

# Associated Students of Merritt College

## BY-LAWS

### OF

## THE ASSOCIATED STUDENTS OF MERRITT COLLEGE, Inc.

### Article 1

#### PURPOSE

The following are the BY-LAWS OF THE ASSOCIATED STUDENTS OF MERRITT COLLEGE, Inc.; hereinafter referred to as A.S.M.C. These **By-laws** are organizational rules to be used in conjunction with and are not intended to override the A.S.M.C. Constitution.

### Article 2

#### THE EXECUTIVE COUNCIL

##### Section I.

Executive Council is the governing body of A.S.M.C. and shall consist of five (5) members; the A.S.M.C. President, the A.S.M.C. Commissioner of Finance, the **Assistant Dean of Student Services, the Student Activities Advisor**, and the A.S.M.C. Accountant. **Vice-President**, Chief Justice, **and I.C.C.** Chair.

##### Section II.

All corporate powers are vested in and exercised by the Executive Council, which shall include the power to conduct and manage the affairs and business of A.S.M.C. These powers to conduct business include and are not restricted to the power to control A.S.M.C. property, and to make such rules and regulations as needed, not inconsistent with the Articles of Incorporation, the **A.S.M.C.** Constitution or the A.S.M.C. **By-laws.**

##### Section III.

The Executive Council shall meet at least four times per academic year. The A.S.M.C. President shall chair and convene these meetings. The A.S.M.C. President/Chair may call for a special meeting provided all Executive Council members are notified in writing prior to seventy hours of the meeting time.

## Article 3

### THE EXECUTIVE BRANCH

#### Section I.

Shall consist of the A.S.M.C. President, the A.S.M.C. Vice-President, the A.S.M.C. Commissioner of Finance, the A.S.M.C. Secretary and the Inter-Club Council (I.C.C.) Chairperson, and Chief Justice.

#### Section II.

The President of A.S.M.C. may nominate additional members to the executive branch. These nominees must be confirmed by a two-thirds (2/3) vote of the A.S.M.C. Senate.

#### Section III.

The Executive Branch will meet a minimum of three times per semester, but may opt to meet as often as necessary.

#### Section IV.

The official posting of the Petition Process for each semester will be the duty of the A.S.M.C. President or his delegate. These postings shall be made in a timely manner so as to allow for the maximum number of student participants.

## Article 4

### THE QUORUM DEFINED

#### Section I.

Quorum is achieved when the number of present voting members of the A.S.M.C. Senate is one-half plus one. A quorum is needed to convene a meeting and to vote on any proposed legislation. However, an official meeting may be convened without quorum for simple discussion provided the meeting is a normally scheduled meeting and all voting members have been notified. In such cases the President may waive quorum for the purposes of a discussion meeting and the waiver must be entered into the minutes.

## Article 5

### A.S.M.C. MEMBERS AND THEIR DUTIES

#### Section I.

##### Petition Process, General Duties

- a. The election/petition process should fill all A.S.M.C. positions. In the event of a mid-term vacancy the President can appoint a replacement provided the candidate completes a petition and is approved by the A.S.M.C. Senate.
- b. All elected, petitioned and appointed A.S.M.C. members are limited to terms not to exceed six semesters.
- c. Eligibility to put oneself forward as a candidate as an A.S.M.C. Officer or Senator is outlined in Article 5, Section I a. of the A.S.M.C. By-laws and in Section 2 of the Election Code.
- d. All eligible candidates should be aware and committed to serving a complete academic year in office, beginning with the fall semester and ending at the close of classes in the Spring Semester.
- e. If a candidate petitions and is seated at any time during the academic year his or her term of office ends at the end of the next or present spring semester.
- f. All members must make notification of an intended absence from an A.S.M.C. meeting, no later than four hours prior to the meeting time. Calling the A.S.M.C. President at 510-436-2535 or the Student Activities Advisor at 510-436-2540 at least four hours prior to a meeting will constitute notification.
- g. Any combination of three absences, whether excused or unexcused is ground for disciplinary action. Such disciplinary action may be censure or probation and up to and including removal from office. A one-time emergency leave of absence of up to three weeks may be negotiated and will be considered one absence.
- h. It is highly recommended that all A.S.M.C. Officers and Council Members purchase and A.S.M.C. Gold Card upon swearing in.

## Section II.

### A.S.M.C. President

- a. Shall be a voting member of the Executive Council.
- b. Shall be an ex-officio member of all A.S.M.C. committees (non-voting, may become voting member with a 2/3 vote of the Senate).
- c. Shall chair all regular and special A.S.M.C. Senate meetings as a nonvoting member except in the case of a tie.
- d. Shall prepare and post the agenda for each A.S.M.C. Council meeting.
- e. Shall as the official spokesperson on behalf of the Student Body government and the Student Body.

## Section III.

### A.S.M.C. Vice President

- a. Shall aid and assist the President in duties previously defined in Article 5, Section II.
- b. Shall be a voting member of the Student Senate/Council, except when acting in the President's stead.
- c. Shall be assigned the title of Acting President during the President's absence and will retain all applicable powers of the President's office during that tenure.
- d. At the President's discretion the Vice-President will notify all A.S.M.C. Senators of any and all special meetings.
- e. Shall take minutes in the absence of the Secretary, and shall receive the same compensation for such duties.
- f. Shall serve as Election Committee Chair.
- g. Shall serve as the A.S.M.C. voting member to CalSACC. (?)
- h. Shall serve as Parliamentarian to the A.S.M.C. Council.

## Section IV.

### A.S.M.C. Commissioner of Finance

- a. Shall be nominated by the President and confirmed by a simple majority of the Senate.
- b. Shall be a member of the Executive Council.
- c. Shall be a member of the Executive Branch.
- d. Shall Chair the A.S.M.C. Finance/Budget Committee.
- e. Shall maintain accurate records of all A.S.M.C. finances and work in conjunction with the A.S.M.C. Accountant.
- f. Shall work with the A.S.M.C. President on yearly budget proposal to be submitted and ratified by the A.S.M.C. Council.
- g. Shall present quarterly financial statements to the Senate, due the meeting after the following dates, October 1, December 1, February1, and May 1.
- h. Shall be a voting member of the A.S.M.C. Council.

## Section V.

### A.S.M.C. Secretary

- a. Shall take, keep and distribute records and minutes of all A.S.M.C. meetings.
- b. Shall have prepared, copied and distributed minutes of the previous **A.S.M.C.** meeting no later than the close of business on the following Monday.
- c. Shall be responsible for filing and maintaining copies of the A.S.M.C. Constitution, **By-laws**, Election Code, meeting minutes, and agendas.
- d. Shall post upcoming meeting agendas no later than seventy-two hours prior to the meeting in accordance with the Brown Act.
- e. Shall post copies of the last meetings minutes as soon as they become available.
- f. Shall maintain binders with the most recent agendas and minutes in the office of the Student Activities Advisor.

- g. May or may not be a member of the A.S.M.C. Senate. If not a member of the Senate secretarial candidates must be nominated by the President and confirmed by a simple majority vote.
- h. Shall receive compensation at a rate set by the A.S.M.C. Senate.

#### **Section VI.**

##### A.S.M.C. Inter-Club Council Chairperson

- a. The Inter-Club Council Chairperson must comply with all general requirements of Senate membership as listed in Article 5, Section I.
- b. Shall be elected in the general election or selected by the President from the seated members of the A.S.M.C. Senate and confirmed by a simple majority of the Senate.
- c. Shall be a voting member of the A.S.M.C. Senate.
- d. Shall oversee all club functions and will hold meetings with club representatives to coordinate planned club activities.
- e. Shall act as liaison between the clubs and the A.S.M.C. Council.

#### **Section VII.**

##### A.S.M.C. Senators

- a. Shall determine the policies of A.S.M.C.
- b. Shall approve the A.S.M.C. budget and all expenditures there from.
- c. Shall be responsible for **the** chartering of all clubs and organizations.
- d. Shall provide start-up funds for chartered clubs and organizations.
- e. Shall file Judicial Petitions concerning interpretations of the A.S.M.C. **By-laws**.
- f. Shall sit on at least one campus wide committee and one internal committee. Committee assignments are made on a voluntary basis or at the discretion of the A.S.M.C. President.

## Section VIII.

### A.S.M.C. Justices

- a. The Judicial Branch shall consist of one Chief Justice and up to four Associate Justices.
- b. Shall meet independent of the A.S.M.C., but not less than once per month.
- c. Shall interpret, when called upon, the A.S.M.C Constitution, **By-laws**, and Election Code.
- d. When called upon will interpret the I.C.C. **By-laws** and Club/Organization rules and or constitutions.
- e. The Chief Justice will be nominated by the President and confirmed by a simple majority of the A.S.M.C. Senate.
- f. The Chief Justice will act as the A.S.M.C. representative in all student grievance hearings and committees.

## Section IX.

### A.S.M.C. Ad Hoc Commissioners

- a. The President may appoint Ad Hoc Commissioners with specific duties when these duties do not conflict with the A.S.M.C. Constitution or **By-laws**.
- b. When authorized by a two-thirds (2/3) vote of the A.S.M.C. Senate these Ad Hoc Commissioners may be granted voting privileges.

## Section X.

### Presidential Advisory Officer

- a. The immediate past **A.S.M.C.** President may serve in an advisory non-voting capacity with the incoming **A.S.M.C.** Student Council, with all rights and privileges of a sitting member. This office is limited to the immediate past President and can only be filled by the immediate past President, one office holder at a time.
- b. This Section was added 05/23/06

## Article 6

### THE A.S.M.C. LEGISLATION

#### Section I.

Any action motion put forward by any A.S.M.C. voting member shall be known as a legislative bill. Passage of any such legislative action requires a simple majority by the A.S.M.C. Senate.

#### Section II.

Before any action item or legislation can take effect it must be signed by the A.S.M.C. President.

#### Section III.

Any A.S.M.C. Senator can appeal a proposed motion or a piece of legislation on behalf of any student who has been directly affected by that legislation. The A.S.M.C. Judicial Branch, whose findings are final, hears the appeal.

#### Section IV.

Any legislative bill left for more than ten (10) working days, shall become law without the signature of the A.S.M.C. President. Sitting bills become law.

## Article 7

### VETO POWERS

#### Section I.

The A.S.M.C. President shall have the right to veto legislation. All vetoes shall be announced at the next regularly scheduled Senate meeting.

#### Section II.

A Presidential veto may be overridden by a two thirds (2/3) vote of the A.S.M.C. Senate.



## Article 8

### JUDICIAL PETITIONS

#### Section I.

Questions about the **By-laws** or questions regarding the constitutionality of an issue may and should be addressed to the Chief Justice in the form of a written petition and submitted by an A.S.M.C. Senator.

#### Section II.

The petition submission should include a brief summary of the issue in question and must be accompanied by the signatures and identification numbers of ten (10) current Merritt students in good standing, or a simple majority of the A.S.M.C. Senate.

#### Section II.

Upon receipt of the petition the Chief Justice will convene the Judicial Council within seven (7) academic days and announce the receipt of the petition at the next immediate A.S.M.C. meeting.

#### Section III.

The Judicial Council will meet and decide whether or not to grant a formal hearing to this issue. The decision to hear or not hear the issue at a formal hearing will be announced at the next immediate A.S.M.C. meeting.

#### Section IV.

If the Judicial Council finds that the issue warrants a formal hearing they will schedule such a hearing. At the formal hearing any and all information and any and all parties with interest may bring proofs and evidence before the Judicial Council.

#### Section V.

After the formal hearing the Judicial Council must announce its findings within seven (7) academic days and the findings must be announced to the entire **A.S.M.C.** at the immediate next meeting.

#### Section VI.

Senators may file a petition(s) for appeal of a decision on any motion voted on in the Senate within seventy-two (72) academic hours (three academic days) to the Judicial Council.

## Article 9

### AGENDAS AND MEETINGS

#### Section I.

Agenda - A posted and printed Agenda must include time and location of meeting and must include all items on which the Senate may take action.

#### Section II.

Senate meetings shall be held at least once a week during the academic year with the exclusion of semester breaks and spring break. Agendas for these meeting must be posted on the bulletin board outside **R-145** at least seventy-two hours prior to the start of the meeting.

NOTE: THIS SECTION WAS AMMENDED ON JANUARY 31, 2003 TO READ:

The President of the Associated Students of Merritt College is responsible for setting the time, date and frequency of the **A.S.M.C.** Student Council Meetings with a majority approval of the voting members of the **A.S.M.C.** Council. At his or her discretion the **A.S.M.C.** may call for a vote to schedule **A.S.M.C.** Council Meetings no fewer than every other week during the academic year with the exclusion of semester break. Agendas for these meetings, no matter the frequency, must be posted outside the **A.S.M.C.** Student Council Chambers, **R-130**, at least seventy-two (72) hours prior to each meeting.

#### Section III.

Special meetings may be called by the A.S.M.C. President to handle a specific issue. No other business is to be transacted during these special meetings. Notification to all voting members must be made at least twenty-four (24) hours prior to the start of the special meeting.

#### Section IV.

An emergency meeting may be called in the event of the threat of the disruption of a public facility.

## **Section V.**

All official A.S.M.C., Executive Council, Senate, Judicial, and Committee meetings must be held on the Merritt College Campus.

NOTE: IF FURTHER CLARIFICATION OF THIS ARTICLE IS NECESSARY PLEASE CONSULT THE “BROWN ACT”.

## **Article 10**

### **A.S.M.C. STUDENT I.D. CARDS**

#### **Section I.**

All registered students are eligible for the first free Merritt College I.D. Card. Replacement of lost or discarded I.D. cards cost \$5.00.

Section II. All registered students are encouraged to purchase an A.S.M.C. Gold Card, which entitles the holder to several discounts with area merchants.

## **Article 11**

### **COMMITTEES (Internal and External)**

#### **Section I.**

The Chairpersons of all standing and ad hoc committees shall be appointed by the A.S.M.C. President and confirmed by a simple majority vote of the A.S.M.C. Senate.

#### **Section II.**

Standing Committee(s): Finance/Budget, PR/Publicity, and ICC.

- a. The Finance/Budget Committee shall be made of the A.S.M.C. President, the Commissioner of Finance, ICC Chairperson, and the A.S.M.C. Accountant.
- b. All other committees will be filled on an as needed basis and as interests arise.

#### **Section III.**

Each member of the A.S.M.C. Senate will sit on at least one campus wide committee and one internal committee.

## Article 12

### THE INTER-CLUB COUNCIL AND CLUB CHARTERING

#### Section I.

A.S.M.C. is the sole chartering authority for Merritt College Student Clubs.

#### Section II.

The I.C.C. shall derive its powers from the A.S.M.C. and shall adopt measures necessary to insure that I.C.C. **By-laws**, rules, and regulations do not conflict with the A.S.M.C. Constitution of the A.S.M.C. **By-laws**.

#### Section III.

The I.C.C. Chairperson must comply with all election, appointment and eligibility requirements as outlined in Article 5, Section I.

#### Section IV.

The purpose of the Inter-Club Council shall be:

- a. To coordinate and promote quality clubs and organizations with the improvement of the quality of campus life as the nexus of its mission.
- b. To provide a forum to discuss club and organizational concerns and to disseminate information to the clubs and organizations.
- c. To assist clubs and organizations in the proper procedure to request additional funding from their A.S.M.C. held trust accounts.
- d. To issue a Certificate of Charter once the club or organization is officially chartered by A.S.M.C.

#### Section V.

Detailed description of the organization of the I.C.C. can be found in the I.C.C. **By-laws**.

## Article 13

### THE ELECTION/PETITION PROCESS

#### Section I.

The elected/petitioned officers of A.S.M.C. shall be the President, Vice-President, Commissioner of Finance, I.C.C. Chairperson, Justices, and at least seven (7) Senators and not more than thirteen (13). If there is increased student interest the President, with a simple majority vote of the Senate may seat more than thirteen (13) Senators.

#### Section II.

The President shall nominate a Pro Tem I and a Pro Tem II to serve in his stead in the event the Vice-President is unavailable to serve in the President's absence. Both Pro Tem nominations must be confirmed by a simple majority vote of the Senate.

#### Section III.

A general election shall be held during the first three weeks of every April and shall comply with the guidelines set forth in the Election Code.

#### Section IV.

The petition process will be open and available to any eligible student throughout the academic year. If a vacancy occurs the President is authorized to nominate a petitioner for the vacant seat. Upon confirmation of the nominee by a simple majority vote of the Senate the nominee will be seated.

#### Section V.

The order of succession for the A.S.M.C. shall be President, Vice-President, Pro Tem I, and Pro Tem II. These assumptions of office must be confirmed by a simple majority vote of the Senate.

#### Section VI.

Upon receipt of a petition for recall that carries the signatures and identification numbers of a majority of Merritt College students in good standing the Senate must call for a recall election and this election must be held in accordance with the Election Code.

#### Section VII.

The Election Committee shall be chaired by the Vice-President and selected and function in accordance with the Election Code.

### **Section VIII.**

The Election Code and the Petition Process will be the only authority governing the election process from start to finish.

### **Section IX.**

The Election Code and the Petition Process may be revised only by a two-thirds (2/3) vote of the A.S.M.C. Senate.

## **Article 14**

### **VOTING RIGHTS**

#### **Section I.**

Any and all registered students are members of the Associated Students of Merritt College and are eligible to vote in the General Election, Special Elections, and participate in the petition signing process.

#### **Section II.**

All students will be required to show a Merritt College Identification Card and proof of current enrollment to vote.

#### **Section III.**

It shall be the duty of the Vice-President and the Election Committee to make polling places available.

#### **Section IV.**

Proxy voting, absentee ballots, and any other nontraditional forms of voting are prohibited. A student must be present and cast his/her own ballot.

## **Article 15**

### **THE IMPEACHMENT/REMOVAL FROM OFFICE**

#### **Section I.**

When any member of the Associated Students of Merritt College presents a written charge of misconduct against any sitting or appointed member of the Associated Students Student Council those charges must be investigated for credibility.

NOTE: Any member of the Associated Students of Merritt College is subject to impeachment and removal from office if it can be proven that that member violated these By-Laws, the **A.S.M.C.** Constitution, Merritt College Policy, Peralta Community College **District** Policy, or the California Education Code.

## **Section II.**

The President of A.S.M.C. shall empower the Chief Justice to empanel an investigation committee composed of not less than three but no more than five elected members of the Associated Student Council. This investigation must be completed within ten academic days from the date of the officially lodged accusation.