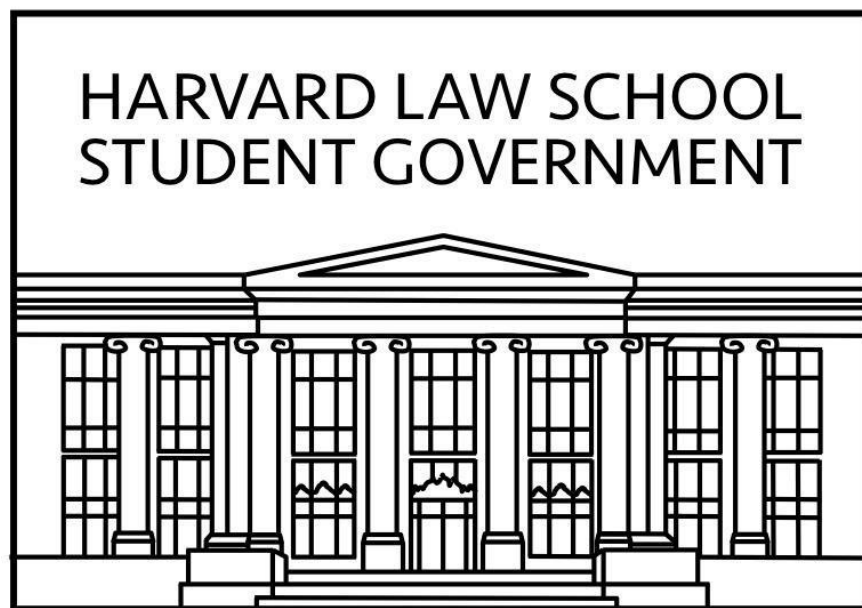


# Bylaws



## **Harvard Law School Student Government**

Updated February 17, 2020

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## **Chapter 1: Student Government**

- 1.1 **Mission Statement.** Student Government shall strive to serve and advocate on behalf of the Student Body of Harvard Law School, and support the education of leaders who contribute to the advancement of justice and well-being of society.
- 1.2 **Committees.** Student Government may have ad-hoc committees, and shall have the following committees:
- a. **Academic Affairs.** The committee shall work to improve academic policies to promote student welfare.
  - b. **Student Affairs.** The committee shall work to identify and solve student issues, as well as reach out to engage students and respond to their concerns.
  - c. **Student Organizations & Journals.** The committee shall work to improve policies affecting student organizations and be responsible for helping new student organizations navigate the registration process.
  - d. **Diversity & Inclusion.** The committee shall work to advocate for underrepresented and marginalized populations and enhance the diversity experience of all students by promoting equality, equal representation, and civility among the Student Body.
  - e. **Health & Wellness.** The committee shall work to develop and promote on-campus resources and services to advance student health, wellness, and safety.
  - f. **Community Service.** The committee shall work to connect students to volunteer opportunities, and develop volunteer opportunities for Student Government members and the Student Body generally.
  - g. **Events.** The committee shall work to plan, publicize, and manage Student Government events and events co-sponsored by Student Government.
  - h. **Public Interest.** The committee shall work to strengthen the public interest community on campus, improve policies affecting public interest careers, and foster a spirit of public service among students.
  - i. **HLS Talks Committee.** The committee shall gather nominations for the HLS Talks student speaker series, train and support peer coaches, and host Talks student speaker series at least once per semester. The committee will manage the operations, marketing and publicity, and strategy for HLS Talks. At least one chair shall have experience as a speaker, peer coach, or as a Talks committee chair.
- 1.3 **Committee Structure.** Committees shall be led by a chair or two (2) co-chairs, and each committee shall select a vice chair from among its membership. All Student Government members who serve on a committee shall be entitled to one (1) vote on all matters before a committee. Students who

serve on committees shall be entitled to one (1) vote on all matters before the committee upon the completion of two (2) consecutive committee meetings, or with the unanimous consent of current voting members of the committee. All committee meetings and votes shall be held in open session.

- 1.4 **Student Organizations.** Student Government shall oversee the establishment, reactivation, and dissolution of student organizations.
- a. The application process to create a student organization shall be overseen by the Director of Student Organizations with the advice of the Student Organizations & Journals Committee.
  - b. The application shall, at a minimum, ask the organization to list a proposed faculty adviser, constitution, budget, and list of students to serve on the executive board. Applications may also include statements of support from students or organizations, a statement of how the organization would contribute to campus, and a statement of how the organization would serve an unmet need on campus. The application may also include additional information that the organization wishes to highlight.
  - c. The decision to approve or deny an organization's application shall be determined by a panel consisting of the Director of Student Organizations, the Student Body Co-Presidents, the Director of Student Affairs, and the Chief of Staff. Each shall have one (1) vote, and the decision shall be made by a majority vote. Administrators may serve on the panel in an advisory role, but shall have no vote.
  - d. The approval or reactivation of an organization does not entitle it to funding.

## **Chapter 2: The Student Council**

- 2.1 **Presiding Officers.** The Student Body Co-Presidents shall chair meetings of the Student Council, manage and set its agenda, and shall be the designated contact persons for the Student Council.
- a. Both Co-Presidents will remain responsible for the functioning of Student Government as a whole. Both Co-Presidents will also be responsible for overseeing an equal number of committees, the assignment of which is to be decided between the two officers before the first meeting of the academic year. Both Co-Presidents will be responsible for dividing up all Student Government responsibilities, which include but are not limited to the following: creating agendas for the meetings of the Student Council, running the meetings of the Student Council, connecting with Student Representatives, drafting and responding to Student Government emails, creating agendas for meetings with administrative staff, taking the lead in discussions with Harvard administrative personnel and Harvard faculty, connecting with student organizations, and maintaining the Student Government social media accounts and website.

- b. Both Co-Presidents will oversee the budget. If agreement cannot be reached as to a particular provision of the budget, the Treasurer will break ties.

2.2 **Meetings.**

- a. Student Council meetings shall follow an agenda promulgated by the presiding officers of the meeting before the start of the meeting.
- b. The parliamentary authority for meetings shall be the newest edition of Roberts' Rules of Order, except in such cases as it conflicts with the rules of Student Government.
- c. Proper decorum and professional conduct, as determined by the presiding officer, must be observed by all members of Student Government during meetings.
- d. No person may speak at a meeting until they have been recognized by a presiding officer.

2.3 **Agenda.** Agendas for Student Council meetings may have the below listed items. The Agenda is not limited to the following items. By default, no item may go longer than fifteen (15) minutes before it concludes or the ultimate vote is held, but the body may vote to alter this by an absolute majority vote. The suggested agenda structure is below:

- a. Call to Order
- b. Roll Call
- c. Guest Speakers. Non-students and currently enrolled Harvard Law School students may speak before the Student Council and receive questions.
- d. Representative Updates. Representatives may address the Student Council and receive questions.
- e. Executive Officer Updates. Executive officers may address the Student Council and receive questions.
- f. Committee Chair Updates. Committee chairs may address the Student Council and receive questions.
- g. New Business. All new business will be discussed before the Student Council. New business shall consist of, but is not limited to resolutions, initiatives, appointments, and governing document modification.
- h. Special Business. The Student Council may discuss other matters not listed above, including unfinished matters.
- i. Announcements. All announcements shall take place for a time period no longer than 10 minutes.
- j. Closing Roll Call.

2.4 **Order of Debate.** Matters before the Student Council that require a vote shall be handled using the following process:

- a. Presentation. The presiding officer shall read out resolution or appointment that the body is considering. The presiding officer shall clarify any confusion about the matter being considered.

- b. Questions. The author of the resolution, or appointment applicant, shall submit to orderly questions from the Student Council.
- c. Debate. The Student Council shall debate the merits of the matter. For appointments to positions within Student Government, all applicants shall leave the room during until voting has occurred.
- d. Voting. The Student Council shall vote on the matter.

2.5 **Representative Duties.** Representatives shall have the following duties:

- a. Advocate for the interests of the constituencies that they represent, and the Student Body as a whole.
- b. Attend meetings of Student Government and its committees and cast votes on matters before them.
- c. Serve on a committee of Student Government and carry out the work of the committee. Representatives are also encouraged to serve on university committees.
- d. Representatives are encouraged to sit on university committees; attend or speak before a meeting of a student organization, journal, or student practice organization of which the Representative is not a member on behalf of Student Government; and hold office hours on campus; and attend Student Government events and assist in carrying them out.

2.6 **Resolutions.**

- a. Resolutions may be used to express the will of the Student Body, or formally execute another enumerated power of the Student Council. Resolutions purporting to execute a power that the Student Council does not have shall not be considered.
- b. Any student may author a resolution, but to be considered by the Student Council, the author must (1) pass the resolution in a committee of Student Government, or (2) obtain the support of an absolute majority of the Student Council, and submit the list of supporters to a Student Body Co-President no later than twelve (12) hours before the meeting.
- c. The only methods of voting on resolution shall be by roll call or acclamation. The process for debating, amending, and voting upon resolutions shall follow Roberts' Rules of Order.

2.7 **Appointments.**

- a. When the Student Council makes appointments or fills vacancies for positions, applicants may appear in person, or submit written applications.
- b. The only method of voting for filling vacancies for positions that are part of Student Government shall be by ballot, and the applicant that receives the most votes shall prevail. If there are multiple open positions, instant runoff voting may be used.

- 2.8 **Procedural Matters.** Procedural matters shall consist of parliamentary motions recognized by Roberts’s Rules of Order or these Bylaws. The default method of voting for procedural matters shall be a hand vote. The presiding officer may, at their discretion, select a different method.
- 2.9 **Student Council Officers.** The Student Council may appoint student council officers to carry out work of the Council. Unless there is an exigent need, such appointments should not be made until after the fall elections have intervened. The Student Council Officers shall be as follows:
- a. **Parliamentarian.** The Parliamentarian shall be responsible for assisting the presiding officer with matters of parliamentary procedure and Student Government rules, reviewing the Bylaws and working with Student Government members to propose changes, and documenting the work of Student Government. The Parliamentarian shall be selected from among the representatives by the Student Council.
  - b. **Judicial Sergeant.** The Judicial Sergeant shall chair and oversee impeachment proceedings and other judicial proceedings that the Student Council shall deem necessary. The Judicial Sergeant shall also oversee spring elections. The Judicial Sergeant shall be selected from among the Student Body by the Student Council.
- 2.10 **Awards.** The Student Council may offer awards to recognize excellency among students, faculty, staff, Student Government members, or community members.

### **Chapter 3: The Executive Board**

- 3.1 **Appointed Cabinet.** The Cabinet shall consist of the chair or co-chair of each of the committees enumerated in Section 1.3 of these Bylaws, and other officers appointed by the Student Body Co-Presidents. Cabinet officers shall be non-voting members of the Executive Board. The Student Body Co-Presidents may permit cabinet officers to vote on matters before the Election Board as a means to assess their views.
- 3.2 **Authority.** The Executive Board shall be responsible for setting the schedule for Student Council meetings, coordinating the work of executive officers and appointed Cabinet officers.
- 3.3 **Officer Duties.** In addition to duties enumerated in the Constitution, all officers shall have the following duties:
- a. Advocate for the interests of the Student Body.
  - b. Attend meetings of the Executive Board and its committees and cast votes on matters before them.
  - c. Serve on a committee of Student Government and carry out the work of the committee.



- d. Representatives are encouraged to sit on university committees; attend or speak before a meeting of a student organization, journal or student practice organization of which the Representative is not a member on behalf of Student Government; and hold office hours on campus; and attend Student Government events and assist in carrying them out.
- 3.4 **University Committees.** The Student Body Co-Presidents, shall be responsible for coordinating appointments to university committees.

## **Chapter 4: Judicial Proceedings**

- 4.1 **Impeachment.** All impeachments must use the following procedures:
- a. Articles of impeachment must specify the official being impeached, the reasons for impeachment, every rule or policy that the individual is alleged to have violated, and the facts supporting each allegation.
  - b. The once finalized, articles must be transmitted to the Judicial Sergeant, who shall transmit the articles to all members of the Student Council.
  - c. After the articles of impeachment have received the signatures of an absolute majority of the Representatives, the Judicial Sergeant shall schedule an impeachment hearing for a time that is more than seven (7) calendar days but less than thirty (30) calendar days after the article(s) are transmitted to all members of Student Government.
  - d. Impeachment hearings shall include all representatives, but shall be chaired by the Judicial Sergeant, who shall have no vote unless it would affect the outcome. All impeachment hearings must be open to the public. The Judicial Sergeant shall publicly post the date, time, and location of all impeachment hearings not less than forty-eight (48) hours before the hearing.
  - e. All impeachment hearings shall begin with the articles of impeachment being read in their entirety. The accuser shall present evidence first, followed by the accused. Subsequent, staggered speaking times may be allowed at the discretion of the presiding officer.
  - f. All written materials to be used at the hearing must be submitted to the Judicial Sergeant at least 48 hours before the hearing, who shall in turn transmit them to all member of Student Government.
  - g. Representatives may ask questions, at the discretion of the presiding officer. Time spent on questions shall be separate from the presentation of evidence.
  - h. The only voting method allowed for impeachment shall be roll call.
  - i. Upon the passage of articles of impeachment, the official named shall be immediately removed from office.

- j. Only one (1) official may be charged in articles of impeachment, and only one impeachment proceeding may be held at a time.
- 4.2 **Conflict of Interest.** No person shall sit or vote on any proceeding if they are a party in the dispute.
- 4.3 **Representation.** Litigants shall be permitted to use representation, but are not required to do so.
- 4.4 **Burden of Proof.** For all cases, including election disputes, the burden of proof shall be upon the movant, and shall be clear and convincing evidence.

## **Chapter 5: Elections**

- 5.1 **Fall Election.** The fall election shall be held in the last week of September. Voting shall be open for at least 36 hours. The fall election shall be administered by the Executive Board.
- 5.2 **Spring Election.** The spring election shall be held between March 1 and April 1. When voting commences, it shall be open for at least 36 hours. The spring election shall be administered by the Election Commission. If the Election Commission is inoperative when the election process begins, the Executive Board shall administer the election, subject to the conflict of interest provision of Section 4.3 of these Bylaws.
- 5.3 **Special Elections.** Special, separate elections for referenda shall be administered by the Election Commission if it has been assembled, and by the Executive Board if it has not.
- 5.4 **Election Commission.** The Commission shall be chaired by the Judicial Sergeant, and shall have four (4) other members. The Student Body Co-Presidents shall select two (2), and the Student Council shall select two (2). No member of the Commission may be a candidate, and every member must remain impartial throughout the process.
- 5.5 **Campaigning.** There shall be two types of campaigning: private campaigning and public campaigning. “Private campaigning” is defined as any spoken campaigning and personal written communications, and shall be allowed at any time. “Public campaigning” is defined as campaigning utilizing publicly distributed printed materials, websites, or public social media, and may not begin until fourteen (14) days before voting commences, unless the administrative body for the election specifies another time. All campaigning must be done in accordance with Law School policies, and must abide by the following restrictions:
  - a. Campaign materials may only be affixed on designated flyer boards;
  - b. Candidates may not tamper with the campaign materials of other candidates;
  - c. Student Government as an organization may not endorse or oppose any candidate;
  - d. Candidates and tickets may not spend more than \$100 during the course of a campaign advocating the election or rejection of a candidate or ticket;

- e. Candidates may not give away food or drinks as part of the campaign;
- f. Harassing, threatening, or coercing others to vote or not vote;
- g. Candidates must stand six (6) feet away from voters while the voter is casting a ballot, unless the voter asks for their assistance with the ballot process.

Candidates shall be held liable for campaign violations committed by their campaign workers on the candidates' directive.

5.6 **Violations.** Candidates that violate these bylaws shall be subject to review by the administrative body for the election, which shall determine an appropriate punishment. Punishment options shall be limited to the following:

- a. Complete or partial bans on public campaigning for a definite period of time;
- b. A warning or admonishment;
- c. Removal of previously disseminated campaign materials;
- d. Prospective ban on disseminating campaign materials;
- e. Lowering the cap of campaign spending; and
- f. Disqualification. Disqualification should only be used for severe or pervasive misconduct.

Before the administrative body may render a decision, it must solicit arguments and evidence from both the accuser and accused.

5.7 **Election Application.** All candidates for election must complete an application disseminated by the administrative body for the election. The application shall include, at a minimum, the following:

- a. Full name, as well as the name the candidate wishes to appear on the ballot;
- b. Student ID number, email, phone number, and other contact information as deemed necessary;
- c. Certification that they understand the election rules.

5.8 **Election Timeline.** The administrative body of each election may create rules for the timeline and procedure of the election it administers, provided such rules do not contradict these Bylaws or the Constitution. The administrative body for each election may also hear election complaints and determine sanctions.

5.9 **Releasing Vote Counts.** Upon the completion of an election, the respective vote counts will be released to all second-year, third-year, L.L.M. and S.J.D. candidates. First-year candidates shall only have the name of the winning candidate released.

## **Chapter 6: Monetary Affairs**

6.1 **Student Funding Board.** The Student Funding shall be responsible for distributing funds to student organizations.

- a. The Student Funding Board shall have seven (7) members total. The Director of Student

Organizations shall serve as chair, and the Student Body Co-Presidents and Treasurer, shall sit as

ex officio members. The remaining three (3) members shall be chosen by the Director of Student Organizations through an application process open to the Student Body.

- b. The application to be a member of the Student Funding Board shall be determined by the chair, but must, at a minimum, require applicants to disclose student organizations of which they are a member.
- c. All members of the committee shall have one (1) vote. Administrators may attend the Student Funding Board and provide advice, but shall have no vote. All matters before the Student Funding Board shall be determined by a majority vote. Members must recuse themselves from votes affecting organizations of which they are on the executive board.

6.2 **Funding Principles.** When distributing funds, Student Government shall look positively upon recipients who embody the following funding principles:

- a. Diversity and Inclusion. Actively promotes diversity and inclusion on campus and beyond through its activities and policies.
- b. Community Service. Participates in community service and volunteer work.
- c. Skill Acquisition. Develops lasting skills for participants and members, including, but not limited to, advocacy, writing, speaking, or negotiating. Ideal skill acquisition involves actively applying skills, rather than passively absorbing knowledge or activities primarily for recreation.
- d. Accessibility to Students. Proactively works to ensure that its activities are open and accessible to all students, and that they are well publicized to the entire law school community.
- e. Responsible Fund Management. Has demonstrated the responsible management of its funds from past years, has robust fund management practices in place, and has demonstrated rigorous planning for its activities.
- f. Alternative Funding Sources. Has sought and received alternative sources of funding to support itself. Alternative sources of funding are looked more favorably upon if they are used to support the organization's activities rather than held in reserve.
- g. Collaboration. Has a demonstrable track record of collaboration for its activities in the past, and has concrete plans or secured agreements to collaborate for future activities.
- h. Evidence of Effectiveness. Collects and implements evidence that its activities are effective. Evidence can include, but is not limited to, levels of attendance, feedback from participants, or frugality of purchases.

The application for funding should include a section to list these principles, and give organizations the opportunity to explain how they embody them.

6.3 **Funding Limitations.** When distributing funds, Student Government shall be subject to the following limitations.

- a. Social Events and Travel. Student Government shall look less positively on funding requests for social events and travel.
- b. Fundraising. Harvard University funds may not be used to fundraise for outside organizations, including charitable causes. No organization will receive funds for this purpose.
- c. Non-HLS Individuals. The Student Funding Board shall look less positively on events that primarily benefit people other than HLS students.
- d. Budget Increases. Requests for budget increases shall be scrutinized and should be justified by well-documented changed circumstances or new initiatives, as well as significant advance planning.

6.4 **Allocation Policy.** All allocation decisions shall be made in a viewpoint-neutral manner. Student Government reserves the right to not fund organizations if the funding request does not meet Student Government guidelines, Harvard Law School guidelines, or state and federal law, including, but not limited to, campaign finance laws.

## **Chapter 7: Bylaws**

7.1 **Definitions.** Throughout these Bylaws:

- a. Use of the phrase “absolute majority” means a majority of all voting members serving at that time regardless of the number of members present during the vote;
- b. Use of the phrase “majority” means a majority of the members who are present during the vote;
- c. Use of the phrase “absolute two-thirds (2/3)” means at least two-thirds of all voting members serving at that time regardless of the number of members present during the vote;
- d. Use of the phrase “two-thirds (2/3)” means two-thirds of the voting members who are present during the vote.
- e. Use of the phrase “quorum” means a majority of the members of the body meeting.
- f. Use of the phrase “semester” refers to only the fall and spring semesters, unless otherwise noted.

7.2 **Primacy.** These Bylaws shall supplant and replace any existing bylaws or election ordinance of Student Government and shall be binding on all members.

7.3 **Suspension.** The provisions of these Bylaws shall not be suspended at any time, except for non-substantive matters by unanimous consent.

7.4 **Ratification.** These Bylaws shall take effect immediately upon a two-thirds vote of the Student Council.

7.5 **Amendment.** These Bylaws and the provisions herein may be amended by a vote of two-thirds (2/3) of the Student Council, in accordance with the Constitution.