

ASSOCIATED STUDENTS OF MERRITT COLLEGE INCORPORATED CONSTITUTION

PREAMBLE

We, the students of Merritt College, in order to promote the general welfare of the students and the community this college serves, have created the Associated Students of Merritt College Incorporated to guarantee the equality of opportunity among students; to offer experience in moral, aesthetic, social and economic values under an atmosphere of intellectual freedom; to encourage students in community participation, and in the planning and direction of student and community activities, as permitted under the rules, regulation and policies of the State of California, the Peralta Community College District Board of Trustees, the President of Merritt College and their representatives, do ordain and establish this constitution.

NAME

This organization is incorporated with the State of California as a non-profit organization. The name of the organization shall be known as the Associated Students of Merritt College Incorporated, also known as AMSC Inc. The official governing bodies of Associated Students of Merritt College Incorporated are known as ASMC Inc. Council and Inter-Club Council.

PURPOSE

The purpose of the Associated Students of Merritt College Inc. is to empower the students by encouraging student participation, embodying our rich history of inclusivity and diversity, being proactive pillars of equitable change, and the overall representation of the student body at Merritt College through shared governances, policies, and processes.

DUTIES AND POWER

The power of the Associated Students of Merritt College Incorporated (ASMC Inc.) is derived from California Education Code, Title 5, and implemented through participatory governance processes.

ASSOCIATED STUDENTS OF MERRITT COLLEGE INCORPORATED BYLAWS

ARTICLE I. DEFINITIONS

The following terms are to be understood in the restrictive and technical sense herein defined.
Students:

- A. Student Body: Students registered at Merritt College and has this as their home college.
- B. Eligibility: Any student that wishes to join the ASMC Inc. Council needs to meet the requirements of the Title 5, California Education Code §76061.
- C. Executive Council Members: President, Vice President, Vice President of Finance, Vice President of Communications, Vice President of Participatory Governance and Vice President of Inter-Club Council.
- D. Senator Council Members: 12 Senators, who participating in participatory governance meetings.
- E. Council Members: Official Members of the ASMC Inc. Council, also defined in Article I.C. and I.D. of these bylaws.
- F. Inter-Club Council: Any clubs that are chartered by the ASMC Inc. Council for the academic or fiscal year.
- G. Term: The terms is defined as a fiscal year, which is July 1 - June 30.

ARTICLE II. MEMBERSHIP

Section 1. Student Body

Each student is entitled to share any comments, concerns, or questions with the council regardless of being an official member or not. Each student that has Merritt College as their home college and meets the Article I. B. requirements are able to join the ASMC Inc. Council as an official member, if they wish.

Section 2. Council Membership

The ASMC Inc. Council Members will be the official membership of this organization. Council Members are defined in Article I. C., I. D., and I. E. of these bylaws.

Section 3. Eligibility

An ASMC Inc. Council Member shall cease to be a Council Member upon any finding by the Merritt College Director of Student Activities and Campus Life and/or Staff Assistant to the Director of Student Activities and Campus Life that they no longer meet the requirements for said status as defined in Article I. B. these bylaws.

ARTICLE III. TELECONFERENCING

As long as this article is in effect the Associated Students of Merritt College Incorporated will be complying with Brown Act (Gov't Code § 54953). The official governing bodies of ASMC Inc.; ASMC Inc. Council and Inter-Club Council, will by prescribed by these bylaws to meet via teleconference; by any means that deems itself necessary.

The ASMC Inc. Council shall establish management policies for when it is reasonable to have teleconference meetings.

ARTICLE IV. ASMC INC. COUNCIL

Section 1. Duties

Subject to the provisions of these bylaws, the activities and affairs of this corporation and all of its powers are exercised by or under the direction of the ASMC Inc. Council. Additionally, the Council shall serve as the legislative authority on behalf of the student body and shall be responsible for the following:

- A. Serving as the collective voice of the students.
- B. Collecting and promoting best practices among the students.
- C. Promoting cooperation among the students.
- D. Representing the positions and views of students before the Peralta Community College Board of Trustees and Chancellor's Office.
- E. Representing the positions and views of students before the Merritt College Administration, Academic Senate, Classified Senate, and other local agencies within the Council's jurisdiction.
- F. Nominating and/or appointing student representatives to all entities of participatory governance committees at the college or district levels.
- G. Soliciting/disseminating information from/to the student body regarding activities of the ASMC Inc. Council.
- H. Approving the annual budget of the ASMC Inc. Council and any amendments pertaining thereto.
- I. Following any other policies that are prescribed by the Peralta Community College District, Merritt College, and written policies approved by the ASMC Inc. Council.

Section 2. Vacancies

Any vacancies on the ASMC Inc. Council Members shall be filled by having at least 50 signatures from the student body at Merritt College.

Section 3. Attendance

Any voting member of the ASMC Inc. Council who accumulates two unexcused absences within any fiscal year shall be placed on the next meeting agenda for consideration of removal.

Subsection 1. Unexcused Absences

Unexcused absences may be either consecutive or nonconsecutive to qualify for consideration of removal.

Subsection 2. Excused Absences

Excused absences shall be defined as any absences reported 4 days in advance of a meeting for verifiable academics, employment, familial, health related, or other reasons determined by the Director of Student Activities and Campus Life.

Section 4. Removal of Council Members

Any Council Member may be removed from office as follows:

- A. By vote of the students that elected the Council Member to office, in accordance with said ASMC Inc. policies, procedures, and these bylaws.

- B. If a Council Member has missed two Council meetings during any fiscal year, unless excused by the Director of Student Activities and Campus Life. Said removal shall occur upon action by the ASMC Inc. Council.
- C. If any members violate any policies written by the Peralta Community College District and Merritt College shall be removed. Said removal shall occur upon action by the ASMC Inc. Council.
- D. Automatically if a Council Member is not eligible per the provisions of Title 5, California Education Code §76061.
- E. Automatically for “cause” as set forth in Section 5221 of the California Corporations Code.
- F. By a court of law

Section 5. Executive Council Members

The Merritt College student body shall elect from its membership, evaluate, and/or remove in manners prescribed by these bylaws the following Executive Council Members who shall serve as the membership of the Executive Committee in order of succession:

- A. President
- B. Vice President
- C. Vice President of Finance
- D. Vice President of Communications
- E. Vice President of Participatory Governance
- F. Vice President of Inter-Club Council

The ASMC Inc. Council shall establish management policies for Executive Council Members Job descriptions.

Section 6. Senators Council Members

The Merritt College student body shall elect from its membership, evaluate, and/or remove in manners prescribed by these bylaws the following Senators Council Members who shall serve as part of the membership of the Legislative Committee:

- A. 12 Senators, who participating in participatory governance meetings

The ASMC Inc. Council shall establish management policies for Senator Council Members Job Descriptions.

Section 7. Past Presidential Advisory Officer

The ASMC Inc. Council may elect a past Executive Council Members from the immediate past year to assist with the transition of the new ASMC Inc. Council Members and Inter-Club Council. The Past Presidential Advisory Officer shall serve for a minimum of six months but no more than a maximum of one year.

The ASMC Inc. Council shall establish management policies for Past Presidential Advisory Officer Job Description.

Section 8. Meetings

Subsection 1. Frequency

ASMC Inc. Council shall meet at least biweekly from August – May each year. The President, Vice President of Participatory Governance, and Vice President of Inter-Club Council will still have to serve until the end of the fiscal year on June 30.

Subsection 2. Quorum

A quorum of the ASMC Inc. Council shall be defined as a half plus 1 of its members, not including any vacant positions.

Subsection 3. Parliamentary Authority

All meetings of the ASMC Inc. Council shall be conducted according to the most recent edition of Robert's Rules of Order. Parliamentary authority shall only govern in the absence of any provision of the bylaws and written policies of the Associated Students of Merritt College Incorporated.

Section 9. Regular Elections

The Merritt College Student Body shall hold regular elections for its ASMC Inc. Council Members during the annual elections as defined in the Peralta Community College District Board and Administrative Policies (BP & AP 5410)

The ASMC Inc. Council shall establish management policies on how to joining the ASMC Inc. when outside of Regular Elections.

Section 10. Council Members Resignations and Max Terms

Subsection 1. Resignations

A resignation from a Council Member shall be effective immediately upon submission of a written resignation to any party defined as the Director of Student Activities and Campus Life, Staff Assistant to the Director of Student Activities and Campus Life, and/or the President of ASMC Inc.

Subsection 2. Max Terms

Each student that joins the ASMC Inc. and becomes an official ASMC Inc. Council Member as defined in Article I. C., I. D., and I. E. can serve a max term of six semesters or three years consecutively or inconsecutively. Any Council Member that serves a partial term is subject under the ASMC Inc. Council to approve whether it's counted as a semester, year, or invalid term.

The ASMC Inc. Council shall establish management policies around what is determined to be a partial term for semester, year, or invalid terms.

ARTICLE V. INTER-CLUB COUNCIL

Section 1. Duties

Inter-Club Council shall serve as the events authority on behalf of the ASMC Inc. and works under the jurisdiction of the ASMC Inc. Council and shall be responsible for the following:

- A. Facilitation of major and/or minor student lead events
- B. Clubs having direct engagement with students on campus regarding events
- C. Can and/or May attend ASMC Inc. Council Meetings
- D. Soliciting/disseminating information from/to the ASMC Inc. Council regarding activities of the Inter-Club Council.
- E. Work in cooperation with Merritt College departments on creating events.
- F. Following any other policies that are prescribed by the Peralta Community College District, Merritt College, and ASMC Inc. Policies.

Section 2. Attendance

Any voting member of the Inter-Club Council Club that accumulates two unexcused absences within any fiscal year shall be placed on the next meeting agenda for consideration of deactivation.

Subsection 1. Unexcused Absences

Unexcused absences may be either consecutive or nonconsecutive to qualify for consideration of removal.

Subsection 2. Excused Absences

Excused absences shall be defined as any absences reported 4 days in advance of a meeting for verifiable academics, employment, familial, health related, or other reasons determined by the Director of Student Activities and Campus Life.

Section 3. Meetings

Subsection 1. Frequency

Inter-Club Council shall meet at least biweekly from August – May each fiscal year.

Subsection 2. Quorum

A quorum of the Inter-Club Council shall be defined as a half plus 1 of its club representative members, not including any vacant clubs.

Subsection 3. Parliamentary Authority

All meetings of the Inter-Club Council shall be conducted according to the most recent edition of Robert's Rules of Order. Parliamentary authority shall only govern in the absence of any provision of the bylaws and written policies of the Associated Students of Merritt College Incorporated.

Section 4. Club Chartering

Clubs must charter/re-charter every Fall and Spring semester. Any register student body member may create and charter a club. Said student and cabinet members of the club must meet the requirements of Article I. B.

The ASMC Inc. Council shall establish management policies regarding club charter, if any are needed.

Section 5. Inter-Club Council Creation Policies

The Vice President of Inter-Club Council may write management policies for Inter-Club Council. These policies must be approved by the ASMC Inc. Council and then assigned a management policy number at the next regularly scheduled meeting before implementation by the Vice President Inter-Club Council.

ARTICLE VI. COMMITTEES

Section 1. Executive Committee

The Executive Committee is a subcommittee of, and accountable to, the ASMC Inc. Council, and shall act on behalf of the ASMC Inc. Council between council meetings. All actions taken by the Executive Committee shall be reported to the ASMC Inc. Council during its next meeting, or upon the request of any Council Member and/or Students from the Student Body, whichever comes first. The membership of the Executive Committee shall be the President, Vice President, Vice President of Finance, Vice President of Communications, Vice President of Shared Governance and

Vice President of Inter-Club Council and the Director of Student Activities and Campus Life (ex officio, without the right to vote).

Section 2. Legislative Committee

The Legislative Committee is a subcommittee of, and accountable to, the Associated Students of Merritt College Incorporated Council and shall act on legislative research, legislative stances of support or denial, and shared governance appointments. All actions taken by the Legislative Committee shall be reported to the Council during its next meeting, or upon the request of any Council Member, whichever comes first. The membership of the Legislative Committee shall be Vice President of Participatory Governance (as chair), Vice President (as vice chair), 12 Senators, who participating in participatory governance meetings and the Staff Assistant to the Director of Student Activities and Campus Life (ex officio, without the right to vote).

Section 3. Committee Formation, Rules and Accountability

The ASMC Inc. Council may establish committees and work groups (ad hoc committees) as it deems appropriate, and shall determine in writing the purposes, composition, funding, procedures, rules and other matters related to each of said committees. All committees shall be subject to the supervision of and accountable to the ASMC Inc. Council.

The ASMC Inc. Council shall establish management policies for committee formation, including the Executive Committee and Legislative Committee.

ARTICLE VII. BYLAWS

Section 1. Amendment

These Bylaws may be amended by $\frac{2}{3}$ vote of the Merritt College student body provided that certain amendments to the bylaws specified in the California Nonprofit Corporation Law, including those that materially and adversely affect the rights of any student apart of the student body, or that changes the authorized number of ASMC Inc. Council Members, must be approved by a $\frac{2}{3}$ vote of the Merritt College student body that are present and voting.

Section 2. Notice for Amendments

Written notice of the general nature of all proposed amendments to the bylaws shall be notified at least one month in advance at which the proposed bylaws amendment is to be considered; unless the general nature of the proposed amendment is included in the notice of the meeting, no vote may be taken during the meeting concerning the proposed amendment. Any voting member of the registered Merritt College Student may propose an amendment to the bylaws.

The ASMC Inc. Council shall establish management policies for how to submit bylaw amendments.

ARTICLE VIII. DISSOLUTION

It shall require a two-thirds of those present and voting in the Merritt College student body to order the dissolution of the ASMC Inc. Upon dissolution of the ASMC Inc. and subsequent to the payment of all debts, obligations, and liabilities of the ASMC Inc., remaining assets shall be distributed to a non-profit fund, foundation, or corporation established to serve the needs and interests of the students of Merritt College which are members of the ASMC Inc. and which is

organized and operated exclusively for charitable or educational purposes. Such non-profit fund, foundation, or corporation shall qualify for tax-exempt status under §501(c)(3) of the United States Internal Revenue Code.