

ASSOCIATED STUDENTS OF  
MONTEREY PENINSULA COLLEGE



CONSTITUTION

AS APPROVED BY STUDENTS  
ON MAY 2020

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## Preamble

We, the students of Monterey Peninsula College, to pursue equity, representation, and fairness amongst students; offer support to student organizations; enhance cooperation between the recipients and contributors of education; provide a forum for the voice of the students, and promote the development and welfare of all students, do henceforth adopt this Constitution and the governing body sworn to uphold it, the Associated Students of Monterey Peninsula College Council.

## Article I      The Rights of Students

- A. All currently registered students of Monterey Peninsula College shall be considered members of the Associated Students of Monterey Peninsula College and shall therefore have the right to vote in all ASMPC elections.
- B. All members of the Associated Students of Monterey Peninsula College (ASMPC) are granted equal rights and protections without consideration of gender, ethnicity, religion, sexual orientation, or background.
- C. All members of the Associated Students of Monterey Peninsula College (ASMPC) shall have the right to speak at any meeting of the ASMPC Council without registration or prior notice.
- D. The right to hold office or otherwise participate in the Associated Students of Monterey Peninsula College (ASMPC) shall be made universally available to qualified students without the levying of fees or dues.
- E. The right of the students to directly introduce legislation through plebiscite shall be upheld as the Student Initiative Power. Legislation seeking adoption for a general or special election ballot shall require the signatures of one hundred and fifty (150) currently enrolled students. This power may also be used by the students to modify, delay, or annul current and upcoming legislation.
  - 1. A petition seeking to invoke the Student Initiative Power shall be subject to invalidation by the Judicial Branch if the petition violates the governing documents of the ASMPC Council.
- F. The right of the students to remove an elected official from office through plebiscite shall be upheld as the Student Recall Power. This power grants the Associated Students the authority to, through a petition with no less than one hundred and fifty (150) signatures from currently enrolled students, effectively remove an elected official of the Associated Students of Monterey Peninsula College from office.

**Article II**      **The ASMPC Council**

A. Composition of the ASMPC Council – The Associated Students of Monterey Peninsula College shall be governed by a Council (hereafter referred to as the ASMPC Council) consisting of twenty- three (23) council members and one (1) faculty advisor.

The offices that comprise the ASMPC Council include the following:

1. The Executive Branch
  - a. President
  - b. Vice President
  - c. Secretary
  - d. Treasurer
  - e. Student Trustee
  - f. Student Senate for California Community Colleges Representative
2. The Legislative Branch
  - a. Senator-at-Large (10)
  - b. Director of Organizations
  - c. Director of Activities
  - d. Director of Representation
  - e. Director of Student Welfare
  - f. Senator of Business and Technology
  - g. Senator of Creative Arts
  - h. Senator of Humanities
  - i. Senator of Life Sciences
  - j. Senator of Physical Education
  - k. Senator of Physical Sciences
  - l. Senator of Social Sciences
3. The Judicial Branch
  - a. Associate Justice (2)
  - b. Chief Justice

B. Voting Members and Duties – The Voting Members of the ASMPC Council shall be comprised of the Legislative Branch. There may be no more than ten (10) Senators holding office at one time.

1. The responsibilities, duties, and authorities granted to each position within the ASMPC Council shall be denoted in full within the ASMPC Bylaws.

2. A member of the ASMPC Council may only hold one office at a time.

C. Meetings of the ASMPC Council – The ASMPC Council shall be required to

convene a regular meeting a minimum of twice per month during the regular spring and fall semesters. The first meeting of an academic school year shall take place two (2) weeks prior to the beginning of the fall semester. The final meeting of the semester shall be conducted on the week of finals. The ASMPC Bylaws, in compliance with the Ralph M. Brown Act and Robert's Rules of Order, shall dictate the conduct of ASMPC Council meetings.

1. The time and place of regular ASMPC Council meetings for an academic year shall be set by resolution of that year's elected Voting Members during the first meeting of the Fall Semester.
2. All regular meetings of the ASMPC Council shall be declared to the public no less than seventy-two (72) hours prior to the meeting being held in accordance with the Ralph M. Brown Act. This requirement shall be fulfilled through posting of the agenda for the regular ASMPC Council meeting in a publicly accessible location on the MPC campus. The seventy- two (72) hour requirement may not be fulfilled on weekdays where class is not in session and does not include weekends.
3. Alternatively, the ASMPC Council meeting may convene a special or an emergency meeting for business dictated explicitly in the ASMPC Bylaws and in accordance with Ralph M. Brown Act. Special meetings may be convened with twenty-four (24) hour notice to the public. Emergency meetings may be convened with no prior notice to the public. Quorum must be established in order for either type of meeting to be held.
4. The agendas and minutes shall be made available to any student of Monterey Peninsula College upon written request to the Secretary.

D. Attendance Policy of the ASMPC Council – Members of the ASMPC Council serve as the representation of the student body at the Monterey Peninsula College. As a direct result, members of the ASMPC Council are held to a high standard of attendance and participation within the Council. With the exception of the Student Trustee and the Student Senate for California Community Colleges Representative, the following clauses apply to all members of the ASMPC Council.

1. All members of the ASMPC Council are expected to attend all regular business meetings of the ASMPC Council.
2. Members of the ASMPC Council who arrive no less than fifteen (15) minutes after the official call to order of an ASMPC Council business meeting shall be considered tardy. These members must provide a valid excuse as detailed in the ASMPC Bylaws to have the tardy removed from their record. Council members who are tardy in excess

of fifteen (15) minutes after the call to order shall be considered absent and shall require validation for absence.

3. Members of the ASMPC Council who expect to be absent during an upcoming ASMPC Council meeting shall be required to submit a written or typed notification to the ASMPC President or Secretary no less than thirty (30) minutes prior to the established start time of the meeting. This notification must include the reason for absence and shall be subject to validation under the ASMPC Bylaws. Council members who are unable to provide notice within thirty (30) minutes of the regular business meeting shall be required to provide both an excuse for their absence and an explanation regarding the reason why the notification was not provided in a timely manner.
4. Should a council member accumulate a total of three (3) unexcused absences in a semester, two (2) consecutive absences in a semester, five (5) unexcused tardies in a semester, three (3) consecutive excused absences in a semester, or six (6) total absences in a semester, the council member shall be effectively and automatically removed from the ASMPC Council upon the approval of the minutes for the meeting where the final violation of the attendance policy occurred.
  - a. If the absence of one or more council members would cause the ASMPC Council to fail to meet the requirements of quorum established in the Constitution after that council member's final violation of the above attendance policy, that council member shall not be counted against quorum.
  - b. A council member who was removed for this reason will be suspended from rejoining ASMPC thirty (30) days.
    - a. Failure to operate under the circumstances of an excused absence (Bylaws: 1.04 - Absentee Policy of the Council), the affected ASMPC Council member shall be automatically and immediately removed effective.
      - i. This is to ensure that members of ASMPC can effectively do their job with as little interference as possible. The affected member(s) must undergo the application interview once more for formality.

- E. Qualifications for Membership within the ASMPC Council – In seeking election or appointment to an office within the ASMPC Council excluding the office of the Student Trustee, the candidate seeking said office must meet the following criteria. Members of the ASMPC Council are expected to maintain the following criteria throughout their term in office.

1. The candidate must be a student currently enrolled at Monterey Peninsula College.
2. The candidate must be enrolled in courses accumulating no less than five (5) credits.
3. The candidate must have a Grade Point Average of at least 2.0.

In accordance with the Governing Board Policy Appendix 1030 and California Education Code 72023.5, the qualifications for the office of the Student Trustee are as follows:

1. The candidate must be a resident of the MPC Governing Board's District.
2. The candidate must be enrolled in courses accumulating no less than five (5) credits.
3. The candidate must be an enrolled student at Monterey Peninsula College.
4. The candidate must meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district.

F. Terms of Office – The term of office for all members of the ASMPC Council shall be one academic year. The term of office for all members of the ASMPC Council excluding the Student Trustee shall commence two weeks prior to the beginning of the Fall Semester following the election at the first ASMPC Council meeting of the academic year. The term of office for the Student Trustee, in accordance with the California Education Code Section 72023.5(2), shall commence on June 1st.

1. The period of time between the election of the ASMPC Council and the beginning of the ASMPC Council's term of office shall be known as the transitional period.
2. During the transitional period, officials elected into the ASMPC Council shall be required to attend the remaining ASMPC Council meetings during the spring semester.
3. During the transitional period, officials elected into the ASMPC Council shall be held to the Attendance Policy of the ASMPC Council.
4. During the transitional period, if an official elected into the ASMPC Council violates the Attendance Policy, that official shall be effectively removed from office and the candidate who won the second-highest quantity of votes for that office in the election shall be appointed to said office.
5. During the transitional period, newly elected officials shall not constitute quorum nor shall they serve in the capacity of their office.

The transitional period shall permit newly elected officials to learn of the responsibilities and duties allocated to their respective offices.

- G. Records – The ASMPC Secretary shall be considered responsible for all matters pertaining to the record- keeping and archiving of documents relating to the ASMPC Council. The Secretary shall also ensure that the following clauses are met:
1. An accurate and updated record of attendance shall be kept for all meetings of the ASMPC Council.
  2. An accurate and updated record of all financial transactions and motions shall be kept for all meetings of the ASMPC Council.
  3. The records for every meeting of the ASMPC Council shall be made available to any MPC student. There shall be no grounds to deny access of these records to any student of Monterey Peninsula College.
- H. Representation – The members of the ASMPC Council, with the exception of the Student Trustee, Student Senate for California Community Colleges Representative (SSCCC), and members of the Judicial Branch, are required to sit on at least one (1) MPC Campus Committee and one (1) ASMPC Auxiliary Council.
1. Members of the ASMPC Council who sit on an AMSMPC Auxiliary Council shall not be eligible for an additional stipend, their participation in an ASMPC Auxiliary Council is considered a component of their duties and responsibilities as a member of the ASMPC Council.

### **Article III    The Legislative Branch**

- A. Composition – The Legislative Branch of the ASMPC Council shall be composed of no more than ten (10) Senators and five (5) Directors who are elected at large by the Associated Students of Monterey Peninsula College or appointed by the ASMPC Council during instances where a vacancy is present in the Legislative Branch.
- B. Duties – Members of the Legislative Branch shall be charged with the responsibility of drafting and implementing legislation in the form of motions and ordinances while representing the interests of the Associated Students. The explicit responsibilities of the Legislative Branch shall be dictated in the ASMPC Bylaws.
- C. Quorum – Quorum shall be defined as the minimum quantity of sworn members of the Legislative Branch who officially hold office needed to conduct an official meeting of the ASMPC Council.

1. Quorum shall be considered met if at least one (1) more than half of the sworn members of the Legislative Branch are in physical or virtual attendance at the beginning of the ASMP Council meeting. If quorum is lost during the meeting for any reason, the Chair must table all action items and pending motions until the next meeting and adjourn the meeting.
  - a. In accordance with Ralph M. Brown Act, members of the ASMP Council may virtually attend a meeting of the ASMP Council through any means that permit (at the very least) two-way audio communication between the physically gathered Council and the member who is in virtual attendance.
2. If quorum is not met within fifteen (15) minutes of the call to order, the roll shall be taken and absences shall be recorded. No discussion nor action items may be discussed or deliberated by the council and the only matter of business permitted shall be applications to fill a vacancy on the ASMP Council.
3. The Chair and the Chief Justice shall be charged with the responsibility of ensuring that the ASMP Council adheres to the requirements illustrated above in regards to quorum.

**Article IV**    **The Executive Branch**

- A. The Executive Branch shall be composed of the President, the Vice President, the Treasurer, the Secretary, the SSCCC Representative, and the Student Trustee who shall be responsible for the administration and conduct of the ASMP Council.
- B. The members of the Executive Branch shall be elected at large by the Associated Students of Monterey Peninsula College.
  1. In the event of a mid- year vacancy for any office of the Executive Branch, the vacancy may be filled through an appointment.
- C. The President shall serve as the official representative of the students of Monterey Peninsula College and the head of the Executive Branch.
- D. The Executive Branch shall be tasked with the responsibility of representing the interests of the students at Monterey Peninsula College and serving as the administrative leadership of the ASMP Council.
- E. The explicit powers, responsibilities, duties, and requirements for the members of the Executive Council shall be dictated in the ASMP Bylaws.

**Article V**      **The Judicial Branch**

- A. The Judicial Branch shall be composed of three (3) members of the ASMPC Council who have demonstrated proficiency in understanding of the ASMPC Constitution, Bylaws, The Ralph M. Brown Act, and Robert’s Rules of Order.
  - 1. The offices within the Judicial Branch shall consist of two (2) Associate Justices and one (1) Chief Justice.
- B. The Associate Justices of the Judicial Branch shall be appointed by the President of the ASMPC Council and be subject to confirmation by the ASMPC Council by a majority vote. The position of Chief Justice shall be appointed by the appointed Associate Justices.
  - 1. In the event of a mid-year vacancy for the position of Chief Justice where the Associate Justices are unable to reach ~~on~~ a consensus on a replacement, the position may be filled by the Associate Justice of seniority with the confirmation of the ASMPC Council.
  - 2. If the ASMPC Council fails to confirm an appointee for two weeks following the vacancy in the Judicial Branch, any member of the ASMPC Council may directly apply for the position.
- C. The Chief Justice shall serve as the Parliamentarian for the ASMPC Council and the Head of the Judicial Branch.
  - i. Parliamentarian as in...
- D. The Judicial Branch shall be responsible for interpreting the Constitution and Bylaws, enforcing the Ralph M. Brown Act and Robert’s Rules of Order, investigating complaints against members of the ASMPC Council, and determining matters of constitutionality regarding the conduct and operation of the ASMPC Council and Auxiliary Committees.
- E. The explicit powers, authorities, duties, and requirements for members of the Judicial Branch shall be dictated in the ASMPC Bylaws.

**Article VI**      **Auxiliary ASMPC Offices**

Auxiliary ASMPC Council members consist of the Student Trustee, the Statewide Representative, and the MPC Faculty Advisor.

- A. Student Trustee
  - 1. One person shall be elected at large to serve as the Student Trustee in accordance with Governing Board Policy 1030 and California Education Code 72023.5(a)(2).
  - 2. The Student Trustee shall be required to attend all regular MPC Governing Board Committee meetings in accordance with their status

as the Student Member of the Governing Board.

3. The Student Trustee shall be considered a member of the ASMPC Council's Executive Branch. The Student Trustee shall be entitled to a non-binding advisory vote but may not make nor second motions.
4. The ASMPC Bylaws shall explicitly dictate the duties and responsibilities imposed upon the Student Trustee by the ASMPC Council. No requirement imposed by the ASMPC Council in any governing document may conflict with established protocol and policy of the MPC Governing Board.

B. Statewide Representative

1. One person shall be elected at large to serve as the representative to the Student Senate for California Community Colleges (SSCCC).
2. The SSCCC Representative shall not have the authority to make or second motions, or be counted for quorum. The SSCCC Representative shall be entitled to a non-binding advisory vote.
3. The SSCCC Representative shall be subject to the ASMPC Constitution and Bylaws, but may be exempt from the ASMPC Attendance Policy in fulfillment of their duties as the SSCCC Representative.
  - a. In requesting that an absence be validated under this Section, the SSCCC Representative must provide written notice detailing the time, location, and type of obligation that requires their absence to an ASMPC Council meeting. Otherwise, the absence may not be validated.
4. The Statewide Representative is required to serve as the official delegate of the SSCCC and SSCCC Region IV.
5. Travel expenses for the SSCCC Representative shall be included in the ASMPC Student Representation Fee Budget and may be requested at the discretion of the SSCCC Representative.
  - a. Compensation for travel expenses shall be conditionally granted if documentation of said travel expenses is provided to the Student Representation Council.
  - b. Compensation for travel expenses may be granted to the SSCCC Representative with the approval of the Student Representative Council.
  - c. If the Student Representation Council denies a request for compensation, the decision may be appealed by requesting a ruling by the Judicial Council.

C. MPC Faculty Advisor

1. The MPC Faculty Advisor serves as the experienced guide and liaison for the ASMPC Council.
2. The MPC Faculty Advisor provides a framework for interaction and intercommunication between the ASMPC Council and the MPC Faculty for the purpose of mutually beneficial coordination and conduct for the benefit of the students of Monterey Peninsula College.
3. The MPC Faculty Advisor shall not be subject nor bound to the ASMPC Constitution or Bylaws.

## **Article VII   Auxiliary Councils**

The ASMPC Council shall be responsible for the administration and operation of four auxiliary councils that conduct business on behalf of the ASMPC Council and who ultimately report to the ASMPC Council. These four auxiliary councils shall consist of the Activities Council (AC), the Inter Club Council (ICC), the Student Representation Council (SRC), and the Student Welfare Council (SWC).

- 1) Activities Council (AC) – The Activities Council is responsible for the creation, promotion, and operation of activities that are open to students of Monterey Peninsula College. These activities are operated and conducted by the Activities Council on behalf of the ASMPC Council.
  - a) Meeting Policy – The Activities Council shall be responsible for holding weekly meetings at a regular time and location that are open to the public in accordance with the Ralph M. Brown Act.
    - i) The set time for AC meetings shall be established on the first meeting of the semester.
    - ii) The set location for AC meetings shall be set within the jurisdiction of Monterey Peninsula College.
    - iii) The items for discussion during AC meetings shall include activity proposals, planning, financial proposals, and reports on activities.
    - iv) The agenda for AC meetings shall be dictated within the AC Bylaws and be adapted from Robert’s Rules of Order.
    - v) Quorum for AC meetings shall be considered met if at least half plus one of the Board of Directors are in attendance during the meeting. In the absence of Quorum, the only business conducted during a meeting shall be the roll and applications for appointment according to the Brown Act.
    - vi) The Parliamentary Procedure utilized during AC meetings shall

be derived from Robert's Rules of Order and enforced by the AC Justice Representative.

- vii) If the Chair/Director of the Activities Council is absent or cannot attend the meeting within 10 minutes of the meeting's starting time, then the meeting will be cancelled.
  - viii) In the event that the Chair/Director cannot attend the meeting, they may appoint an Auxiliary member or ASMC council member to Chair the meeting, but must notify the ASMPC President and Vice President at least twenty-four hours (24 hrs) before the start of the meeting and must be approved. The appointed Chair must know how to properly conduct a meeting according to Robert's Rules of Order.
- b) Membership – The membership of the Activities Council shall be composed of the Chair, Secretary, the Board of Directors, and a Justice Representative.
- i) The Chair of the Activities Council shall be elected or appointed Director of Activities. The Director of Activities shall be required to provide reports to the ASMPC Council after every meeting of AC.
  - ii) The Board of Directors constitute the Voting Members of the Activities Council.
  - iii) The details, duties, and responsibilities of the Board of Directors and Secretary shall be dictated in the AC Bylaws.
  - iv) The Board of Directors may be appointed or removed by the discretion of the Director of Activities with the approval and confirmation of the ASMPC Council.
  - v) The Justice Representative shall serve as Parliamentarian and chief enforcer of the AC Bylaws and the ASMPC Constitution within the Activities Council.
  - vi) The Justice Representative of AC shall be appointed by the Judicial Council and may not be removed by the Director of Activities.
- c) Operation – The Activities Council shall be allocated a total of twenty (20) percent of the total ASMPC budget per academic year. These funds may be utilized for the following purposes:
- i) To propose, plan, and debate proposals for activities.
  - ii) To purchase supplies and equipment specifically designed for use in activities conducted by the Activities Council.
  - iii) To purchase promotional material for the specific purpose of



- v) Quorum for ICC meetings shall be considered met if at least half of the ICC representatives are in attendance during the meeting. In the absence of quorum, the only business conducted during a meeting shall be the roll and applications of appointment.
  - vi) The Parliamentary Procedure utilized during ICC meetings shall be derived from Robert's Rules of Order and enforced by the ICC Justice Representative.
  - vii) If the Chair/Director of the ICC is absent or cannot attend the meeting within 10 minutes, then the meeting will be cancelled.
- b) Membership – The membership of the Inter-Club Council shall be composed of the Chair, the Secretary, the ICC Representatives, and the Justice Representative.
- i) The Chair of the Inter-Club Council shall be the elected or appointed Director of Organizations. The Director of Organizations shall be required to provide reports to the ASMPC Council after every meeting of ICC.
  - ii) The ICC Representatives constitute the Voting Members of the Inter-Club Council.
  - iii) The details, duties, and responsibilities of the ICC Representatives and the Secretary shall be dictated in the ICC Bylaws.
  - iv) The ICC Representatives shall be selected by participating student-led clubs and shall vote on behalf of that club during ICC meetings.
    - (1) The only criteria for serving as an ICC Representative shall be that the individual is a currently enrolled student at Monterey Peninsula College and the student is an active member of the student-led club they seek to represent.
  - v) The Justice Representative shall serve as Parliamentarian and the Chief Enforcer of the ICC Bylaws and the ASMPC Constitution within the Inter-Club Council.
  - vi) The Justice Representative of ICC shall be appointed by the Judicial Council and may not be removed by the Director of Organizations.
- c) Operation – The Inter-Club Council shall be allocated a total of twenty-five (25) percent of the total ASMPC budget per academic year. These funds may be used for the following purposes:

- i) To appropriate resources to be used by participating student organizations for community and club activities.
    - ii) To purchase supplies and equipment specifically designed for use in activities conducted by the Inter-Club Council or its participant clubs.
    - iii) To purchase promotional material for the specific purpose of promoting activities conducted by the participant clubs of ICC.
    - iv) To have one (1) social outing open to members of the Inter Club Council per semester. Said outing may not exceed more than ten (10) percent of the ICC budget
  - d) The Inter-Club Council shall denote the specific conduct of their proposals and activities within the ICC Bylaws.
  - e) The Inter-Club Council shall be bound to the ICC Bylaws and the ASMPC Constitution in addition to the Ralph M. Brown Act and Robert's Rules of Order.
  - f) The ASMPC Voting Members shall have the authority to freeze funding for ICC proposals by a majority decision, however, funding may not be frozen for proposals that have already been approved.
  - g) Student organizations shall be allowed to submit proposals to the ICC for any reason that adheres to the stipulations within this section.
- 3) Student Representative Council (SRC) – The Student Representative Council is responsible for representing the interests of the student body through advocacy, proposals, and the hearing of complaints and suggestions by members of the public. The SRC shall serve to bring together the student representatives of Monterey Peninsula College to a united front to achieve these goals.
  - a) Meeting Policy – The Student Representation Council shall be responsible for holding bi-monthly meetings at a regular time and location that are open to the public in accordance with the Ralph M. Brown Act.
    - i) The set time of SRC meetings shall be established during the first meeting of the semester.
    - ii) The set location of SRC meetings shall be set within the jurisdiction of Monterey Peninsula College.
    - iii) The items for discussion during SRC meetings shall include matters pertaining to the interests of students enrolled at Monterey Peninsula College including complaints, suggestions, and upcoming events.
    - iv) The agenda for SRC meetings shall be dictated within the SRC

Bylaws and be adapted from Robert's Rules of Order.

- v) Quorum for SRC meetings shall be considered met if at least half of the SRC Representatives are in attendance during the meeting. In the absence of quorum, the only business conducted during the meeting shall be the roll and applications for appointment.
  - vi) The Parliamentary Procedure utilized during SRC meetings shall be derived from Robert's Rules of Order and enforced by the SRC Justice Representative.
  - vii) Quorum for SRC meetings shall be considered met if at least half plus one of the Board of Directors are in attendance during the meeting. In the absence of Quorum, the only business conducted during a meeting shall be the roll and applications for appointment according to the Brown Act.
  - viii) If the Chair/Director of the SRC is absent or cannot attend the meeting within 10 minutes from the start of the meeting, then the meeting will be cancelled.
  - ix) In the event that the Chair/Director cannot attend the meeting, they may appoint an Auxiliary member or ASMPC council member to the chair of the meeting, but must notify the ASMPC President and Vice President at least twenty-four hours (24 hrs) before the start of the meeting and must be approved. The appointed Chair must know how to properly conduct a meeting according to Robert's Rules of Order.
- b) Membership – The membership of the Student Representative Council shall be composed of the Chair, the Secretary, the Student Trustee, the President of ASMPC, all students serving on MPC Campus Committees, the SSCCC Representative, and any student who represents the interests of the students of MPC before any body of City, County, State, or Federal Government, and the Justice Representative.
- i) The Chair of the Student Representation Council shall be elected or appointed Director of Representation. The Director of Representation shall be required to provide reports to the ASMPC Council after every meeting of SRC.
  - ii) The Student Trustee, President of ASMPC, students serving on MPC Campus Committees, the SSCCC Representative, and

any other student who represents the interests of the students of MPC before any body of City, County, State, or Federal Government shall constitute the Voting Members of the Student Representation Council and shall henceforth be referred to as the SRC Representatives.

- iii) The details, duties, and responsibilities of the Chair, SRC Representatives and Secretary shall be dictated in the SRC Bylaws.
  - iv) The SRC Representatives shall be appointed by virtue of their currently- held office and shall retain said office until the termination of the position that warrants their status as a SRC Representative.
  - v) The Justice Representative shall serve as Parliamentarian and the chief enforcer of the SRC Bylaws and the ASMPC Constitution within the Student Representation Council.
  - vi) The Justice Representative of SRC shall be appointed by the Judicial Council and may not be removed by the Director of Representation.
- c) Operation – The Student Representative Council shall be allocated a total of ten (10) percent of the total ASMPC budget per academic year. These funds may be utilized for the following purposes:
- i) To appropriate resources for the compensation of travel expenses relating specifically to the attendance of meetings in connection with the duties of a SRC Representative.
  - ii) To have one (1) social outing open to members of the Student Representative Council per semester. Said outing may not exceed more than ten (10) percent of the SRC budget.
- d) The Student Representation Council shall denote the specific conduct of their activities within the SRC Bylaws.
- e) The Student Representation Council shall be bound to the SRC Bylaws and the ASMPC Constitution in addition to the Ralph M. Brown Act and Robert’s Rule of Order.
- f) The ASMPC Voting Members shall have the authority to freeze funding for SRC proposals by a majority decision, however, funding may not be frozen for proposals that have already been approved.
- 4) Student Welfare Council (SWC) – The Student Welfare Council is responsible for ensuring the continuity and expansion upon the benefits currently allocated to students of Monterey Peninsula College.
- a) Meeting Policy – The Student Welfare Council shall be responsible for

holding bi-monthly meetings at a regular time and location that are open to the public in accordance with the Ralph M. Brown Act.

- i) The set time of SWC meetings shall be established during the first meeting of the semester.
  - ii) The set location of SWC meetings shall be set within the jurisdiction of Monterey Peninsula College.
  - iii) The items for discussion during SWC meetings shall include matters pertaining to the interests of students enrolled at Monterey Peninsula College including complaints, suggestions, and upcoming events.
  - iv) The agenda for SWC meetings shall be dictated within the SWC Bylaws and be adapted from Robert's Rules of Order.
  - v) Quorum for SWC meetings shall be considered met if at least half of the SWC Voting Members are in attendance during the meeting. In absence of Quorum, the only business conducted during a meeting shall be the roll and applications for appointment.
  - vi) The Parliamentary Procedure utilized during SWC meetings shall be derived from Robert's Rules of order and enforced by the SWC Justice Representative.
  - vii) Quorum for SWC meetings shall be considered met if at least half plus one of the Board of Directors are in attendance during the meeting. In the absence of Quorum, the only business conducted during a meeting shall be the roll and applications for appointment according to the Brown Act.
  - viii) If the Chair/Director of the SWC is absent or cannot attend the meeting within 10 minutes from the start of the meeting, then the meeting will be cancelled.
  - ix) In the event that the Chair/Director cannot attend the meeting, they may appoint an Auxiliary member or ASMPC council member to the chair of the meeting, but must notify the ASMPC President and Vice President at least twenty-four hours (24 hrs.) before the start of the meeting and must be approved. The appointed Chair must know how to properly conduct a meeting according to Robert's Rules of Order.
- b) Membership – The membership of the Student Welfare Council shall be composed of the Chair, the Secretary, appointed students of

Monterey Peninsula College, and the Justice Representative.

- i) The Chair of the Student Welfare Council shall be elected or appointed Director of Student Welfare. The Director of Student Welfare shall be required to provide reports to the ASMPC Council after every meeting of SWC.
  - ii) The Voting Members of the Student Welfare Council shall be composed of appointed students that are enrolled at Monterey Peninsula College.
  - iii) The details, duties, and responsibilities of the Chair, Voting Members, and Secretary shall be dictated in the SWC Bylaws.
  - iv) The Justice Representative shall serve as Parliamentarian and the chief enforcer of the SWC Bylaws and the ASMPC Constitution within the Student Welfare Council.
  - v) The Justice Representative of SWC shall be appointed by the Judicial Council and may not be removed by the Director of Student Welfare.
- c) Operation – The Student Welfare Council shall be allocated a total of ten (10) percent of the total ASMPC budget per academic year. These funds may be utilized for the following purposes:
- i) To appropriate resources for the upkeep, maintenance, replenishment, and expansion of benefits offered to currently enrolled students of Monterey Peninsula College.
  - ii) To have one (1) social outing open to members of the SWC per semester. Said outing may not exceed more than ten (10) percent of the SWC budget.
- d) The Student Welfare Council shall denote the specific conduct of their operations within the SWC Bylaws.
- e) The Student Welfare Council shall be bound to the SWC Bylaws and the ASMPC Constitution in addition to the Ralph M. Brown Act and Robert’s Rules of Order.
- f) The ASMPC Voting Members shall have the authority to freeze funding for SWC proposals by a majority decision, however, funding may not be frozen for proposals that have already been approved.
- 5) Public Relations Council (PRC) - The Public Relations Council is responsible for ensuring the communication from ASMPC to the MPC Student Body and the promotion of ASMPC and MPC by means of social media and/or other means to promote the benefit of the students of Monterey Peninsula College.
- a) Meeting Policy – The Public Relations Council shall be responsible for holding bi- monthly meetings at a regular time and

location that are open to the public in accordance with the Ralph M. Brown Act.

- i) The set time of PRC meetings shall be established during the first meeting of the semester.
  - ii) The set location of PRC meetings shall be set within the jurisdiction of Monterey Peninsula College.
  - iii) The items for discussion during PRC meetings shall include matters pertaining to the interests of students enrolled at Monterey Peninsula College including complaints, suggestions, and upcoming events.
  - iv) The agenda for PRC meetings shall be dictated within the PRC Bylaws and be adapted from Robert's Rules of Order.
  - v) Quorum for PRC meetings shall be considered met if at least half plus one of the PRC Voting Members are in attendance during the meeting. In absence of Quorum, the only business conducted during a meeting shall be the roll and applications for appointment.
  - vi) The Parliamentary Procedure utilized during PRC meetings shall be derived from Robert's Rules of order and enforced by the PRC Justice Representative.
  - vii) Quorum for PRC meetings shall be considered met if at least half plus one of the Board of Directors are in attendance during the meeting. In the absence of Quorum, the only business conducted during a meeting shall be the roll and applications for appointment according to the Brown Act.
  - viii) If the Chair/Director of the PRC is absent or cannot attend the meeting within 10 minutes from the start of the meeting, then the meeting will be cancelled.
  - ix) In the event that the Chair/Director cannot attend the meeting, they may appoint an Auxiliary member or ASMPC council member to the chair of the meeting, but must notify the ASMPC President and Vice President at least twenty-four hours (24 hrs.) before the start of the meeting and must be approved. The appointed Chair must know how to properly conduct a meeting according to Robert's Rules of Order.
- b) Membership – The membership of the Public Relations Council shall be composed of the Chair, the Secretary, appointed students

of Monterey Peninsula College, and the Justice Representative.

- i) The Chair of the Public Relations Council shall be elected or appointed Director of Public Relations. The Director of Public Relations shall be required to provide reports to the ASMPC Council after every meeting of PRC.
  - ii) The Voting Members of the Public Relations Council shall be composed of appointed students that are enrolled at Monterey Peninsula College.
  - iii) The details, duties, and responsibilities of the Chair, Voting Members, and Secretary shall be dictated in the PRC Bylaws.
  - iv) The Justice Representative shall serve as Parliamentarian and the chief enforcer of the PRC Bylaws and the ASMPC Constitution within the Public Relations Council.
  - v) The Justice Representative of PRC shall be appointed by the Judicial Council and may not be removed by the Director of Public Relations.
- c) The Public Relations Council shall denote the specific conduct of their operations within the PRC Bylaws.
- d) The Public Relations Council shall be bound to the PRC Bylaws and the ASMPC Constitution in addition to the Ralph M. Brown Act and Robert's Rules of Order.
- e) The ASMPC Voting Members shall have the authority to freeze funding for PRC proposals by a majority decision, however, funding may not be frozen for proposals that have already been approved.
- 6) Auxiliary Committee Attendance Policy – As representative of the student body at Monterey Peninsula College and essential participants in achieving the stated missions of each Auxiliary Committee, the attendance of Auxiliary Committee members is essential to the fulfillment of these goals. As a result, members of the ASMPC Auxiliary Committee are bound to the following attendance requirement:
- a) Members of Auxiliary Committee who exceed the following quantity of absences within a single semester shall be automatically removed from office:
    - i) Two (2) consecutive absences
    - ii) Two (2) unexcused absences
    - iii) Three (3) total absences
  - b) Members of Auxiliary Committee(s) who violate the above policy

shall be automatically removed from office at the approval of the minutes bearing the last violation of the above policy.

c) The determination of a valid or invalid excuse for an Auxiliary Council Chair/Director's absence shall be dictated in that Auxiliary Council's Bylaws.

i) If the Chair/Director of the Activities Council is absent and/or tardy two (2) times they will receive a violation.

(1) Valid reasons for missing, arriving late to, or departing early from an Auxiliary Committee meeting shall be restricted to the following.

(a) Personal medical reasons.

(b) Unusual conditions or extreme necessity.

(2) The Judicial Council shall have the responsibility of assessing if a provided excuse meets the above-stated criteria.

(3) The required written notification for a council member's absence must include the name of the council member and the reason for which the council member will be absent from the meeting.

(4) The written notification must be sent to either the President, Secretary of ASMPC or Judicial Council.

(5) The written notification may be submitted electronically to email belonging to the aforesaid officials or to an official ASMPC e-mail account.

7) Auxiliary Committee Records – An accurate record of all proposals, activities, minutes, agendas, and attendance shall be kept for all Auxiliary Committee and shall be made available for public access upon written request.

8) Auxiliary Committee Terms of Office – The Term of Office for members of the Auxiliary Committee shall be one (1) academic year commencing immediately following the first session of the ASMPC Council.

9) Auxiliary Committee Stipend Policy – Members of ASMPC Auxiliary Committee seeking to receive a stipend must adhere to the Auxiliary Committee Attendance Policy and must pass an evaluation in accordance with that Auxiliary Committee's Bylaws. Sitting members of the ASMPC Council may not receive a stipend in addition to their stipend for services rendered in the ASMPC Council.

10) Auxiliary Committee Limited Participation Policy – In the event that an Auxiliary Committee does not have sufficient membership to perform their responsibilities through the Robert's Rules of Order, this section shall grant

the Director of said Auxiliary Committee the authority to unilaterally make, second, approve, and enact motions for the purpose of conducting regular business of Auxiliary Committee. All motions approved through this section require joint validation by the ASMPC Council and the Auxiliary Committee's Justice Representative.

- 11) Judicial Oversight Policy – All Auxiliary Councils are required to have one (1) Justice Representative that is an appointed member of the Judicial Council. The Justice Representative shall serve as the Auxiliary Committee's Parliamentarian and chief enforcer of the ASMPC Constitution, the Auxiliary Council's Bylaws, the Ralph M. Brown Act, and Robert's Rules of Order.
- a) In the event where, due to schedule conflicts or unavailability, an Auxiliary Committee does not have a Justice Representative, the minutes for that Council's meetings are subject to approval by the Judicial Council.

## **Article VIII Funding and Compensation**

The ASMPC Council is responsible for the proper expenditure of funds allocated to it by Monterey Peninsula College through the Student Representation Fee and the granting of funds by the administration of Monterey Peninsula College. Additionally, a portion of the funds allocated to the ASMPC Council are reserved for end-of-semester stipends for ASMPC Council members who are in good standing.

### **A. The ASMPC Council Budget**

1. The budget of the ASMPC Council shall be drafted each year by the ASMPC Treasurer and presented to the ASMPC Council during the first regular business meeting of the academic year. The ASMPC Council shall decide to approve the budget or shall refer the presented budget back to the Treasurer for editing.
2. The budget of the ASMPC Council shall be made available to the public upon written request immediately following its approval.
3. The budget of the ASMPC Council shall include the following features:
  - a. The names of all banking accounts currently associated with the ASMPC Council in addition to the final four digits of the account number and the current balance of said account.
  - b. The names of all funds accessible to the ASMPC Council and the Auxiliary Committees in addition to the fund's current

balance.

- c. A report that projects the estimated income and expenditures that will be incurred during the regular operation of the ASMPCC Council during the academic year.
- d. A written synopsis that serves as an overview of the current fiscal status of the ASMPCC Council and details any relevant course of action deemed necessary by the Treasurer.

**B. The Student Representation Fee**

1. All funds that are collected through the payment of the Student Representation Fee shall be allocated and placed into an account separate from all other accounts and funds available to the ASMPCC Council.
2. Utilizing funds collected through the Student Representation Fee shall be restricted to the following uses in accordance with Section 76060.5 of the California Education Code:
  - a. To reimburse or otherwise cover the costs for travel expenses, registration, and participation for conferences or events designed for the representation of Monterey Peninsula College students through leadership, education, and communication.
  - b. To support student representatives of Monterey Peninsula College who are advocating or otherwise speaking before any body of local, state, or federal government.
  - c. To provide donations for other Student Government Organizations as decided by the ASMPCC Council.

**C. Allocation of Funds to ASMPCC Auxiliary Committees**

1. Funds shall be allocated to the Auxiliary Committees of the ASMPCC Council for the fulfillment of their duties as expressed within the ASMPCC Constitution.
2. The following portions of the ASMPCC Council's total available funds shall be allocated to ASMPCC Auxiliary Committees as follows:
  - a. The Activities Council (AC) shall be allocated twenty (20) percent of the total ASMPCC budget.
  - b. The Inter-Club Council (ICC) shall be allocated twenty- five (25) percent of the total ASMPCC budget.
  - c. The Student Representation Council (SRC) shall be allocated ten (10) percent of the total ASMPCC budget.
  - d. The Student Welfare Council (SWC) shall be allocated ten (10) percent of the total ASMPCC budget.
3. The ASMPCC Council shall have the authority to freeze all funding

allocated to an Auxiliary Council but may not stop the processing of funds that have already been approved by said Auxiliary Council.

D. Compensation for Service

1. All members of the ASMPC Council and the Activities Council (AC), and officers of the Inter Club Council (ICC) shall be eligible for a stipend if they meet any one of the following criteria:
  - a. The individual completed their term of office.
  - b. The individual completed part of their term of office and submitted a formal resignation that was accepted by the organization which they are a member of.
2. All members of the ASMPC Council and the Activities Council (AC), and officers of the Inter Club Council (ICC) who have not completed their term of office and did not have their resignation approved by their respective councils shall not be eligible to receive a stipend.
3. Stipends shall be distributed according to three variables:
  - a. The office is held by the members.
  - b. The results of the peer evaluation conducted by members of the Council that the member is a part of.
  - c. The results of the evaluation conducted by the ASMPC Faculty Advisor.
4. The maximum stipend allowance granted to members eligible to receive a stipend shall be dictated as follows:
  - a. Members of the Executive Branch of the ASMPC Council including the President, Vice President, Secretary, Treasurer, and SSCCC Representative in addition to the Directors, Student Trustee, and Chief Justice shall be eligible to receive a maximum of \$300 USD per semester in the form of a stipend.
  - b. Members of the Legislative Branch, excluding the Directors and including all Senators and Associate Justices, shall be eligible to receive a maximum of \$250 USD per semester in the form of a stipend.
  - c. Members of the Activities Council (AC) and officers of the Inter-Club Council (ICC) shall be eligible to receive a maximum of \$200 USD per semester should those individuals not be currently serving members of the ASMPC Council.
    - i. If the member of the Activities Council (AC) or officer of the Inter-Club Council (ICC) is also a member of the ASMPC Council, that individual shall be eligible for a stipend depending on their position within the ASMPC

Council and may not receive an additional stipend for services rendered.

5. The stipend that is granted to eligible recipients shall be calculated by taking the average of all peer evaluations for a total of fifty (50) points, the faculty advisor score for a total of fifty (50) points, the average score for meeting office hours for fifty (50) points, and the rate of meeting attendance as the final metric for fifty (50) points. Finally, all four metrics shall be added together and divided by two to yield the council member's final score. The final score shall be the variable that determines which portion of the maximum stipend will be granted to the eligible recipient. These brackets are as follows:
  - a. If the final score is less than sixty (60) percent, the recipient shall receive no stipend.
  - b. If the final score is greater than or equal to (60) and less than seventy (70) percent, the recipient shall receive one-fourth of their maximum possible stipend.
  - c. If the final score is greater than or equal to seventy (70) and less than eighty (80) percent, the recipient shall receive one-half of their maximum possible stipend.
  - d. If the final score is greater than or equal to eighty (80) and less than ninety (90) percent, the recipient shall receive three-fourths of their maximum possible stipend.
  - e. If the final score is greater than or equal to ninety (90) percent, the recipient shall receive the entirety of their maximum possible stipend.
6. The conduct of peer and faculty evaluations shall be illustrated in detail in the ASMPC Bylaws. The conduct of peer evaluations for Activities Council (AC) and Inter Club Council (ICC) members shall be dictated in the respective Council Bylaws.
7. The assessment of office hours and attendance compliance shall be made by the Judicial Council in open session. In its deliberations, the Judicial Council may not count excused absences against a member of the ASMPC Council.
8. In the event that the budget of the ASMPC Council falls below \$50,000 USD, all stipends shall be cancelled for that academic year.

## **Article IX**     **Elections and Appointments**

The ASMPC Council is responsible for representing the interests of the students

of Monterey Peninsula College, and as such it is sensible that the students of Monterey Peninsula College democratically elect their representatives. In order for a student to join the ASMPC Council, they must either be elected by their peers during the spring elections or be appointed by petition to the ASMPC Council during the academic year in which they wish to serve in a vacant office.

A. Elections – The ASMPC Council shall be held ultimately responsible for the conduct of elections through the formation of an Elections Committee. The elections conducted by the ASMPC Council are distributed among two categories:

1. General Elections – General Elections are statically established elections that are held once every academic year between the first and the third week of May. General Elections are explicitly conducted to elect members of the ASMPC Council, allow students to vote upon amendments or redrafting of the ASMPC Constitution, or invoke the Student Initiative Power or Student Recall Power.
2. Special Elections – Special Elections are dynamically established elections that may be held an unlimited number of times at any point during the academic year. Special Elections are used explicitly to invoke the Student Initiative Power or Student Recall Power.

B. The Elections Committee – All members of the ASMPC Elections Committee must declare themselves to be unbiased towards candidates and may not themselves be seeking an elected position for the next academic year. The Chair and members of the Elections Committee must be approved by majority decision of the ASMPC Council.

1. Responsibilities of the Elections Committee Chair – The Chair of the ASMPC Elections Committee shall be responsible for publicly announcing the commencement of a general or special election through all available means no less than one (1) week prior to the election, administering the polling place(s) established for the election, counting the votes for each candidate, and announcing the results of the general or special election within one (1) week immediately following the end of the election to the public and the ASMPC Council. The Elections Committee Chair shall also be responsible for appointing members of the Elections Committee to accomplish these tasks. All appointments to the Elections Committee are subject to the approval of the ASMPC Council.
2. Responsibilities of the Elections Committee – The ASMPC Elections Committee shall be responsible for securing, staffing, and enforcing

the integrity of polling stations on the MPC campus. Additionally, the Elections Committee shall be responsible for outreach, promotion, and performing administrative tasks to distribute, gather, and verify the information sent to candidates and the information submitted by the candidates.

C. Candidacy – Any student of Monterey Peninsula College who is currently enrolled in at least five (5) units and has, as of the semester immediately preceding the election, maintained a GPA of no less than 2.0, shall be eligible to run for any elected position of the ASMPC Council with the exception of the office of President, Vice President, Chief Justice, and Student Trustee.

1. In accordance with Governing Board Policy Appendix 1030 and California Education Code Section 72023.5, a student of Monterey Peninsula College must meet the following requirements in order to run for the position of President and Vice President:

a. The candidate must have served at least one semester on the ASMPC Council in order to run for this position.

b. The candidate must be a resident of the MPC Governing Board's District.

c. The candidate must be enrolled in courses accumulating no less than five (5) credits.

d. The candidate must be an enrolled student at Monterey Peninsula College.

e. The candidate must “meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district.”

2. All student government applicants shall take a test (GDE) that measures sufficient knowledge of the Constitution and Bylaws before they get into said position

a. The test will consist of (5) questions on the Constitution and (5) questions on the Bylaws. Each question equals (10) points.

b. The test will consist of fundamental rules and policies within the Constitution and Bylaws.

1. For example: Four (4) Weekly Participation Hours Policy, Mandatory ASMPC Meeting Attendance, Violations, Auxiliary Committee Regulations and etc.

2. These questions aren't meant to be difficult; but, more of a test for basic knowledge of the function

of an organized and professional organization.

c. Results equating a grade of 60% or higher are justified as a passing grade. Anything below will be considered a fail which will eliminate their chances of being qualified for the applied position (literally get “half + 1” correct).

d. The applicant may have a total of two chances to achieve a passing grade.

D. Election Registration – Beginning during the first week of April and concluding no less than ten (10) regular business days later, candidates seeking election may acquire registration packets from a publicly accessible location and may submit said packets in a similarly accessible location.

1. Submitted registration packets must include evidence to prove that the candidate in question meets the minimum criteria for candidacy and must include a petition by no less than fifteen (15) currently registered students of Monterey Peninsula College that affirm their support for the candidate’s election for their selected office.

a. The petition must include the names, student ID numbers, and signatures of the fifteen (15) currently enrolled students of Monterey Peninsula College in order to be considered valid. The students included in the petition may not currently hold or be seeking to hold a position on the ASMPC Council.

2. A submitted registration packet must also include the name, student ID number, signature, address, phone number, and e-mail address of the candidate. The candidate shall have the option to also submit a personal statement illustrating their rationale for seeking an elected position and their qualifications for doing so.

3. A submitted election packet that does not include the required fields stated in this section shall be considered invalid and the candidate shall not be placed on the ballot. Candidates shall be informed of the status of their election packet within two (2) regular business days after submission by the Chair of the Elections Committee.

E. Election Days – The Elections Committee shall determine the days of the election that must be held during any six (6) hour interval between the hours of 8AM and 5PM during both a Monday or Wednesday and a Tuesday or Thursday where regular class sessions are held between the first and third week of May. The polling locations used for the elections must be publicly accessible and should be placed in locations with high foot traffic on the MPC campus. Additionally, students shall be permitted to submit their votes through a publicly accessible website so long as all ballot requirements are

met.

1. Ballots submitted by students Monterey Peninsula College must include the name of the voting student and their Student Identification Number to verify that the individual is a currently enrolled student.
  2. Valid ballots shall clearly indicate the candidate that the voting students wishes to vote for and may optionally include that voter's secondary and tertiary preferences so long as the voter's preferences are made clearly distinct from one another.
  3. Candidates for elected positions shall not be allowed to be physically present within a twenty (20) meter radius of any polling station. If this requirement significantly hinders a candidate's ability to commute to class or any student facility, the candidate may be allowed to move through the area in a straight, uninterrupted line and may not vocalize or interact with any individual in that radius.
  4. Ballots that do not adhere to the standards illustrated above shall be considered null and will not be counted.
  5. Candidates who fail to adhere to the standards illustrated above shall forfeit their candidacy for the remainder of the election.
- F. Appointments – At any time where an office of the ASMPC Council is not held or immediately after a member of the ASMPC Council resigns, a vacancy shall exist. Vacancies within the ASMPC Council during the current academic year may be filled through the appointment of a qualified, currently enrolled student of Monterey Peninsula College by the President of ASMPC and the ASMPC Council.
1. The procedure for appointing a student of Monterey Peninsula College to fill a vacancy on the ASMPC Council shall be dictated in the Bylaws.

## **Article X**      **Removal from Office**

A member of the ASMPC Council may be removed from office in one of four ways. These consist of the expiration of the council member's term of office, the resignation of a council member during their term of office, a recall election of a council member, and the enactment of the articles of impeachment against a council member.

- A. Removal through the Expiration of Term of Office – At the end of a council member's term of office, a council member may decide to run for re- election during the spring semester. If the council member chooses to let their term of office expire at the end of the academic year, the council member shall be

removed from office automatically. The council member shall be eligible for compensation for their service and may resume participation in the ASMPCC Council at any time in accordance with the ASMPCC Constitution and Bylaws.

B. Resignation – During the academic year, a member of the ASMPCC Council may wish to resign from their office for a variety of reasons.

1. Due to the wide variety of factors that impact a council member's ability to participate in ASMPCC, Letters of Resignation that meet the following criteria will be accepted:
  - a. A formal Letter of Resignation shall be typed and signed by the resigning council member.
  - b. The Letter of Resignation shall detail, with as much specificity as is appropriate, the rationale leading to the resignation.
  - c. The Letter of Resignation shall be delivered *in propria persona* to the ASMPCC President, or, if necessary, the faculty advisor.
2. Upon receipt of a valid Letter of Resignation, the resignation shall take effect immediately. The office previously held by the resigning council member shall be considered vacant and the Letter of Resignation must be read aloud to the ASMPCC Council at the next regular business meeting immediately following the receipt of the Letter of Resignation.
3. After the Letter of Resignation is read before the ASMPCC Council, a motion to approve said resignation shall be made and voted upon by the Council in the presence of quorum. The stipulations regarding the approval and disapproval of a resignation shall be dictated in the Bylaws.

C. Recall – Under the invocation of the Student Recall Power, any elected member of the ASMPCC Council may be subject to a Recall Petition under Article I, Section F of this Constitution. A valid Recall Petition containing the signatures of no less than one hundred fifty (150) currently enrolled MPC Students shall be immediately presented to the ASMPCC Council during the next regular business meeting immediately following a receipt of the petition.

1. A valid Recall Petition to invoke the Student Recall Power must bear the name of the council member subject to the petition and the rationale for removing said council member from office.
  - a. Permitted grounds for recall include misconduct, negligence, incompetence, or misinterpretation of the public interest at Monterey Peninsula College.
2. A valid Recall Petition to invoke the Student Recall Power must also bear the names, student identification numbers, and signatures of at

least one hundred fifty (150) currently enrolled MPC students.

3. Upon the presentation of a valid Recall Petition to the ASMPC Council, the Recall Petition shall be investigated by the Judicial Council to ensure that the above- stated requirements have been met. The Judicial Council will be granted one (1) week to determine the legitimacy of the petition. An illegitimate petition shall be nullified immediately with reasoning and public notice provided by the Judicial Council.
4. A Recall Petition upheld by the Judicial Council shall immediately demand the activation of the ASMPC Elections Committee, who shall be mandated to organize, promote, conduct, tabulate, and present the results of a Special Recall Elections as dictated in the Bylaws. The election must be held no later than two (2) weeks after the Judicial Council upheld the petition.
5. For a council member to be successfully recalled from office, the results of the Special Recall Election must show that the majority of voting students voted for that council member's removal from office.
6. After a Special Recall Election's results are tabulated and announced to the public, the following shall occur:
  - a. If the majority of students voted in favor of a council member's recall, that council member shall be immediately removed from office and no stipend shall be granted for services rendered during that council member's term in office.
  - b. If the majority of students voted against the recall of a council member, that council member will be considered to have survived the recall and the council member shall retain their office.

D. Articles of Impeachment – The Articles of Impeachment shall be considered the legal procedure conducted by the ASMPC Council to remove a council member from office. Any member of the ASMPC Council may be subject to the Articles of Impeachment on the grounds of a major violation of the ASMPC Constitution, ASMPC Bylaws, or the Ralph M. Brown Act.

1. In order to invoke the Articles of Impeachment, formal charges must be drafted by a member of the ASMPC Council and submitted to the Judicial Council for evaluation.
  - a. Charges made against a council member must include the name, office, and signature of the council members submitting formal charges. In the event that a group of council members wish to make the same charges against a council member, they

may also formally support the charges with their name, office, and signature. However, only one council member may lead the case for the Articles of Impeachment.

- b. Formal charges submitted to the Judicial Council must be typed and must cite specific violations of the ASMPC Constitution, Bylaws, or Ralph M. Brown Act. These charges shall be submitted directly to the Chief Justice. In the event that a member of the Judicial Council is the subject of charges, the charges must be submitted to the ASMPC President.
2. Upon the receipt of formal charges to invoke the Articles of Impeachment, a session of the Judicial Council shall be convened within one (1) week immediately following the receipt of the charges.
  - a. The plaintiff and defendant parties must both be present at this session of the Judicial Council for the purpose of seeking a resolution to the charges laid to invoke the Articles of Impeachment
  - b. During this session, charges shall be read aloud by the Chief Justice and the defendant shall be permitted to state their case in defense of the charges made. Following the defense, a moderated debate may be held between the two parties until one of the following outcomes is established: (1) That a satisfying resolution can be made between the two parties that reconciles the charges or (2) that a satisfying resolution cannot be made between the parties. In the event that a satisfying resolution is laid out and aggregable to all parties, a member of the Judicial Council may motion for its acceptance and therefore end the invocation of the Articles of Impeachment. Any dissent in this motion from one of the parties, or in the event where no resolution is possible, shall lead directly to the next step in the Articles of Impeachment.
  - c. If a resolution is made that satisfies the charges and ends the Articles of Impeachment, the resolution shall be read aloud to the ASMPC Council during their next regular business meeting immediately following the session of the Judicial Council.
3. In the event that the session of the Judicial Council fails to reach a satisfying resolution, a motion to invoke the Articles of Impeachment shall be added to the agenda of the next ASMPC Council meeting immediately following the session of the Judicial Council.
  - a. The motion to invoke the Articles of Impeachment must detail

all relevant charges, the plaintiff and defendant parties, the outcome of the session of the Judicial Council, and information regarding the procedure for impeachment as outlined here.

- b. Before a motion may be voted upon, the defendant shall be permitted to provide an argument in their defense not exceeding five (5) minutes.
  - c. A motion to invoke the Articles of Impeachment shall pass if a majority of the voting members vote in the affirmative to carry the motion. A motion that fails to pass shall effectively end the invocation of the Articles of Impeachment.
  - d. A motion to invoke the Articles of Impeachment may not be vetoed, tabled, or otherwise delayed or annulled by means outside a majority vote.
4. A successful motion to invoke the Articles of Impeachment shall effectively result in the following:
- a. The Judicial Council shall convene an Impeachment Hearing no less than one (1) week following the passage of the motion. The Impeachment Hearing shall be divided into two parts:
    - i. The first shall be a session open to the public where the only item of discussion shall be the charges of impeachment and thorough examination of the evidence and details gathered that are relevant to the case. During this hearing, the defendant and the plaintiff will be subject to questioning by any member of the ASMPC Council. The Chief Justice shall preside over the hearing and will moderate questioning.
    - ii. The second part of the Impeachment Hearing shall consist of a closed session of the Judicial Council where none but members of the Judicial Council may be in attendance. All members of the Judicial Council must be present during the closed session and they shall collectively determine the case by majority vote where no member of the Judicial Council may abstain. The decision of the Judicial Council shall be immediately posted to the public and a detailed report must be given to the ASMPC Council during the next regular business meeting immediately following the closed session.
5. If the Judicial Council votes in favor of impeachment, the council member who was subject to the charges discussed shall be

immediately removed from office. No stipend shall be granted to the council member in question for any services rendered. The subject will also be suspended from applying to ASMPC for one (1) full semester.

6. In the event that a Justice recuses themselves or is subject to removal, the ASMPC President shall serve as a member of the Judicial Council.
  - i. However, if a member of the Judicial Council removes themselves from ASMPC Council, then and only then shall the ASMPC President not serve as a replacement of the missing member since they did not recuse.
7. In the event that the ASMPC President also recuses themselves or is the subject of charges where they would otherwise fill a vacancy within the Judicial Council, the line of succession shall be followed until a willing replacement is found.

## **Article XI    Amendments**

The ASMPC Constitution and Bylaws, under the authority vested within this section, shall be capable of modification to adapt to the needs of the ASMPC Council and students of Monterey Peninsula College. Modifications to the ASMPC Constitution and Bylaws must be conducted in such a manner as to preserve the integrity and reliability of the ASMPC Council's governing documents.

A. Amendments to the ASMPC Constitution – The ASMPC Constitution may be amended through the procedure described below. Any currently enrolled student of Monterey Peninsula College may propose an amendment to the Constitution, however, the amendments proposed by students who are not members of the ASMPC Council are required to do so through the invocation of the Student Initiative Power.

1. Proposed amendments to the ASMPC Constitution shall be presented as a Discussion Item by the proposing council member or student. The proposed amendment shall be presented during the business meeting of the Council immediately following a written request for the amendment to be added to an ASMPC Council meeting's agenda.
2. Upon the completion of initial discussion and debate regarding the amendment, the amendment shall, upon a valid motion, be referred to the Judicial Council to evaluate the implications of the amendment.

The Judicial Council shall be allotted a maximum of two (2) weeks to complete their investigation.

3. The Judicial Council shall, at the end of their investigation, offer a full report to the ASMPC Council detailing the implications of the proposed amendment and their professional opinion regarding the legitimacy, necessity, and utility of said amendment.
4. At the conclusion of the Judicial Council's report, the Voting Members of the ASMPC Council shall determine, by a two-thirds majority vote in the presence of quorum, whether or not the proposed amendment shall move forward. A vote in favor of the amendment immediately places the amendment on the ballot for the spring election. If the motion fails to reach a two-thirds majority vote in favor of the amendment, the proposed amendment is killed.
5. An amendment that is placed on the ballot for the spring general election shall be adopted if the majority of students voted in favor of adopting said amendment.
6. If, at any time prior to the decision of the Voting Members, it is determined that edits to the proposed amendment are necessary, they may be carried out by the Judicial Council only with the approval of council member(s) or student(s) who originally submitted the proposed amendment.

B. Amendments to the ASMPC Bylaws – The ASMPC Bylaws may be amended by action of the ASMPC Council and amendments to the ASMPC Bylaws may be proposed by any council member. Amendments to the ASMPC Bylaws proposed by students who are not members of the ASMPC Council shall require the invocation of the Student Initiative Power. The following procedure shall apply:

1. Proposed amendments to the ASMPC Bylaws shall be presented as a Discussion Item by the proposing council member or student. The proposed amendment shall be presented during the business meeting of the Council immediately following a written request for the amendment to be added to an ASMPC Council meeting's agenda.
2. Upon the completion of initial discussion and debate regarding the amendment, the amendment shall, upon a valid motion, be referred to the Judicial Council to evaluate the implications of the amendment. The Judicial Council shall be allotted a maximum of two (2) weeks to complete their investigation.
3. The Judicial Council shall, at the end of their investigation, offer a full report to the ASMPC Council detailing the implications of the

proposed amendment and their professional opinion regarding the legitimacy, necessity, and utility of said amendment.

4. At the conclusion of the Judicial Council's report, the Voting Members of the ASMPAC Council shall debate and subsequently determine, by a two-thirds majority vote in the presence of quorum, whether or not the proposed amendment shall be enacted. A motion reaching a two-thirds majority in favor of enactment shall effectively implement and enact the amendment effective upon the approval of that meeting's minutes. A motion that fails to reach a two-thirds majority vote in favor of the amendment, the proposed amendment is killed.
5. If at any time prior to the decision of the Voting Members, it is determined that edits to the proposed amendment are necessary, they may be carried out by the Judicial Council only with the approval of the council member(s) or student(s) who originally submitted the proposed amendment.

C. Minor Alterations to the ASMPAC Constitution and Bylaws – In an isolated set of circumstances, it may be necessary to make minor alterations to the governing documents to reflect proper vocabulary, grammar, sentence structure, or basic errors in the text. Minor Alterations shall only be considered constitutional if they do not change the intention, meaning, and spirit of the original text. In these isolated and rare instances, a specialized procedure shall be followed.

1. The Judicial Council shall create a draft of the proposed alterations that reflect both the original text and the proposed alteration.
2. The proposed alteration shall be read aloud to the ASMPAC Council during a regular Council meeting and debate may be conducted thereafter.
3. The proposed alteration may be voted upon by the Voting Members in the presence of quorum. A proposed alteration requires a two-thirds majority vote to be adopted. Failure to reach a two-thirds majority vote kills the proposed alteration.