

Associated Students of Berkeley City College | Constitution

PREAMBLE

We, the Associated Student Council of Berkeley City College in the Peralta Community College District, who are entrusted by the Board of Trustees, will provide by our Constitution a student government to facilitate student involvement in areas of all concerns; to represent the collective interests of the students on a district-wide level; to bring forth common interests and concerns in order to protect students' complete freedoms of expression and assembly; to promote student inclusion in the decision-making processes affecting their daily educational lives; to facilitate the improvement of educational programs, student life programs, and services in conjunction with other constituencies of the colleges to provide a platform for dialogue between the students and the Student Trustees of the District, do hereby ratify this Constitution.

ARTICLE I: NAME

1. We, the representatives of the Associated Students of Berkeley City College, are hereafter referred to as the ASBCC Council.

ARTICLE II: MEMBERSHIP

1. All registered students attending Berkeley City College are classified as members of the Associated Students of Berkeley City College.
2. Members of the ASBCC Council must meet California Education Code 76061 requirements and any applicable Peralta Community College District (PCCD) Board Policies regarding minimum academic standards.
3. An ASBCC Council member can only hold a specific position for a maximum of two years. Three years is the maximum term limit of any given ASBCC Council member.
4. No member of the ASBCC Council may hold more than one voting position within the Council. Any member who holds an ASBCC Council and ICC position simultaneously is entitled to only one vote on the ASBCC Council.

ARTICLE III: ADMINISTRATIVE RELATIONS

1. As mandated by California Educational Code 76060, the ASBCC Council is granted the authority to self-govern within the PCCD.
 - a. The ASBCC Council has the power to allocate all funds of the ASBCC with the consent of the College President and/or his/her designee as prescribed in California Education Code 76063.
 - b. The ASBCC Council may appoint with a majority approval a student to sit as a student participant in any applicable Berkeley City College hiring committee.

ARTICLE IV: EXECUTIVE BOARD

1. All executive and administrative powers of the ASBCC Council lie within the Executive Board. The Executive Board has the sole power to sign and approve any official documentation of ASBCC Council actions and meetings. The Executive Board is required to meet at least once every other week.



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2. The Executive Board is responsible for appointing a Judicial Council and a Secretary within the first 4 (four) weeks of being sworn in. These appointments are subject to confirmation by simple majority vote of the ASBCC Council.
3. The Executive Board will consist of six (6) members.
 - a) The President, an elected non-voting member;
 1. The ASBCC President shall preside over the ASBCC Council.
 - b) The Vice President of Administration, an elected voting member;
 1. The VP of Administration shall preside over the ASBCC Council in the absence of the President and assume the duties therein.
 - c) The Vice President of Programs, an elected voting member;
 1. The VP of Programs shall preside over the ASBCC Council in the absence of the President and the VP of Administration, and assume the duties therein.
 - d) The Vice President of Finance, an elected voting member;
 1. The VP of Finance shall preside over the ASBCC Council in the absence of the President, VP of Administration, and VP of Programs, and assume the duties therein.
 - e) The Vice President of Public Relations, an elected voting member;
 1. The VP of Public Relations shall preside over the ASBCC Council in the absence of the President, VP of Administration, VP of Programs, and VP of Finance, and assume the duties therein.
 - f) The Secretary, an appointed non-voting member.
4. The Executive Board has the power to to nominate ASBCC officers in the case of vacancies or within an officer's dereliction of duty as determined by the Executive Board. In order to be nominated, the ASBCC officer(s) must receive 4/5th (or a simple majority if there are less than 5 voting members) of the vote from the Executive Board. All ASBCC Executive Board nominations shall be accessible and open to all ASBCC members for their input and advice. These appointments are subject to confirmation by the ASBCC Council with a simple majority vote.
5. The President is to be sworn in by an advisor. Any subsequent swearing in of any officers will be handled by the President with an advisor present.
6. The President will chair Executive Board and ASBCC Council meetings. The President is responsible for overseeing the shared governance process and leading the Executive Board.
7. In the case of a tie vote, the President has the power to break the tie.
8. The President has the power to veto a decision rendered by the ASBCC Council. This veto can be overturned by a two-thirds ($\frac{2}{3}$) majority ASBCC Council vote.
9. The Vice President of Administration is tasked with oversight of all legislative functions of the ASBCC. This person is responsible for maintaining the ASBCC Office and property as well as the management of officer duties and shared governance responsibilities of the Council at-large.
10. The Vice President of Programs assumes the Inter-Club Council (ICC) Chairman position. This person is responsible for helping with all event planning for the ASBCC Council.
11. The Vice President of Finance is tasked with oversight of all financial functions of the ASBCC Council. This person is responsible for drafting a yearly budget and keeping track of expenditures and deposits for all ASBCC Council accounts and trusts from June 1st to May 31st through a record. This record (e.g. Google Spreadsheets, Microsoft Excel) shall be publicized and accessible for the public through the Berkeley City College website. This person will also be in charge of making sure all transactions adhere to the ASBCC Financial Code.
12. The Vice President of Public Relations is tasked with oversight of all marketing and outreach for the ASBCC Council. This person is responsible for coordinating with the office of Campus Life and Student Activities to publicize the ASBCC Council and its actions and decision.
13. The Secretary is tasked with oversight of all official documentation of ASBCC actions and meetings. This person is responsible for composing and keeping a record of agendas and minutes of the ASBCC Council in accordance with the current version of the Ralph M. Brown Act.



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ARTICLE V: LEGISLATIVE BRANCH

- 1) All legislative powers herein are granted to the nine senators of the ASBCC Council:
 - a) Each Senator is a voting member of the ASBCC Council.
 - b) Each Senator serves as a representative of the student body at Berkeley City College.
 - c) Each Senator possesses an area of focus with specific strategic partnerships to better represent Berkeley City College diverse student population.
 - d) All Senators must report on the activities, events and updates tied to their area of focus during an official ASBCC Council meeting.
 - e) Each Senator represents the ASBCC on at least two (2) shared governance committees per semester.
 - f) The Legislative Branch is required to meet internally two (2) times a month.

ARTICLE VI: JUDICIAL COUNCIL

- 1) All judicial powers herein are granted to the ASBCC Judicial Council. There will be one Chief Justice among them.
- 2) The Judicial Council will have the power:
 - a) To interpret any language disputes within the chartered Constitution, Bylaws or Governing Documents of the ASBCC Council. Only upon submission to the ASBCC President and Chief Justice may the petition be heard for determination by Judicial Council.
 - b) To review and discuss the legality of ASBCC Council impeachments, term limits, recall or election disputes.
 - c) To determine the constitutionality of the ASBCC Constitution, ICC Charter, and respective Club Constitutions.
 - d) To preside over hearings of ASBCC and Judicial Council members.
- 3) Appointments to the Judicial Council:
 - a) The Judicial Council of the ASBCC will consist of five (5) members appointed by the Executive Branch.
 - b) All appointed Justices to the Judicial Council will be able to serve for a year term (two semesters).
 - c) All appointments must be approved by a majority vote of the ASBCC Council.
- 4) Decisions of the Judicial Council:
 - a) All decisions of the Judicial Council are final.

ARTICLE VII: STUDENT ORGANIZATIONS

- 1) Inter-Club Council (ICC):
 - a) The ICC is a subsidiary advisory council to the ASBCC Council that consists of all clubs at Berkeley City College.
 - b) Upon approval, the club is considered to be a subsidiary group of the ASBCC Council and is required to follow the guidelines and regulations set forth by the ASBCC Council's governing documents and all rules and regulations prescribed in the ICC Charter.
- 2) ASBCC Committees:
 - a) The ASBCC Council has the power to create standing and ad hoc committees by simple majority vote.
 - b) These committees will be tasked with specific functions of the ASBCC Council and shall consist of a chair and at least three (3) members that are part of the ASBCC Council.
 - c) Members of the public are allowed to serve in the committee ex officio and all committee meetings are subject to the guidelines set by the Brown Act. All official committee members, voting or ex officio,



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are allowed to address the ASBCC Council in matters concerning the business of their respective committees.

- d) Once the task assigned to an ad hoc committee has been completed and that work is reported to the ASBCC Council at a meeting, the committee is then dissolved.

ARTICLE VIII: INTERNAL CORRECTIVE ACTION

- 1) Reasons for the removal of an Officer are:
 - a) Failure to attend four or more regular ASBCC Council meetings as prescribed by the ASBCC Bylaws. However, ASBCC members are allowed to miss (at a maximum) four meetings with a proper excuse and notice. Reasons include but are not limited to: Medical, Illness, Family Emergency, Death/Funeral, or extenuating circumstances. If ASBCC officers miss five or more meetings (excused or non-excused) the violating officer(s) will have one week from the time of their absence to report to the ASBCC President and the Judicial Council Chief Justice. If no meeting is scheduled within the one-week period of the final offense, the formal process for impeachment of the officer(s) will begin. Under their discretion, the ASBCC President and the Judicial Council Chief Justice may excuse the officer but will be issued a provisional contract. The terms and stipulations will be decided at the ASBCC President's and Chief Justice's discretion (with a recommendation from the ASBCC Advisor). Failure to abide by these terms and stipulations will result in the formal process for impeachment of the officers.
 - b) Failure to execute assigned duties and responsibilities, including attending weekly ASBCC meetings Thursdays from 12:20 - 1:20 PM (unless stated otherwise).
 - c) Misappropriation of ASBCC funds.
 - d) Assume an attitude unbecoming of an officer if found in violation of PCCD Student Standards of Conduct (Board Policy 5500). Any officers who are found to violate the PCCD Student Standards of Conduct may result in impeachment (at the discretion of the Judicial Council).
- 2) The Judicial Council has the sole power to conduct a formal hearing and censure or impeach an ASBCC officer(s) in the event of any of the above violations in the presence of an advisor.
- 3) In the case of censure or impeachment, the offending officer(s) will be notified of such actions in no more than 72 hours after the articles of impeachment or censure have been introduced. The offending officer(s) holds the right to defend themselves in these pertaining matters and disputes.
- 4) For any censure or impeachment to be levied, a 3/5 vote is required from the Judicial Council.
- 5) **Appealing Process:** In the case of impeachment or censure, the violating officer(s) may submit a formal appeal to the ASBCC Council within one week of impeachment or censure. For the appeal to be sustained, a two-thirds ($\frac{2}{3}$) vote is required from the ASBCC Council; otherwise, the decision of the Judicial Council stands.
- 6) In the event of an impeachment, the violating Officer(s) will be subject to a recall vote to be held in a special recall election within 2 weeks of impeachment by the students of Berkeley City College.

Article IX: DIRECT CIVIL ACTION

- 1) Initiative:
 - a) Student Body Members have the power to initiate legislation by means of a petition signed by fifty (50) currently enrolled students. At the discretion of the ASBCC Council, the proposal will be reviewed and require a two-thirds ($\frac{2}{3}$) vote to pass. The Judicial Council will be presented the proposed legislation, stated in full, to confirm its adherence with overruling mandates. At the discretion of the ASBCC Council, the proposal will either be put to a special election within four (4) weeks of endorsement, or be included on the annual spring-term ballot.
- 2) Referendum:
 - a) All rules and regulations passed by a vote of the ASBCC Council, except emergency or financial measures, may be subject to the referendum vote by the members of this association.
 - b) The petition must be presented to the ASBCC Council and the Judicial Council for consideration. The proposed petition requires a two-thirds ($\frac{2}{3}$) vote from the ASBCC Council.



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3) Formal Filing of Grievances:

- a) Any student may file a grievance caused by any one or more members of the ASBCC Council with the Judicial Council, and is required to outline the issuance in a written document. A special meeting of the Judicial Council will be called within two (2) weeks after the formal filing of the charges. At this time, the accuser will present his or her case and the accused will defend herself/himself. A four-fifths (4/5) majority vote of the complete Judicial Council will sustain the accused and make him or her subject to a recall election.

ARTICLE X: BYLAWS

1. The ASBCC Council shall create and enforce approved ASBCC bylaws consistent with the aims of the ASBCC Constitution, Berkeley City College policies, Peralta Community College District Board Policies, and the Brown Act.
2. All bylaws become effective immediately upon acceptance by two-thirds ($\frac{2}{3}$) of the ASBCC in attendance.
3. All bylaws may be amended or revoked by two-thirds ($\frac{2}{3}$) majority of the ASBCC in attendance.

ARTICLE XI: CONSTITUTIONAL AMENDMENTS

1. Amendments to the Constitution may be proposed by two-thirds ($\frac{2}{3}$) vote of the Student Council or a petition signed by fifty (50) currently enrolled students. The proposed amendment must be submitted in writing to the President of the ASBCC Council at an official meeting.
2. The proposed amendment may be integrated by two-thirds ($\frac{2}{3}$) majority of the votes cast in the prior general or special election of the student body.

ARTICLE XII: ENABLING CLAUSE

1) RATIFICATION

- a) This Constitution will take effect when it has been approved by two-thirds ($\frac{2}{3}$) majority of the votes cast in the prior general or special election of the student body.
- b) At the conclusion of the election, when it has been determined that the Constitution was passed by the student body, the ASBCC Council President and President of Berkeley City College will sign below to ratify this Constitution.

