



MERCED
COLLEGE

Associated Students of Merced College Bylaws

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Revised: Spring 2019

Bylaws of the Associated Students of Merced College

Article I. The Associated Students Council shall create a set of Bylaws for the ASMC Constitution.

Section 1.01 The voting Student Council of ASMC is composed of the Executive Council, (consisting of the President, Executive Vice President, Vice President of Judicial Affairs, Student Trustee, and Treasurer), the Legislative Council (consisting of all seven area senators), and the Representative Council (consisting of all club and honor society representatives).

Section 1.02 A two-thirds (2/3) vote of the Associated Students Council voting shall be required to amend, create, suspend, or abolish any bylaw.

Section 1.03 No bylaw or bylaw change shall contradict any amendment of the Constitution.

Section 1.04 Teleconferencing shall be allowed for all meetings. All teleconferences shall be conducted in compliance with Brown Act.

Section 1.05 Approved changes to the Bylaws shall take full effect at the conclusion of the Council meeting at which they were approved.

Section 1.06 A bylaws amendment may be voted on at the next regular meeting provided it has been posted for five calendar days.

Article II. ASMC Membership Dues.

Section 2.01 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.

Article III. The Associated Students Council.

Section 3.01 Duties of Officers

(a) President

(i) 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; may vote only in the case of a tie or to affect the outcome of the vote; and shall perform other tasks as assigned by the Council. The President or their designee shall be required to attend all Board of Trustees meetings throughout the semester and report monthly to the Board of Trustees on the activities, projects, plans, and goals of ASMC.

(b) Executive Vice President

(i) The Executive Vice President shall be responsible for the duties of the President in the event that the President is outside of the College District or its service area and cannot be contacted, or if the office of the 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.

(c) Vice President of Judicial Affairs

(i) 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.

(d) Treasurer

(i) The Treasurer shall be responsible for the duties of the President and both Vice Presidents 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 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.

(e) Trustee

- (i) *The Student Trustee shall serve as the student representative to the Merced College Board of Trustees. The Student Trustee 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 a student representative to the Educational Master Planning Committee. The Student Trustee may also be the statewide representative.*

Article IV. Rights and Powers of the Council.

Section 4.01 All appropriations of ASMC funds, including the annual budget, shall be approved by the Council, by a simple majority vote of the Council voting.

- a) The annual budget shall be approved by majority vote the semester prior to its implementation.

Section 4.02 All appointments and removals made by executive officers and area senators shall require a two-thirds (2/3) vote of the Council voting.

Section 4.03 The creation and dissolution of *ad hoc* committees shall require a simple majority vote of the Council voting.

Section 4.04 The Council shall have the right to charter, recognize, and revoke the charter and recognition of all student organizations by a two-thirds (2/3) vote of the Council voting.

Section 4.05 The Council shall have the right to pass any type of legislation affecting ASMC.

Section 4.06 The Council may, by a two-thirds (2/3) of the Council voting, recommend to the Superintendent/President that the ASMC Advisor be removed from his/her position.

Section 4.07 The Council shall have the right to fill any vacant executive or senator's position fifteen (15) calendar days following creation of a vacancy

Article V. Provisions for ASMC Meetings.

Section 5.01 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).

Section 5.02 The President in consultation with the advisor, has the option to schedule a minimum of one (1) organizational meeting during the summer.

Section 5.03 The President shall preside over all meetings of the Council, unless Constitutional Article IV, Section 1. Clauses B and C apply.

Section 5.04 Should any elected or appointed member of the Council miss three (3) unexcused meetings, the Council may, by a super majority vote of two-thirds (2/3) of the Council voting, declare that office vacant

- (a) 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. Final determine of if an absence shall be excused shall be made by the Advisor.

Section 5.05 A two-thirds (2/3) vote of the Council voting shall be required to suspend and reinstate Roberts Rules.

Section 5.06 A ten (10) minute time limit for discussion shall be in effect for each agenda item and a five (5) minute time limit for each Council member. Council can vote to extend discussion on an agenda item by a simple majority vote (anything over half) of the Council voting.

Section 5.07 The Council shall meet on a weekly basis, excepting finals week, summers, and vacation periods.

Section 5.08 For the purposes of the Council, a majority of the total voting Council membership shall constitute a quorum.

Section 5.09 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.

Article VI. Standing & Ad hoc Committees & Councils

Section 6.01 Standing Committees shall be the following: Executive, Judiciary, Rules, Finance, Elections, Awards, Events, Public Relations, Reducing Barriers to Education and Sustainability.

Section 6.02 The Executive Council

- (a) The Executive Council consists of the President, Executive Vice President, Vice President of Judicial Affairs, Student Trustee, and Treasurer. The duties of the Executive Council are to plan for and carry out the vision of ASMC. They have the authority to approve proposed plans, and monitor the progress of committees. The Executive Council is responsible for empowering and encouraging fellow students and constituents, as well as promoting full participation in the college community

Section 6.03 The Legislative Council

- (a) The Legislative Council consists of the seven (7) area senators elected at large by the student body. Each area senator shall correspond with the area deans. (See attachment at the end of bylaws). Each Area Senator is responsible for representing the interests and needs of the constituents in their given area. They shall be responsible for attending at least two area meetings, unless given an excused absence, and report back to the Student Council.

Section 6.04 Representative Council

- (a) The Representative Council consists of all club representatives who are in attendance of ASMC meetings. Each representative shall be responsible for voicing concerns and voting on behalf of their respective organizations. Club representatives shall be responsible for reporting back to their respective organizations on the activities of ASMC. Club and Honor Society representatives are determined based of the procedures and practices as set forth by their respective organizations

Section 6.05 The Judiciary and Rules Committee

- (a) The Judiciary and Rules 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.
- (b) This committee shall also 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.

Section 6.06 The Finance Committee

- (a) 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.

Section 6.07 The Elections Committee

- (a) The Elections Committee shall be responsible for overseeing all ASMC elections and for enforcing the provisions of the ASMC Elections Code. The Elections Committee shall also be responsible for managing the campus-wide Blackboard Polling system. The committee 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.

Section 6.08 The Events Committee

- (a) The Events committee shall be responsible for planning organizing and managing all ASMC events.

Section 6.09 The Public Relations Committee

- (a) The Public Relations Committee shall be responsible for promoting and advertising all ASMC events and activities in coordination with the ASMC events committee

Section 6.10 The Reducing Barriers to Education Committee

Section 6.11 The Sustainability Committee

Section 6.12 **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).

Section 6.13 **The ASMC Advisor** or his/her designee shall be required to attend each meeting of all standing committees.

Section 6.14 **Standing Committees** shall hold meetings only when necessary and/or requested. Standing Committees shall not go beyond the scope of their duties and responsibilities as stated in bylaws Section 6.01 through 6.11 Standing Committees shall give weekly reports to the Council on their activities and shall fulfill tasks within in their scope as assigned to them by the President or Council.

Section 6.15 Should any standing committee be in violation of bylaw section 6.01 to 6.11, the President shall be empowered to call that committee into session.

Section 6.16 Committee chairs shall not vote except in the case of a tie vote.

Article VII. Awards

Section 7.01 The Council may institute awards for services or activities within the jurisdiction of ASMC.

Section 7.02 The Council shall take all nominations into consideration and shall make all final decisions regarding awards,

Section 7.03 No council member or student organization shall nominate themselves.

Section 7.04 Awards shall be determined by the Council.

Section 7.05 Presentation of the awards shall be made at an appropriate ASMC Council meeting

Section 7.06 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.

Article VIII. Criteria for Conference, Workshop, or Seminar Attendance

Section 8.01 Attendees will be selected based on application process or on volunteer basis when applicable.

Section 8.02 Students attending shall hold a current ASMC sticker.

Section 8.03 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.

Article IX. Use of ASMC Property

Section 9.01 Use of ASMC property shall require the completion and submission of proper use and release forms required by both ASMC and the College.

Section 9.02 Property users shall abide by all contracts signed, or regulations established by the College or ASMC.

Section 9.03 Violations of Section 9.02 shall result in users being barred from using ASMC property for a period of time to be established by the Council.

Section 9.04 The signatures of the President or designee and ASMC Advisor shall be required on all "Use Requests."

Section 9.05 Users shall be financially liable for repair or replacement of ASMC property.

Section 9.06 For-profit organizations shall pay rental fees of fifty dollars (\$50) per day, plus an initial refundable security deposit of two-hundred dollars (\$200).

Section 9.07 Non-profit organizations shall be exempt from the provisions in section 9.06.

Section 9.08 The use priority shall be as follows: the Council, Student Organizations, Los Banos, non profits, for profits

Article X. Student Organizations

Section 10.01 Requirements for Student Organizations

- (a) A roster showing a minimum of four (4) members holding current ASMC membership.
- (b) 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.
- (c) A constitution and a set of bylaws.

Section 10.02 Potential new clubs must request to be added to the ASMC Council agenda in the appropriate time. Provided that the Council grants advisory status, the student organization shall be entitled to the rights and privileges granted to student organizations which have official status.

Section 10.03 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.

Section 10.04 Should any student organization with official status miss four (4) consecutive Council meetings, they shall be deactivated and must reapply for advisory status. The Executive Vice President in collaboration with the Student Clerk/Secretary shall issue warning letters to clubs after they have missed two (2) consecutive meetings. The letters will state the importance of attending meetings and the consequences for missing four (4) consecutive meetings. Organizations may be granted an excused absence by the President or Advisor, which will not count against their accumulated absences.

Section 10.05 Student organizations which have been granted official status shall be entitled to have their organization's president, or the president's designee, who 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).

Section 10.06 Established clubs must submit, to the ASMC/Student Activities Office, completed club membership lists (and club constitutions for new clubs) by the last Thursday of September of each Fall semester and by the last Thursday of February of each Spring semester. Failure to submit club paperwork by these dates shall result in club deactivation.

Section 10.07 New clubs seeking recognition from ASMC Council may apply for recognition anytime throughout the semester except for the last month of the semester. New clubs that apply for recognition during the last month of the semester may have meeting attendance count towards the following semester. New clubs shall be required to attend at least one (1) ASMC workshop, either in person or via web orientation.

Section 10.08 Rights & Privileges

- (a) 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.
- (b) ASMC recognizes the existence of Honor Societies, (both state and national) and other organizations of a similar nature as part of our constituency, and therefore such organizations are entitled to have a voting representative on the Student Council, on the contingency that said organizations meet ASMC Sticker requirement.
- (c) 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.
- (d) Only student organizations with official status shall be entitled to send a representative to the Council and have a vote.
- (e) Any student organization which has been deactivated shall lose all rights and privileges.

Section 10.09 Role and Responsibility of the Club Advisor(s)

- (a) At least one (1) official club advisor must check in at every official club function (meetings, activities, etc.)
- (b) Club advisors must sign and approve of any use of official club funds
- (c) 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.

Article XI. Code of Ethics

Section 11.01 The students of Merced College are entitled to have complete confidence in the integrity of their student government and elected or appointed representatives.

Section 11.02 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.

Section 11.03 Every elected or appointed council member or Associated Student 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.

Section 11.04 The penalty for violation(s) of the Ethics Code shall be provided for in Article VI of the Constitution

Article XII. Elections Code

Section 12.01 Definitions

- (a) Campaigning: Any and all parts of an act to acquire votes. DURING CANDIDATE ELECTIONS
- (b) Voter: An officially registered Merced College student
- (c) Terms: "shall", "must", "will", are defined as mandatory --- "may", "can", are defined as permissive.

Section 12.02 Elections Procedure

- (a) The Elections Committee shall publicly notify the student body of upcoming elections five (5) instructional days prior to issuing nomination petitions.
- (b) Nomination petitions shall be made available to prospective candidates no less than ten (10) instructional days prior to elections.
 - (i) *Only candidates shall secure nomination petitions*
 - (i) *Nomination petitions shall be created by the Elections Committee and approved by the Council.*
 - (ii) *In order to secure nomination petitions, candidates must complete a form which shall contain the following:*
 - 1) Their name (printed & signed).
 - 2) Their home & mailing address.
 - 3) Their home telephone number
 - 4) The office they are seeking
 - (ii) *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.*
 - (iii) *Nomination petitions shall be signed by no less than fifty (50) students.*
 - (iii) *Prospective candidates shall complete the attached candidate statement and return it with the petition*
 - (iv) *The timeframe for petitions shall be five (5) calendar days.*
 - (v) *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.*
 - (iv) *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*
 - (v) *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*
 - (vi) *All eligible candidates shall be required to attend a candidates' forum which shall be publicly posted.*

(vi) 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.

Section 12.03 Ballots shall be printed and shall contain the following:

- (a) Elected offices of the Council shall be printed in order of importance, with candidates' names printed in order of date nomination forms were received.
- (b) Names of candidates shall be next to the office they are seeking in the order of their petition filing date.
- (b) Any item relating to Articles VII or IX of the Constitution, in order of their being filed with the Council.

Section 12.04 There shall be a minimum of one (1) polling station at the College and one (1) polling station at the Los Banos Campus.

- (a) No poll worker shall be a candidate for office.
- (b) 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.
- (c) The Elections Committee shall develop a schedule for the poll workers to work at each polling station.
- (d) District employees shall serve as monitors at polling stations.
- (e) There shall be a minimum of one (1) polling station at the College and one (1) polling station at the Los Banos Campus.

Section 12.05 The elections shall be scheduled as follows:

- (c) Five (5) consecutive instructional days at the main campus in Merced. Voting hours will be determined by the Executive Board.
- (a) Two (2) consecutive instructional days at the Los Banos Campus.
- (b) Three (3) consecutive instructional nights at the main campus in Merced.
- (c) Two (2) instructional nights at the Los Banos Campus
- (d) The Online polling system shall be open for all students who wish to cast their votes for Five (5) consecutive instructional days and Four (4) instructional nights at both Merced and Los Banos Campuses.

Section 12.06 Write-in candidates shall not be permitted.

Section 12.07 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.

- (a) 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.
- (b) 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

Section 12.08 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

Section 12.09 Only the Elections Committee shall issue ballots to poll workers

Section 12.10 Unmarked ballots shall be secured in the Student Activities Office

Section 12.11 The Elections Committee and the ASMC Advisor, or their designee, shall tally the total vote within Five (5) calendar days of the polls closing on the final day of elections

- (a) The candidate with the most vote for a position shall be the winner, even if the candidate does not receive a majority of votes.
- (b) In the event of a tie vote, the ballots will be counted three (3) times. If necessary, a second (2nd) and third (3rd) runoff election will be held to determine the winner. If after one (1) general election and two (2) runoff elections there is still no clear winner the tie will be broken by the two contenders flipping a coin to determine the winner.

Section 12.12 The Elections Committee shall represent the Council in all matters relating to elections.

Section 12.13 Any decision by the Elections Committee may be appealed to the Council

Section 12.14 The officers elected shall be inaugurated at the final Council meeting of the academic school year.

Section 12.15 All campaigning must be at a minimum 100 feet away from polling stations in all directions.

Section 12.16 Campaign Finance

- (a) The Council shall have the right to impose restrictions on the amount of money raised and spent.
- (b) 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.
- (c) 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...").

Section 12.17 Candidate Endorsement Policy

- (a) The Council shall not, under any circumstances, endorse any candidate for election or re-election to the Council. Individual Council members may endorse candidates.
- (b) Any student organization may endorse a candidate for the Council.
 - (i) *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.*

Section 12.18 Violations of the Elections Code

- (a) 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.
- (b) The Elections Committee must make a ruling upon a complaint within three five (5) calendar 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.

Section 12.19 Penalties for Violations of the Election Code

- (a) A two-thirds vote of the Elections Committee (present and voting), will be required before a penalty against a candidate will be official.
- (b) The Council, with a majority vote of those members present and voting, may disqualify a candidate upon recommendation by the Elections Committee.
- (c) 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.
 - (i) *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.*

Section 12.20 Oath of Office

- (a) 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.

Article XIII. Finance & Trust Account Codes

Section 13.01 The Associated Students Council has established the Finance Code for the purpose of managing ASMC finances.

Section 13.02 All requisitions shall require the signature of the ASMC Treasurer or President and the ASMC Advisor.

- (a) 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

Section 13.03 Any fund requests under \$500 may be approved by the president, treasurer, or vice treasurer in concurrence with advisor approval without being voted on by the council.

Section 13.04 All monies appropriated by the Associated Students shall be the responsibility of the ASMC Treasurer and advisor.

Section 13.05 All monies requested for a specific purpose and not used for that purpose shall be returned to ASMC within 72 hours and must be re-requested for any future purpose.

Section 13.06 Any request for reimbursements shall be accompanied by appropriate receipts or other documentation.

Section 13.07 The ASMC treasurer shall supply student organizations their account balance and account numbers at the beginning, middle, and end of each semester.

Section 13.08 The Associated Students Council has established the Trust Account Code for the purpose of establishing a financial relationship between the Council and student organizations.

- (a) Each student organization is responsible for fundraising through appropriate means.
- (b) Monies raised through fundraising by student organizations belong to said organizations as a whole. The monies raised do not belong to individual student members of the organization, nor to the advisors of the organization, nor to ASMC.
- (c) 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.
- (d) Any violation of the Trust Account Code may lead to the deactivation of a student organization.
- (e) Prior to any joint sponsorship of any function, all parties must agree on the percentage of both profits and losses incurred.
- (f) Loans may be issued by ASMC to student organizations or by student organizations to one another or to ASMC.

Section 13.09 All loans made must be repaid within one (1) academic year.

- (a) Any loan must be repaid to the lender before another loan may be issued.
 - (i) *Failure to repay any loan shall result in complete forfeiture of existing assets to the lender.*
- (b) ASMC and student organizations' funds shall only be spent in accordance with established procedures and within the adopted or revised budget.
- (c) 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.
- (d) The Office of Fiscal Services shall audit the finances of ASMC and all student organizations as legally required.
- (e) 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.
- (f) The Council shall have the authority to approve the cost of admission, goods, or services of any student organization's function.
- (g) Student organizations cannot spend more than budgeted for the year or event as overseen by ASMC and/or the administration.

Article XIV. The Council shall have positions which are non-voting, Ex-Officio

Section 14.01 Secretary

- (a) 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.

Section 14.02 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.