



Associated Students of Merced College Constitution & Bylaws

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**Revised May 2009
Approved by the Board of Trustees
June 16, 2009**

The Official Constitution of the Associated Students of Merced College

Preamble

We, the students of Merced College, as represented by the Associated Students of Merced College (ASMC), have established the Associated Students Council, herein referred to as “the Council”, for the purpose of preserving, protecting, and defending students’ rights, academic freedom, and representative student government; to promote the educational, social and cultural opportunities of Merced College; to assist the enjoyment of the diversity of Merced College and the community at large; to advocate for full student participation in the affairs of Merced College; and to discharge the authority vested in the Associated Students by the State of California and the Board of Trustees of the Merced Community College District; do hereby establish and adopt this Constitution.

Article I – Name and Colors

Section 1. The name of this organization shall be the Associated Students of Merced College (ASMC).

Section 2. The official colors shall be blue and gold.

Article II – Membership

Section 1. Active membership shall be conferred upon students who are officially registered and pay ASMC dues.

Section 2. Honorary membership shall be conferred upon officially registered advisors of active clubs.

Section 3. The Council shall determine what privileges and benefits shall be granted to members.

Section 4. The cost of membership dues shall be recommended to the Board of Trustees by the Council and shall be contained in the Bylaws.

Section 5. Honorary members cannot vote.

Article III - Government

- Section 1.** ASMC has the right to self government pursuant to the California Education Code and subject to the regulations of the State of California, the Board of Governors of the California Community College System, and Merced College policies.
- Section 2.** The authority of ASMC shall be vested in the Associated Student Council. The Council shall consist of a President, Executive Vice President, Vice President of Judicial Affairs, Treasurer, Student Trustee, six (6) senators elected at large, and one (1) representative from each officially chartered student organization (SO) on campus.
- Section 3.** The Council shall have the rights and powers, as granted by this Constitution and as defined in the Bylaws, to execute the purpose of ASMC as stated in the preamble of this Constitution.
- Section 4.** Parliamentary authority shall be vested in Roberts Rules of Order (newly revised) and The Brown Act. Should Roberts Rules and/or The Brown Act contradict this Constitution or its Bylaws, then Roberts Rules of Order and/or The Brown Act shall prevail.

Article IV – Officers and Duties

- Section 1.** The executive officers of the Council shall be the President, Executive Vice President, Vice President of Judicial Affairs, Trustee, Treasurer, five Senators at Large, and one Senator representing the Los Banos Campus. The executive officers shall serve terms of one academic year commencing with their inauguration at the final council meeting of the academic year. Executive officers shall each have one vote.

Clause A. President:

The President shall serve as the chief executive officer of ASMC; shall have the power to call all meetings of the Council and its Executive Committee and shall preside over their meetings; shall serve as the official spokesperson for ASMC; shall have the power to make all necessary appointments and to create, dissolve, and determine the size and composition of ad hoc committees with the approval of the Council; shall vote only in the case of a tie or when such a vote would effect a required two-thirds (2/3) or three-fourths (3/4) vote; and shall perform other tasks as assigned by the Council.

Clause B. Executive Vice President:

The Executive Vice President shall be responsible for the duties of the President in the event that the President is outside the College District or its service area and cannot be contacted, or if the office of President is vacant; shall be responsible for all aspects of shared governance as it relates to ASMC; shall serve as the Council's Parliamentarian; shall chair the Rules Committee; and shall perform other tasks as designated by either the President or the Council.

Clause C. Vice President of Judicial Affairs

The Vice President of Judicial Affairs shall be responsible for heading the Judiciary Committee. He/she shall be responsible for the President's duties if the President and Executive Vice President are unavailable or if these offices are vacant. He/she shall be responsible for all aspects of shared governance as it relates to ASMC, and shall perform other tasks as designated by either the President or the Council.

Clause D. Treasurer:

The Treasurer shall be responsible for the duties of the President and the Vice President in the absence of the President or should both offices be vacant; shall oversee the accounting and disposition of ASMC funds; shall advise the President and the Council on all matters of finance and financial administration; shall provide a report of the Council's financial transactions at council meetings; shall prepare and issue to the Council's membership financial reports on an as-requested basis; shall serve as the ASMC representative to the Committee on Budget Review and Recommendations; shall chair the Finance Committee; and shall perform other tasks as assigned by either the President or the Council.

Clause E. Trustee.

The Student Trustee shall serve as the student representative to the Merced College Board of Trustees. He/she shall be responsible for: attending all meetings of the Board of Trustees; representing ASMC at Board meetings; relaying to the Board of Trustees the views of ASMC and providing a communication bridge between the Board of Trustees and the student body; relaying all information and proceedings of the Board of Trustees to the ASMC Council; and providing ASMC with written reports about every Board of Trustees' meeting. In addition, the Student Trustee will also be a voting member of the ASMC Council and the Executive Council, as well as student representative to the Educational Master Planning Committee. The Student Trustee may also be the statewide representative to and CSSEEA.

Section 2. The legislative officers of the Council shall be five (5) senators at large, one senator representing the Los Banos Campus, and one (1) representative from each officially chartered student organization on campus. Legislative officers shall serve a term of one (1) full year commencing with their inauguration at the final council meeting of either the fall or spring academic semester. Legislative officers shall each have one vote.

Clause A. Senators:

Five (5) senators at large, and one senator representing the Los Banos Campus shall represent ASMC at large; shall be responsible for presenting student concerns to the Council; matters pertaining to publicity, coordination of events, and promotion of student involvement in ASMC; and all shall fulfill other tasks as assigned by the President or the Council. All are required to be on one shared governance committee and one ASMC Committee. The senator representing the Los Banos Campus must either reside in Los Banos or be enrolled in at least one (1) credit course located at the Los Banos Campus.

Clause B. Representatives:

Each student organization which has been officially chartered by the Council shall have the right to send one representative to the Council. Representatives shall present their organization's concerns and interests to the Council and shall fulfill other tasks as assigned by the President or the Council. Representatives shall be the president of their respective organization or the president's designee approved by the organization's executive body.

Section 3. The Council's executive officers, senators, and all candidates for election or appointment to the Council shall be required to fulfill certain qualifications for holding or seeking office.

Clause A. The executive officers and senators shall have completed twelve (12) units prior to seeking election or appointment to office.

Clause B. All individuals seeking election or appointment to an executive or senator's position shall be required to hold current membership in ASMC; carry a minimum of twelve (12) units; and have and maintain a cumulative GPA of 2.5.

Clause C. All executive officers and senators shall enroll in and attend Student Government (STGV-33) for the duration of their term.

Clause D. Students who have not yet completed one (1) semester are exempt from the GPA requirement.

Clause E. No person shall hold more than one voting position on the Council at any one time.

Section 4. Chain of Command
President
Executive Vice President
Judiciary Vice President
Student Trustee
Treasurer
President of Merced College will appoint new Executive Council

Article V – Student Organizations

Section 1. All student organizations which have been officially chartered shall belong to the Council and shall have the right to send one representative to the Council.

Section 2. The constitutions, bylaws, and any other regulation governing student organizations shall not contain any provisions contradictory to the ASMC Constitution and Bylaws.

Section 3. The rights and privileges, organizational requirements, and provisions for council membership shall be provided for in the Bylaws.

Article VI – Rules of Accountability

Section 1. In the event of malfeasance, misfeasance, or nonfeasance on the part of any member of the Council, the Council may reprimand or censure, by means of a two-thirds (2/3) vote of the Council voting, the offending member. The censure or reprimand shall be a formal written statement presented to, and approved by, the Council showing cause. This statement, if approved, shall be publicly posted for a period of thirty (30) instructional days and shall be made part of the Council's permanent files.

Section 2. The Ethics Code governing Article VI shall be contained in the Bylaws.

Section 3. All Merced College policies and procedures guaranteeing due process shall apply to Article VI.

Article VII – Referendum, Initiative, and Recall

- Section 1.** The Council may submit proposed legislation to a referendum of the student body. This referendum shall occur within fifteen (15) instructional days upon public notification unless there is a regular or special election already scheduled. The student body may submit a petition to the Council, signed by three percent (3%) of the student body, requesting a vote on any proposed legislation. Following verification that the signatures on said petition are valid, an election shall be scheduled within fifteen (15) instructional days of the referendum. Should an election already be scheduled, the petition must be submitted ten (10) instructional days prior to that election. A two-thirds (2/3) majority of the votes cast in the affirmative shall be required to pass said legislation.
- Section 2.** Merced College students shall have the right to initiate legislation by means of a petition signed by three percent (3%) of the student body. Said petition shall be presented to the Council with the proposed legislation stated in full. Following verification that the signatures on said petition are valid, an election shall be held within fifteen (15) instructional days of receipt of said petition. Should an election already be scheduled, the petition must be submitted ten (10) instructional days prior to the election. A two-thirds (2/3) majority of the votes cast in the affirmative shall be required to pass said legislation.
- Section 3.** All executive officers and senators may be subject to recall by the student body. A petition requesting a recall shall be submitted to the Council signed by three percent (3%) of the student body. Following verification that signatures on the petition are valid, the Council shall schedule an election within fifteen (15) instructional days. Should an election already be scheduled, the petition must be submitted ten (10) instructional days prior to that election. The office shall be vacated immediately should two-thirds (2/3) of the votes cast be in the affirmative. The affected officer shall be notified in writing by the Council, and/or in the case of gross neglect of duty or wrongdoing, any member of the Council may be removed from office only upon notification following a hearing, and for cause, by approval of three-fourths (3/4) of the Council voting. The Council shall be the sole judge of cause and shall represent the final decision of ASMC.

Article VIII – Elections

- Section 1** All Merced College students who are officially registered, credit or non credit, shall be entitled to vote in all elections sponsored by ASMC.
- Section 2.** The procedures for governing elections shall be contained in the Bylaws.

Article IX – Amendments

- Section 1.** Amendments to the ASMC Constitution may be proposed by the Rules Committees or by the student body.

Clause A. Amendments proposed by the Rules Committee must be approved by a simple majority vote (half+1) of the members voting and sent to the Council for two (2) readings and a vote. Two-thirds (2/3) of the Council voting in the affirmative shall be required to place the amendment on the ballot for an election.

Clause B. Amendments proposed by the student body shall fall under Article VII, Section 2, of this Constitution.

- Section 2.** Each proposed amendment shall require an affirmative vote of two-thirds (2/3). Amendments which fail to receive the required majority shall be rejected.
- Section 3.** No amendment to this Constitution shall be retroactive.
- Section 4.** All amendments are subject to the approval of the Board of Trustees. Provided the Board of Trustees ratifies the proposed amendments, they shall then take effect for the next ASMC election.

Article X – Ultimate Authority

- Section 1.** The Superintendent/President of the Merced Community College District shall be the ultimate authority in all matters pertaining to ASMC. Any decision made by the Superintendent/President may be appealed to the Board of Trustees.

Bylaws to the Official Constitution of the Associated Students of Merced College

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- 1. The Associated Students Council shall create a set of Bylaws for the ASMC Constitution.**
 - 1.1** A two-thirds (2/3) vote of the Associated Students Council voting shall be required to amend, create, suspend, or abolish any bylaw.
 - 1.2** No bylaw or bylaw change shall contradict any amendment of the Constitution.
 - 1.3** Any bylaw suspended shall remain suspended until the Council, by a two-thirds (2/3) vote of the Council voting, votes to reinstate that bylaw.
 - 1.4** Approved changes to the Bylaws shall take effect at the conclusion of the Council meeting at which they were approved.
 - 1.5** A proposed bylaw change must have two (2) readings prior to a vote.

- 2. ASMC Membership Dues.**
 - 2.1** Active members shall pay ten dollars (\$10) for each fall or spring semester. Membership dues may be paid at the time of registration or any time during the semester.
 - 2.2** Membership dues collected from active members who are exclusive to the Los Banos Campus, shall remain at the Los Banos Campus. Until such time that there is a separate, active council at the Los Banos campus, the funds will be put in the general ASMC budget.

3. The Associated Students Council.

Rights and Powers of the Council.

- 3.1-1** All appropriations of ASMC funds, including the annual budget, shall be approved by the Council, by a simple majority vote (half+1) of the Council voting.
3.1.1.5 The annual budget shall be approved the semester prior to its implementation.
- 3.1-2** All appointments and removals made, and the creation and dissolution of *ad hoc* committees, shall require a two-thirds (2/3) vote of the Council voting.
- 3.1-3** The Council shall have the right to charter, recognize, and revoke the charter and recognition given all student organizations by a two-thirds (2/3) vote of the Council voting.
- 3.1-4** The Council shall have the right to pass any type of legislation affecting ASMC.
- 3.1-5** The Council may, by simple majority vote (half+1) of the Council voting, recommend to the Superintendent/President that the ASMC Advisor be removed from his/her position.
- 3.1-6** The Council shall have the right to fill any vacant executive or senator's position fifteen (15) instructional days following creation of a vacancy.

3.2 Provisions for ASMC Meetings.

- 3.2-1** All ASMC meetings, including those of the Council and standing and *ad hoc* committees, shall be subject to the provisions of the Ralph M. Brown Act, dealing with legislative bodies and public meetings, and Roberts Rules of Order (newly revised).
- 3.2-2** The President, in consultation with the advisor, has the option to schedule a minimum of one (1) organizational meeting during the summer.
- 3.2-3** The President shall preside over all meetings of the Council, unless Constitutional Article IV, Section 1. Clauses B and C, apply.
- 3.2-4** Should any elected or appointed member of the Council miss three (3) unexcused meetings, the Council may, by a simple majority vote (half+1) of the Council voting, declare that office vacant.

3.2-4(1) An excused absence shall constitute any council member contacting the President or the advisor prior to the meeting and informing them of his/her absence. The only excusable absences are those caused by the council member participating in official ASMC business.

3.2-5 The President may appoint a Clerk who shall be responsible for taking, posting, and distributing minutes; developing, posting and distributing agendas and matters of correspondence; and other administrative tasks as assigned by the President or the Council.

3.2-6 A two-thirds (2/3) vote of the Council voting shall be required to suspend and reinstate Roberts Rules.

3.2-7 A five (5) minute time limit for discussion shall be in effect for each agenda item and for each Council member. Council can vote to extend discussion on an agenda item.

3.2-8 The Council shall meet on a bi-weekly basis, excepting finals week, summers, and vacation periods.

3.2-9 A simple majority (half+1) of the total Council membership shall constitute a quorum.

3.2-10 The organization of agendas for council meetings is provided below:

3.2-10.1 Call to Order

Pledge of Allegiance

Roll Call

Hearing of the Public

Approval of Minutes

Additions to the Agenda

Reports:

President

Vice President

Treasurer

Senators (in order of election or appointment)

Representatives (in alphabetical order by student organization)

Advisor

Committees (ASMC & Shared Governance)

Approval of Consent Agenda:

To the Council for Action:

Future Items for Discussion or Action:

To the Council for Information:

Announcements:

Adjournment:

3.2-10.2 Items may be added to the agenda only if they constitute an emergency or informational in nature. An emergency shall be defined as something which will cause a work stoppage if not addressed immediately.

3.2-11 Creation and distribution of the ASMC agendas will be in accordance with the Brown Act. For items to be placed on the agenda, they must be received by the ASMC staff at least one week prior to the meeting date. Any submissions later than this deadline will be placed on the following meeting's agenda.

3.3 Standing & Ad hoc Committees

3.3-1 Standing Committees shall be the following: Executive, Judiciary, Rules, Finance, Elections, and Awards.

3.3-12 The Judiciary Committee

The Judiciary Committee shall be responsible for judging the constitutionality of actions taken by the ASMC Council. For the committee to judge an action, it must have a written complaint submitted to the Vice President of Judicial Affairs. The committee will then have a hearing to decide whether said action was constitutional. If found unconstitutional, the Committee will then be responsible for recommending disciplinary action to the Council in response to said unconstitutional action.

3.3-13 The Rules Committee shall be responsible for reviewing the ASMC Constitution and Bylaws and submitting proposed changes to the Council; reviewing the constitutions and bylaws of student organizations and ensuring their compliance with the Council's policies governing student organizations; and interpreting the ASMC Constitution and Bylaws. It shall be chaired by the Executive Vice President, and its members shall be appointed by the ASMC President.

3.3-14 The Finance Committee shall be responsible for the development of the annual ASMC budget and to recommend changes in the current budget. It shall be chaired by the Treasurer and its members shall be students appointed by the Treasurer. If the treasurer or other members fail to

perform their duties, the remainder of the Finance Committee shall be responsible for the election of a new chair and presenting the Council with a budget.

3.3-15 The Elections Committee shall be responsible for overseeing all ASMC elections and for enforcing the provisions of the ASMC Elections Code. It shall be chaired by an executive officer, senator, or representative. The membership may consist of up to six people in addition to the chair. No candidate for election or re-election shall serve on the committee. The chair and the members shall be appointed by the Council.

3.3-16 The Awards Committee shall be responsible for administering the provisions of 3.5. The Committee shall consist of five (5) members appointed by the President and approved by the Council.

3.3-2 Ad hoc committees shall be created by the President or the Council on an as needed basis (i.e. homecoming, spring carnival, cultural fair, club fair, etc).

3.3-3 The ASMC Advisor or his/her designee shall be required to attend each meeting of all standing committees.

3.3-4 Standing Committees shall hold meetings only when necessary an/or requested

3.3-4(1) Should any standing committee be in violation of 3.3-4, the President shall be empowered to call that committee into session.

3.3-5 Committee chairs shall not vote except in the case of a tie vote.

3.4 Awards

3.4-1 The Council may institute awards for services or activities within the jurisdiction of ASMC.

3.4-2 The Awards Committee shall take all nominations into consideration and shall make all final decisions regarding awards,

3.4-3 No council member or student organization shall nominate themselves.

3.4-4 Awards shall be either plaques or certificates.

3.4-5 Presentation of the awards shall be made at an appropriate ASMC Council meeting

3.4-6 There shall be two (2) award categories.

3.4-74 Outstanding Student Organization. May be awarded to the student organization which has demonstrated excellence in community service, service to Merced College, student leadership training, or has been recognized locally, regionally, or nationally.

3.4-75 Outstanding Advisor Award. May be awarded to one (1) or two (2) student organization advisor(s) who has contributed outstanding time, effort, and guidance to help further the interests and goals of their organization.

3.4-8 All Awards shall be made with the utmost objectivity and fairness without regard to race, creed, political affiliation, gender, national origin, sexual orientation or any other subjective influence.

3.5 Criteria for Conference, Workshop, or Seminar Attendance

3.5-1 The ASMC President and Advisor shall select attendees

3.5-2 Students attending shall hold a current ASMC sticker.

3.5-4 Failure to adhere to the Merced College Code of Student Conduct shall result in the attendee being sent home at their own expense; being required to reimburse ASMC for the cost of their attendance; not being permitted to attend future events for a minimum of one (1) academic year; and being subject to disciplinary action by the College and/or ASMC.

3.6 Use of ASMC Property

3.6-4 Use of ASMC property shall require the completion and submission of proper use and release forms required by both ASMC and the College.

3.6-5 Property users shall abide by all contracts signed, or regulations established by the College or ASMC.

3.6-6 Violations of 3.6-5 shall result in users being barred from using ASMC property for a period of time to be established by the Council.

- 3.6-7** The signatures of the President or designee and ASMC Advisor shall be required on all "Use Requests."
- 3.6-8** Users shall be financially liable for repair or replacement of ASMC property.
- 3.6-9** For-profit organizations shall pay rental fees of fifty dollars (\$50) per day, plus an initial refundable security deposit of two-hundred dollars (\$200).
- 3.6-10** Non-profit organizations shall be exempt from the provisions in 3.6-9.
- 3.6-11** The use priority shall be as follows: the Council, student organizations, Los Banos, non profits, for profits.

4. Student Organizations

4.1 Requirements for Student Organizations

- 4.1-1** A roster showing a minimum of ten (10) members holding current ASMC membership.
- 4.1-2** A classified, faculty, or administrative employee (full or part time) who has agreed to serve as advisor. More than one advisor is recommended however, no more than three (3) advisors will be allowed.
- 4.1-3** A constitution and a set of bylaws.
- 4.1-4** Potential new clubs must request to be added to the ASMC Council agenda in the appropriate time as provided for in **3.2-11**.
- 4.1-5** Provided that the Council grants advisory status, the student organization shall be entitled to the rights and privileges granted student organizations which have been granted official status.
- 4.1-6** Student organizations with advisory status shall be required to attend four (4) consecutive Council meetings before they can be considered for official status. Failure to do so will result in immediate deactivation by the Council.
- 4.1-7 (1)** Should any student organization with official status miss two (2) consecutive Council meetings, they shall be deactivated and must reapply for advisory status.

4.1-8 Student organizations which have been granted official status shall be entitled to have their organization's president, or the president's designee, which has been approved by the organization's executive body, belong to the Council as a representative. The club advisor(s) cannot serve as the official representative of the club to the Council (see Article II, Section 5 of the ASMC Constitution).

4.2 Rights & Privileges

4.2-1 Student organizations with both advisory and official status shall be entitled to participate in activities or events, fund raise, spend money, hold meetings, advertise, and use College facilities.

4.2-2 Potential new clubs may solicit interest by advertising, tabling in the quad, and holding no more than two meetings before requesting advisory status with approval of the Council.

4.2-3 Only student organizations with official status shall be entitled to send a representative to the Council and have a vote.

4.2-4 Any student organization which has been deactivated shall lose all rights and privileges.

4.2-3 (1) All assets are frozen and all property is confiscated by the Council.

4.2-3 (2) Only debts incurred prior to deactivation shall be paid with the student organization's funds.

4.2-3 (3) Any student organization deactivated for one (1) full year shall have their assets and property transferred to the Council's ownership.

4.2-3 (4) Deactivated student organizations shall not be allowed to advertise, hold meetings, fund raise, spend money, use College facilities, or participate in activities or events.

4.3 Role and Responsibility of the Club Advisor(s)

4.3-1 At least one (1) official club advisor must be present at every official club function (meetings, activities, etc.)

4.3-2 Club advisors must sign and approve of any use of official club funds

4.3-3 Club advisors are responsible for ensuring that the club members are following their Club's Constitution and Bylaws, the ASMC

Constitution and Bylaws, District guidelines, Merced County health codes, and any local, state, and federal laws.

- 4.3-4** Official club advisors will be considered Honorary members of ASMC in accordance with Article II of the ASMC Constitution.

5. Code of Ethics

5.1 The students of Merced College are entitled to have complete confidence in the integrity of their student government and elected or appointed representatives.

- 5.1-1** No elected or appointed member of the Council, or its representatives, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or that would tend to impair judgment or impartiality of action in the performance of such duties.
- 5.1-2** No elected or appointed council member or ASMC representative shall engage in any enterprise or activity which shall result in any of the following:
- (1)** Use of ASMC resources for private gain or advantage.
 - (2)** Use of official information unavailable to the general public for private gain or advantage.
 - (3)** Receiving or accepting monetary benefits or other considerations from anyone other than ASMC for the performance of official duties.
 - (4)** Receiving or accepting, directly or indirectly, any gift, gratuity, or favor from anyone doing business with ASMC under circumstances from which it could be reasonably inferred that such was intended to influence or reward official action.
 - (5)** Engaging in or accepting private employment or rendering service(s) for private interest when such is incompatible with the proper discharge of official duties.
- 5.1-3** Every elected or appointed council member or AS representative shall disclose completely the nature or extent of any interest, direct

or indirect, which is a conflict of interest in the execution or performance of official duties.

- 5.1-4** The penalty for violation(s) of the Ethics Code shall be provided for in Article VI of the Constitution.

6. Elections Code

Definitions

- 6.1-1** Campaigning: Any and all parts of an act to acquire votes.
- 6.1-2** Voter: An officially registered Merced College student.
- 6.1-3** Terms: "shall", "must", "will", are defined as mandatory --- "may", "can", are defined as permissive.

6.2 Elections Procedure

- 6.2-1** The Elections Committee shall publicly notify the student body of upcoming elections five (5) instructional days prior to issuing nomination petitions.
- 6.2-2** Nomination petitions shall be made available to prospective candidates no less than ten (10) instructional days prior to elections.
- 6.2-2** (1) Only candidates shall secure nomination petitions
6.2-2(1.1) Nomination petitions shall be created by the Elections Committee and approved by the Council.
- 6.2-2** (2) In order to secure nomination petitions, candidates must complete a form which shall contain the following:
6.2-2 (2.1) Their name (printed & signed).
6.2-2(2.2) Their home & mailing address.
6.2-2(2.3) Their home telephone number.
6.2-2(2.4) Their ASMC sticker number.
6.2-2(2.5) The office they are seeking.
- 6.2-2** (3) Within the allotted time, petitions shall be completed and initialed by a member of the Elections Committee or by the ASMC Advisor, Student Activities Director, or the Student Activities Office Secretary.

- 6.2-2** (4) Nomination petitions shall be signed by fifty (50) students.
- 6.2-2** (5) Prospective candidates shall complete the attached candidate statement and return it with the petition.
- 6.2-2** (6) No student may sign more than one (1) petition for the same office to include President, Vice President, Treasurer and Trustee.
- 6.2-2** (7) The timeframe for petitions shall be five (5) instructional days.
- 6.2-2** (8) The Elections Committee shall determine, with Council approval, the times the petitions are to be issued and returned to the Student Activities Office. The election shall begin at least 25 days prior to the last instructional day of the semester.
- 6.2-2** (9) At the conclusion of the time allowed for petitions to be filed, the Elections Committee and Student Activities Office shall review each petition and verify, through use of the most up-to-date alpha list, the name of each student who has signed a petition.
- 6.2-2** (10) Following this verification process, the Committee shall submit a list of candidates to the ASMC Advisor, who shall check with Admissions and Records to ensure the candidate's academic eligibility.
- 6.2-2** (11) All eligible candidates shall be required to attend a candidates' forum which shall be publicly posted.
- 6.2-2** (12) All eligible candidates shall be required to attend a candidates' orientation session for the purpose of reviewing the Elections Code, photographing candidates, and answering any questions.
- 6.2-3** Ballots shall be printed and shall contain the following:
 - 6.2-31** Elected offices of the Council shall be printed in order of importance, with candidates' names printed in order of date nomination forms were received.
 - 6.2-32** Names of candidates shall be next to the office they are seeking in the order of their petition filing date.

- 6.2-33** Incumbents shall be identified with an asterisk (*) next to their name.
- 6.2-34** Any item relating to Articles VII or IX of the Constitution, in order of their being filed with the Council.
- 6.2-4** The Elections Committee shall submit a tentative list of poll workers to the Council for approval.
- 6.2-41** No poll worker shall be a candidate for office.
- 6.2-42** A minimum of two (2) and a maximum of four (4) poll workers shall be on duty at all times at each polling station when possible.
- 6.2-43** The Elections Committee shall develop a schedule for the poll workers to work at each polling station.
- 6.2.44** District employees shall serve as monitors at polling stations.
- 6.2-5** There shall be a minimum of one (1) polling station at the College and one (1) polling station at the Los Banos Campus.
- 6.2-6** The elections shall be scheduled as follows:

 - 6.2-61** Two (2) consecutive instructional days at the main campus in Merced. Voting hours will be determined by the Executive Board.
 - 6.2-62** One (1) instructional day at the Los Banos Campus.
 - 6.2-63** Two (2) consecutive instructional nights at the main campus in Merced.
 - 6.2-64** One (1) instructional night at the Los Banos Campus.
- 6.2-7** Write-in candidates shall not be permitted.
- 6.2-8** The Elections Committee shall secure from Admissions and Records two (2) up-to-date alpha lists, one for Merced and one for Los Banos, for the purpose of enabling poll workers to verify that each voter is a student.

 - 6.2-81** A student must provide photo ID to the poll workers, who will then check the list to ensure that the student is eligible to vote.

6.2-82 Once the student's eligibility has been verified, the poll worker will highlight the student line to show that they have voted and will then issue the student a ballot.

6.2-83 The student shall place the completed ballot in the ballot box.

6.2-9 At the conclusion of each voting period, the Elections Committee shall place the ballots in a sealed envelope and locked in a secure location by the advisor, until the vote tally commences.

6.2-10 Only the Elections Committee shall issue ballots to poll workers.

6.2-11 Unmarked ballots shall be secured in the Student Activities Office.

6.2-12 The Elections Committee and the ASMC Advisor, or their designee, shall tally the total vote within forty eight (48) hours of the polls closing on the final day of elections.

6.2-121 A plurality of the votes cast for each office shall be sufficient to declare a victor.

6.2-122 In the event of a tie vote, the ballots will be counted three (3) times. If necessary, the tie will be broken by the two contenders flipping a coin to determine the winner.

6.2-13 The Elections Committee shall represent the Council in all matters relating to elections.

6.2-14 Any decision by the Elections Committee may be appealed to the Council.

6.2-15 The officers elected shall be inaugurated at the final Council meeting of the semester.

6.2-16 All campaigning must be 100 feet away from polling stations.

6.3 Campaign Finance

6.3-1 The Council shall have the right to impose restrictions on the amount of money raised and spent.

- 6.3-2 All candidates shall submit, at the conclusion of each campaign, a Campaign Finance Report listing all monies spent and on what. Receipts may be required.
- 6.3-3 Any written materials posted or distributed by candidates shall have conspicuously placed on them the name of the individual or group paying for the materials (e.g. "Paid for by...").

6.4 Candidate Endorsement Policy

- 6.4-1 The Council shall not, under any circumstances, endorse any candidate for election or re-election to the Council.
- 6.4-2 Any student organization may endorse a candidate for the Council.
6.4-21 Student organizations may endorse only after all candidates for the office have been granted the opportunity to address the membership of the organization at a regularly scheduled and publicized meeting.

6.5 Violations of the Elections Code

- 6.5-1 All complaints of Elections Code violations must be presented in writing to the Elections Committee by two working days after the last day of voting, unless the complaint involves events subsequent to the last day of voting.
- 6.5-2 The Elections Committee must make a ruling upon a complaint within three (3) instructional days of the submission of the complaint. A two-thirds (2/3) vote of the Elections Committee (present and voting) will be required for the complaint of the violation to be upheld.

6.6 Penalties for Violations of the Election Code

- 6.6-1 A two-thirds vote of the Elections Committee (present and voting), will be required before a penalty against a candidate will be official.
- 6.6-2 The Council, with a majority vote of those members present and voting, may disqualify a candidate upon recommendation by the Elections Committee.
- 6.6-3 The Council, with a two-thirds (2/3) vote of those members present and voting, may invalidate any elections within its jurisdiction when a properly constituted and conducted hearing by the Elections Committee has shown that sufficient evidence exists that violations

of the Elections Code may have significantly affected the results of that election.

6.6-31 The Elections Committee shall announce, with the approval of the Council, the conditions and dates of alternate elections at the time the election is invalidated, and shall specify whether candidates or provisions may be added or removed from the specific ballot and the conditions under which they may be added or removed.

6.7 Oath of Office

6.7-1 The following oath shall be administered to and affirmed by, all newly elected or appointed members of the Council:

I (name), as duly (elected/appointed) member of the Associated Students Council, do swear that I will faithfully execute the duties of this office as provided for in the Constitution and Bylaws of the Associated Students of Merced College. I will strive to preserve, protect, and defend representative student government, academic freedom, and student rights. I will work toward strengthening the relationships between the Associated Students and the college community and will strive to better my leadership qualities and academic standards. With these thoughts in mind, I shall set as my final goal the betterment of Merced College: I so affirm.

6.7-2 The oath shall be administered by the ranking council member to the officers elected.

7. Finance & Trust Account Codes

7.1 The Associated Students Council has established the Finance Code for the purpose of managing ASMC finances.

7.1-1 All requisitions shall require the signature of the ASMC Treasurer or President and the ASMC Advisor.

7.1-11 Should the ASMC Advisor be unavailable, then the signature of the College President, a Vice President, or a Dean will be required. The signatures required during non-instructional periods shall be the same as in 7.1-1

7.1-2 All requests for unbudgeted monies exceeding two hundred & fifty dollars (\$250) shall be submitted to the Council one (1) meeting prior to approval.

7.1-3 All monies appropriated by the Associated Students shall be the responsibility of the ASMC Treasurer and advisor.

- 7.1-4 All monies requested for a specific purpose and not used for that purpose shall be returned to ASMC and must be re-requested for any future purpose.
- 7.1-5 Any request for reimbursements shall be accompanied by appropriate receipts or other documentation.
- 7.1-6 The ASMC treasurer shall supply student organizations their account balance and account numbers at the beginning of the semester.

7.2 The Associated Students Council has established the Trust Account Code for the purpose of establishing a financial relationship between the Council and student organizations.

- 7.2-1 Each student organization is responsible for fundraising through appropriate means.
- 7.2-2 All student organizations' monies shall be deposited into their respective accounts through the Student Fees Office. All accounts shall be maintained in the ASMC budget and shall be managed by the ASMC Treasurer. The accounts shall appear in all ASMC and college budgets.
- 7.2.5 Any violation of the Trust Account Code may lead to the deactivation of a student organization.
- 7.2.6 All activities or events undertaken by any student organization(s) shall be approved by the Council. Student organizations shall be responsible for the management of anything they undertake. Any monies unaccounted for at the conclusion of the activity or event shall be charged against the organization's account.
- 7.2.7 Prior to any joint sponsorship of any function, all parties must agree on the percentage of both profits and losses incurred.
- 7.2.8 Loans may be issued by ASMC to student organizations or by student organizations to one another or to ASMC.
 - 7.2-81 All loans made must be repaid within one (1) academic year.
 - 7.2.82 The rate of interest shall be 2.5% monthly.
 - 7.2.83 Any loan must be repaid to the lender before another loan may be issued.

7.2.84 Failure to repay any loan shall result in complete forfeiture of existing assets to the lender.

7.2.9 ASMC and student organizations' funds shall only be spent in accordance with established procedures and within the adopted or revised budget.

7.2.10 No agreements or contracts shall be entered into, nor purchases made, by students or unauthorized employees of Merced College. These shall be viewed as personal obligations by the individual(s) and not by ASMC or any student organization.

7.2.11 The Office of Fiscal Services shall audit the finances of ASMC and all student organizations as legally required.

7.2.12 Accurate, complete and up-to-date records of all properties, assets, and liabilities of ASMC and student organizations shall be maintained by the college and shall be made available upon request.

7.2.13 The Council shall have the authority to approve the cost of admission, goods, or services of any student organization's function.

7.2.14 Student organizations cannot spend more than budgeted for the year or event as overseen by ASMC and/or the administration.

8. Ex-Officio Council Members

8.1 The Council shall have positions which are non-voting, Ex-Officio

8.1-1 Clerk: In accordance with 3.2-5, the President shall, by a two-thirds (2/3) vote of the Council voting, appoint a Clerk who shall be responsible for taking, posting, and distributing minutes; for developing, in consultation with the President, the agenda; posting and distributing the agenda and matters of correspondence; and other administrative tasks as assigned by the President or the Council.

8.1-2 Student Mediator

The Student Mediator is a non-voting ASMC position. The student mediator shall be trained by the college mediation council and shall be responsible for following all college mediation guidelines. The student mediator will be responsible for mediating between parties if any conflict should occur between any members of the ASMC. The student mediator will have the privilege to speak at ASMC meetings only about mediation issues and topics that could affect student mediation. The student mediator must be appointed by the President and approved by the ASMC Council. Staff members can be present at mediation sessions.

8.1-3 The President or the Council shall have the right to create or abolish non-voting, Ex-Officio positions, and establish job descriptions as necessary or required for those positions, excluding positions mentioned by the Constitution. Appointment and removal require 2/3 of Council approval.

6/14/06 dm