
- d. The WSBA Public Interest Summer Living Stipend, a grant given to qualified students to pursue summer unpaid internships, externships, or employment in qualified public interest legal fields.

#### **Article IV. Elections.**

~~Section 1. Any person who satisfies the requirements for membership in the Washburn Student Bar Association pursuant to Article II of this Constitution qualified member is eligible to be a candidate for any General Council voting or non-voting Governing Body position provided the person can satisfy all applicable requirements for the desired position. Position specific requirements and responsibilities can be found in the bylaws.~~

~~Section 2. General Council Governing Body members shall be elected by the Washburn Student Bar Association membership as a whole except for class specific representatives which are elected by members of the respective class, and any positions required to be filled through appointment procedures in accordance with all applicable bylaws. All elective positions, as described in Article III, Section 2, shall be elected by a vote before the whole student body, except for elective positions that are class specific. Class specific representatives shall be elected by a vote before their respective class year.~~

~~Section 3. General Elections shall be held twice a year with one (1) General Election taking place during the fall semester and one (1) General Election taking place during the spring semester, in accordance with all subject to applicable bylaws, rules, and regulations, and policies, and procedures this organization's Bylaws.~~

Section 4. Special Elections shall be held in accordance with all applicable bylaws, rules, and regulations, and policies, and procedures this organization's Bylaws.

**Article V. Vacancies and Appointments.**

Section 1. Vacancies shall be filled by a qualified Washburn Student Bar Association Student Body Member, in accordance with all subject to applicable bylaws, rules, and regulations, and policies, and procedures this organization's Bylaws.

Section 2. Appointments to and within the Governing Body shall be made by the President with the advice and consent of the Governing Body, subject to this organization's Bylaws.

**Article VI. Misconduct Impeachment and Recall.**

Section 1. Impeachment. Any member of the Washburn Student Bar Association General Council Governing Body may be subjected to Impeachment Proceedings and removed impeached from their position for by a showing of misconduct, malfeasance, or dereliction of duties, subject to this organization's Bylaws ~~in accordance with all applicable bylaws, rules and regulations, and policies and procedures.~~

Section 2. Recall. Any member of the Governing Body may be recalled from their elective position by the student body. A recall election of a Governing Body member may be initiated by a written and signed request of at least one-fourth, or twenty-five percent, of the student body.

**Article VII. Committees.**

The Washburn Student Bar Association may, in its absolute discretion, form or dissolve committees and subcommittees by a simple majority vote of the Governing Body, subject to this organization's Bylaws.

~~1. The Washburn Student Bar Association shall oversee and operate committees—standing and ad hoc—as necessary to efficiently and effectively advocate on behalf of the membership.~~

~~2. Minimum Mandatory Committees~~

~~a. There shall be at a minimum the following standing committees:~~

- ~~i. The Academic and Student Affairs Committee~~
- ~~ii. The Budget and Finance Committee~~
- ~~iii. The Constitution Committee~~
- ~~iv. The Capital Improvements Committee~~

~~b. There shall be at a minimum the following ad hoc committees:~~

- ~~i. The Election Committee~~
- ~~ii. The Out of Session Committee~~
- ~~iii. The Special Event Committee~~

~~3. Formation of Committees~~



~~a. The President may form additional standing, ad hoc, or temporary committees as needed pursuant to this Article and any other applicable bylaws, rules and regulations, and policies and procedures.~~

#### ~~4. Dissolution of Committees~~

~~a. Minimum Mandatory Committees as established by Article VII § 2 of this Constitution may be dissolved by a two-thirds (2/3) majority vote of the Council and a three-fourths (3/4) majority vote of the Student Body Members pursuant to Article IX § 1 of this Constitution.~~

~~b. Additionally formed committees as established by Article VII § 3 of this Constitution may be dissolved by a two-thirds (2/3) majority vote of the Council.~~

~~5. Committee Purposes and Responsibilities shall be governed by the applicable bylaws, rules and regulations, and policies and procedures.~~

### **Article VIII. Meetings.**

Section 1. Regularly Scheduled Meetings. The Governing Body shall hold regularly scheduled meetings at a time and place chosen by the President, with the advice and consent of the Governing Body.

Section 2. Special Meetings. A special meeting of the Governing Body may be called:

- a. By the President at a time and place chosen by the President, or
- b. By the Governing Body at a time and place chosen by the Governing Body, subject to an affirmative majority vote of the Governing Body, or
- c. By the student body at a time and place chosen by the Governing Body, subject to a written and signed request of at least ten percent of the student body.

Section 3. Notice of Meetings. Notice of meetings, regularly scheduled and special, shall be advertised by official Washburn Student Bar Association communication and by conspicuous posting in the student body common space, subject to the Kansas Open Meetings Act, as amended, and this organization's Bylaws. Notice of meetings shall be provided to the student body no later than forty-eight (48) hours prior to the meeting time, except for special meetings which shall be no later than twelve (12) hours prior to the meeting time.

Section 4. Meeting Procedures. The Washburn Student Bar Association shall operate and facilitate meetings using the latest edition of Robert's Rules of Order, notwithstanding additional procedures adopted by the Governing Body. The President, or their designee, shall chair all meetings of the Governing Body.

Section 5. Meeting Minutes. The Washburn Student Bar Association shall maintain, keep, and secure meeting minutes of the organization. All meeting minutes shall be made available to the student body through all reasonable avenues, including but not limited to electronic mail, electronic posting, and physical retention.

Section 6. Quorum. A quorum is necessary for the Governing Body to conduct business. A quorum shall be established at a majority of the Governing Body.

- ~~1. The General Council shall hold regular meetings at a time and place to be chosen by the President.~~
- ~~2. Special Meetings may be called for any purpose pertaining to the Washburn Student Bar Association. Special meetings may be called in any of the following methods:
  - a. The President may call a special meeting;
  - b. The General Council may call a special meeting by submitting to the President or Faculty Advisor, in writing, a request signed by a minimum of one-third (1/3) of the voting General Council members, and stating the purpose for the meeting and the date and time of the meeting;
  - c. The Student Body Members may call a special meeting by submitting to the President or Faculty Advisor, in writing, a request signed by a minimum of ten (10) percent of the Student Body Members, and stating the purpose for the meeting and the date and time of the meeting.~~
- ~~2. All meetings shall operate in accordance with all applicable bylaws, rules and regulations, and policies and procedures.~~
- ~~3. All meetings shall be chaired by the President or a designated party in accordance with all applicable bylaws.~~
- ~~4. All meetings shall be open to all Student Body Members,
  - a. Except any portion of a meeting held in Executive Session in accordance with all applicable laws and regulations.~~
- ~~5. Notice of all meetings shall be provided to the Student Body Members in a clear and public manner a minimum of twenty-four (24) hours in advance.~~
- ~~6. Minutes of all meetings shall be kept and posted in accordance with all applicable bylaws, rules and regulations, and policies and procedures.~~
- ~~7. Quorum is required for any formal action to be taken at a meeting.
  - a. Quorum is established by a majority of the voting members of the General Council being in attendance for the duration of all formal action being taken during the meeting.~~

**Article IX. Constitution.**

- ~~1. This document shall represent the Constitution of the Washburn Student Bar Association and shall only be amended by a three-fourths (3/4) majority of the total votes cast on the matter by the Washburn Student Bar Association Student Body Membership in either a general or special election.~~
- ~~2. All committees, organizations, and franchises subsidized or funded by and/or financially responsible to or controlled by the Washburn Student Bar Association shall act in accordance, where applicable, with the Constitution, bylaws, rules and regulations, and policies and procedures of the Washburn Student Bar Association.~~

~~3. All activities of the Washburn Student Bar Association shall be in accordance with the Constitution, bylaws, rules and regulations, and policies and procedures. Where all are silent, the General Council may act by a majority vote.~~

~~4. A two-thirds (2/3) majority vote of the General Council shall be required to create, amend, or expunge any bylaw.~~

### **Article IX. Legislative Devices**

Section 1. These legislative devices, pursuant to this Article, are subject to this Constitution. The devices described in the following Sections of this Article are in order of descending authority and supremacy. Notwithstanding the provisions of this Constitution, the Governing Body may act through any legislative device set forth in this Article to accomplish its goals in the interest of the student body.

Section 2. Bylaws. The Washburn Student Bar Association may, in its absolute discretion, adopt Bylaws from time to time to accomplish the objectives and purpose of the organization. Bylaws may be adopted by the Governing Body by an affirmative two-thirds majority vote.

Section 3. Legislation and Acts. The Washburn Student Bar Association may, in its absolute discretion, adopt legislation, acts, and resolutions from time to time to accomplish the objectives and purposes of the organization. Legislation, acts, and resolutions may be adopted by the Governing Body by an affirmative majority vote.

Section 4. Rules and Regulations. The Washburn Student Bar Association may, in its absolute discretion, adopt rules and regulations from time to time to accomplish the objectives and purposes of the organization. Rules and regulations may be adopted by the Governing Body by an affirmative majority vote.

Section 5. Policies and Procedures. The Washburn Student Bar Association may, in its absolute discretion, adopt policies and procedures from time to time to accomplish the objectives and purposes of the organization. Policies and procedures may be adopted by the Governing Body by an affirmative majority vote.

### **Article X. Student Organizations.**

Student organizations that receive funding from the Washburn Student Bar Association shall be subject to the rules, regulations, policies, and procedures adopted by the Governing Body.

### **Article XI. Open Student Government.**

As an elected, political, and representative body, a student government that is open, accessible, transparent, and accountable to the student body, administrators, and the public is imperative. The Washburn Student Bar Association, as a recipient of publicly funded support, subjects itself to the Kansas Open Records Act and Kansas Open Meetings Act, as amended. At all meetings of this organization, the student body may provide public comment, subject to this organization's Bylaws, Rules, Regulations, Policies, and Procedures.

**Article XII. Adoption, Supremacy, and Amendment Provisions.**

Section 1. Adoption. This document shall constitute and represent the Constitution of the Washburn Student Bar Association. This Constitution shall take effect immediately upon the approval and consent of the student body by an affirmative vote of a three-fourths majority.

Section 2. Where this Constitution is silent, ambiguous, or in direct and obvious conflict, the Governing Body may interpret and act, but not supersede, the provision that is silent, ambiguous, or in direct and obvious conflict, in accordance with procedures set forth in this organization's Bylaws.

Section 3. Supremacy Clause. This Constitution shall be supreme to this organization's Bylaws, rules, regulations, policies, and procedures. This Constitution shall be supreme to all student organizations subject thereto. This Constitution shall be supreme to any preceding Constitution adopted by the student body.

Section 4. Amendments. This Constitution may be amended by an affirmative vote of a two-thirds majority of the Governing Body and student body. The procedures by which to amend this constitution shall be provided in this organization's Bylaws, if necessary.