

Board Selection Act of 2002

Article 1, Purpose, Scope, Definitions

Section 1-100—Purpose

The purpose of this act is to prevent further conflicts between the boards during the board selection process. Furthermore, this act purports to allow each possible board candidate to maintain a choice in selecting which board they would choose to be a member of.

Section 1-101—Scope

This act is to further enhance and streamline the board selection process at the University of South Dakota School of Law. This act is limited only to the board selection at the University of South Dakota School of Law and is to be construed as to only dealing with the board selection process.

Section 1-102—Title, Short Title

This Act shall be known as the Board Selection Act of 2002. Its short title shall be the BSA.

Section 1-103—Definitions

When used in this Board Selection Act, except as specifically defined in another Section, the following terms are defined as to mean:

- (1)—Act, the Board Selection Act (of 2002) or BSA.
- (2)—Board, any organization at the University of South Dakota School of Law which holds an interview and selection process for new members. This includes but is not limited to ... the South Dakota Law Review, the University of South Dakota Moot Court Board, and the University of South Dakota Alternative Dispute Resolution Board.
- (3)—Candidate, any person, in any class year, that is undergoing the Board Selection and Interview process in order to receive a placement on a Board. Primarily, a candidate is a first year student whom is interviewing and attempting to receive an appointment to a Board in April of the law school year.
- (4)—Accept, as used in this act, means to accept an appointment to a Board, and to lock into that Board, without the possibility of switching Boards.
- (5)—Conditionally Accept, as used in this act, means to accept a position with a Board, but to not be locked into that acceptance, i.e. one who has conditionally accepted with a Board has the option to Accept with another Board if an offer is given by the other Board. Also, one who has Conditionally Accepted with a Board may turn that into a full Acceptance with that Board.
- (6)—Decline, as used in this act, means to not accept the offer given by a Board. This declination of an offer is binding upon the Candidate.

Article 2, Board Responsibilities, Duties, Etc.

Section 2-100—Board Behavior

It is expected that all Boards will adhere to the University of South Dakota School of Law's Honor Code and Code of Conduct, in addition to Federal and State law as it may pertain to the interviewing process, Board Selection Process, and any other applicable situation that may arise under this process.

Section 2-101—Reporting of Violations

It is expected that each Board will report violations of the University of South Dakota School of Law's Honor Code and Code of Student Conduct to the appropriate authority. This is to include any malfeasance by a Board or by another Candidate.

Section 2-102—Board Solicitation

It is expected that once this Board Selection process begins, no Board may actively solicit a candidate to join their Board. The answering of questions about your Board is acceptable when approached by a candidate during this process. The answers to these questions shall only pertain to your Board and shall not include comparisons to the other Boards or negative comments about the other Boards.

Section 2-103—Board Duties

During the course of the Board Selection Process, the Boards must maintain a list of those Candidates whom have Accepted in the Student Bar Association's Office. This list must be updated by 12:00 pm, Noon, on the first day of offers being sent out. Additionally, once a Candidate has Accepted after that time, the Boards must update the list in the Student Bar Association's Office. Also, before sending out Alternate letters, the Boards must check in the SBA Office to see if a Candidate has Accepted with another Board. If the Candidate has Accepted, the Board shall not send an Alternate letter to that Candidate.

Article 3, Board Selection Process

Section 3-100—Overview

In order to facilitate the choosing of Boards for the next school year, and to allow a choice of Boards among potential Candidates, this system was proposed to fill that purpose. In essence, a Candidate has three choices when an offer is received from a Board. That Candidate may choose to Accept the offer, Decline the offer, or Accept Conditionally the offer. It is under the Accept Conditionally portion where the Candidate retains a choice as to what Board they would like to be on. By Accepting Conditionally, the Candidate is saying that they would like that position, but they would really like to wait to see if another offer is given to them by another Board. When the Candidate Accepts Conditionally, the Board may then begin to send our alternate letters for that position. It is the burden and risk of the Candidate in that they may not receive another offer and the Board may have filed the Conditionally Accepted position.

Section 3-101—Accept, Decline, Accept Conditionally

In relation to this Act, the following terms' definitions and consequences are further set out.

- (1)—Accept, when a Candidate Accepts an offer from a Board, this is considered a lock. This Candidate is bound by this decision, and during the alternate process no Board shall send an offer to this Candidate.
- (2)—Decline, when a Candidate Declines an offer from a Board, this is considered a final declination of the offer. This Candidate is bound by this decision, and during the alternate process a Board may send an offer to this Candidate.
- (3)—Accept Conditionally, when a Candidate Accepts Conditionally an offer from a Board, this is considered to be an Acceptance of the offer, but the Candidate is not locked into the Board with which the Conditional Acceptance was rendered. This Candidate is free to receive further offers from other Boards, potentially in hopes of getting an offer from the Board with which the person truly wants to become a member.

Section 3-102—Interviews

Interviews are to be conducted by all Boards on the night immediately preceding the day on which offers are to be sent out. For example, if offers are to be sent out on Tuesday, then all Boards will conduct their respective interviews on Monday. Interviews are to be conducted in conformance to this Act, specifically Section 2-100. Sign-up sheets for interviews will be posted with sufficient notice prior to the actual evening of interviews.

Section 3-104—Initial Offers

Interviews shall be conducted in conformance with Section 3-102. The initial round of offers shall go out at 8:00 am the day immediately following interviews. Before 12:00 pm, Noon, on this day, all Boards will indicate on the board in the SBA Office those individuals whom have Accepted with their Board.

Section 3-104—Timing

Interviews shall be conducted in conformance with Section 3-102. The initial round of offers shall go out at 8:00 am the day immediately following interviews. Before 12:00 pm, Noon, on this day, all Boards will indicate on the board in the SBA Office those individuals whom have Accepted with their Board. Starting at 12:00 pm, Noon, on this day, alternate letters may commence to be sent out to Candidates. The period for alternate offers is rolling, and shall not exceed 48 hours from 12:00 pm, Noon, on the first day of the offer process.

Section 3-105—Alternate Offers

- (1) Offers to alternates can commence after the 12:00 pm, Noon, deadline for response to initial offers. After this Noon deadline, offers to alternates can be sent out on a rolling basis, as long as the Board checks the SBA Office to see if their potential alternate has not Accepted with another Board. *The rolling period for alternate offers shall not exceed 48 hours from 12:00 p.m, Noon, on the first day of the offer process. Candidates utilizing the conditional acceptance must comply with the 48 hour rule in § 4-102.*
- (2) *Subsequent offers due to removal, resignation, or failure to accept must be accepted or declined within 48 hours of being offered. At this point the board will extend a bid to their next candidate. This process will continue until the board fills all open positions. After initial offers no board shall make an offer to a candidate who has already accepted with another board.*

Section 3-106—Form to Be Handed Out With Offer

In addition to a letter from the Board extending an offer to a Candidate, the following form shall be included with the offer letter. The form is attached as Appendix A, and is incorporated by reference into this Section of the Act.

Article 4, Candidate Responsibilities, Conduct, Etc.

Section 4-100—Candidate Behavior

During this process, all Candidates are expected to have their behavior conform to the University of South Dakota School of Law's Honor Code and Code of Student Conduct.

Section 4-101—Reporting of Violations

It is expected that each Candidate will report violations of the University of South Dakota School of Law's Honor Code and Code of Student Conduct to the appropriate authority. This is to include any malfeasance by a Board or by another Candidate.

Section 4-102—Burden on Candidate

Throughout this Board Selection Process, the burden is on the Candidate to Accept, Decline, or Accept Conditionally with the various Boards. The burden is also on the Candidate to notify the Boards of a change from Accept Conditionally to Accept or Decline. The Candidate must remember that when an Accept Conditionally response is given to a Board, that Board can then begin to seek an alternate to fill that position. *Candidates who tender a conditional acceptance must tender a written acceptance within 48 hours from 12:00 p.m., noon, on the first day of the offering period. Candidates who fail to tender written acceptance by this deadline will be deemed to have declined the offer at which time the board will offer a bid to their next candidate in accordance with B.S.A. § 3-105.*

B.S.A. § 4-103—Academics. As reflected in the USD School of Law Academic Rules, a cumulative grade point average of 75 is currently required for selection, participation, and continuation on any Board. If a member of the Board shall fall below the required grade point average they shall notify the Board and resign or be removed. If a Board member resigns or is removed, the Board shall select another candidate. The Board cannot choose an alternate that is already the member of another Board.

Article 5, Adoption, Amendment and/or Change to this Act

Section 5-100—Adoption of this Act

This Act can only be adopted with the unanimous consent of all Boards currently involved in the Board Selection Process.

Section 5-101—Amendment and/or Change to Act

In order for this Act to be amended, once adopted, the unanimous consent of all Boards involved in the process is required. The same unanimous consent is required for any changes to this Act once adopted.

Appendix A to Section 3-106, Form to be handed out with offer

Dear _____:

Congratulations. We, the _____ Board wish to extend you an offer for a position on our Board for the _____ school year. Choosing which Board to be a member of can be a difficult process. You should not take this decision lightly. When making this decision you should look to the next years and how being a member of the Board will help you in reaching your goals for the future.

Below, you shall indicate whether you choose to Accept, Decline, or Accept Conditionally this offer which our Board has extended to you. Please remember that when you Accept with our Board, you are locked into that decision, and you may not then choose to join another Board. Also note, that when you Decline a position with our Board, this is considered to be a binding decision. You may not later change your mind. In choosing the Accept Conditionally option, you indicate that you would like to Accept with our Board, but you do not want to be locked into that choice.

When you choose Accept Conditionally, you may continue to wait and see if you will receive an offer from another Board. However, when you choose Accept Conditionally, our Board may send out offers to alternates to fill that position. The burden is on you, the Candidate, to lock in your

choice once you make a final decision. There may come a time when you finally choose to Accept with our Board, but that position may no longer be available for you as one of our alternates Accepted before you did.

Please make the best, most informed decision you can possibly make. Also, please return this form to our office as soon as you have made your decision, but no later than 12:00 pm, Noon, if this is an initial offer, or 48 hours from now if this is an offer you received after 12:00 pm, Noon, deadline. If our Board has not received your confirmation of Acceptance within the 48 hour time period our offer to you will be rejected by the Board and we will be making an offer to another alternate.

I, _____, do hereby choose the following option:

____ I ACCEPT this offer.

____ I DECLINE this offer.

____ I ACCEPT CONDITONALLY this offer.

Signature

Date/Time