

# THE ASSOCIATED STUDENTS OF MONTEREY PENINSULA COLLEGE

## BYLAWS

### Article I. THE ASSOCIATED STUDENT GOVERNMENT

#### Section 1.01 Elementary Duties of a Member of the ASMPC Government

- A. All members of The ASMPC Council, here after referred to as The Council, should become thoroughly knowledgeable about the ASMPC constitution, its Bylaws, and Ordinances.
- B. Members of The Council should obtain a copy of Robert's Rules of Order and become thoroughly familiar with it.
- C. The ASMPC Constitution and Bylaws will supersede the parliamentary procedures should a conflict exist.
- D. Members of The Council should attend every meeting in accordance with the Attendance Policy in the Constitution.
- E. The Council should schedule a meeting at the beginning of each semester to review and discuss the ASMPC Constitution, Bylaws, The Ralph M. Brown Act and Robert's Rules of Order.
- F. All members of The Council shall adhere to the following guidelines:
  - i. Shall respect the rights of all students.
  - ii. Shall promote the positions of The Council.
  - iii. Shall respect their fellow officers.
  - iv. Shall present themselves in a respectful manner at all ASMPC related events.
  - v. Shall offer assistance to fellow officers when asked and able.
  - vi. Shall maintain a reasonable level of professional behavior while assisting students in the ASMPC Office.

#### Section 1.02 Specific Duties of Members of The Council

- A. President
  - i. Shall chair all meetings of The Council.
  - ii. Shall be the official spokesperson of The Council.
  - iii. Shall be empowered to introduce legislation to The Council in the form of resolutions.

- iv. Shall have the power to enforce the legislation of The Council.
  - v. Shall be designated the official representative of The Council for the purpose of signing all financial transactions.
  - vi. Shall nominate students to serve on ASMPC standing committees upon confirmation of The Voting Council.
  - vii. Shall nominate students to fill midyear vacancies in The Council upon confirmation of The Voting Council.
  - viii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- B. Vice President:
- i. Shall fulfill the powers and duties of the President in the event of a vacancy or in the event of an absence declared by the President.
  - ii. Shall serve as an Ex-Officio of all MPC campus committees, ASMPC standing committees, subcommittees, and ad hoc committees.
  - iii. Shall serve as an Associate Justice in the event of 2 or more vacancies in the Justice Department.
  - iv. Shall serve on a minimum of one (1) ASMPC standing committee or MPC campus committee.
  - v. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
  - vi. Shall perform other duties as assigned by the President.
- C. Treasurer:
- i. Shall fulfill the powers and duties of the Vice President in the event of a vacancy of the Vice President.
  - ii. Shall fulfill the powers and duties of the Communications Officer in the event of a vacancy of the Communications Officer.
  - iii. Shall serve as chair for the Budget Advisory Committee.
  - iv. Shall maintain an accurate record of financial transactions.
  - v. Shall provide weekly budget summary reports to the all members of the ASMPC Government.
  - vi. Shall serve on a minimum of one (1) additional ASMPC standing committee or MPC campus committee.
  - vii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
  - viii. Shall perform other duties as assigned by the President.

D. Secretary:

- i. Shall fulfill the powers and duties of the Treasurer in the event of vacancy of the Treasurer.
- ii. Shall attend all meetings of The Council to record the minutes of the meeting.
- iii. Shall work closely with the President and Vice President to create the agendas and minutes for the meetings of the Council.
- iv. Shall work closely with the ASMPC committee chairs to create agendas and minutes for ASMPC standing committees.
- v. Shall work a minimum of three (3) hours in the ASMPC office per a week. These hours may be used exclusively for the creation of agendas and minutes.
- vi. Shall perform other duties as assigned by the President.

E. Communications Officer Councilman:

- i. Shall fulfill the powers and duties of Secretary in the event of a vacancy of the Secretary.
- ii. Shall serve as chair for the Public Relations Committee.
- iii. Shall distribute all agendas, announcements, statements, and resolutions.
- iv. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- v. Shall perform other duties as assigned by the President.

F. Director of Student Organizations Councilman:

- i. Shall fulfill the powers and duties of the Director of Student Activities Councilman in the event of a vacancy of the Director of Student Representation.
- ii. Shall serve as chair of the Inter Club Council.
- iii. Shall uphold the Constitution and Bylaws of the Inter Club Council.
- iv. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- v. Shall perform other duties as assigned by the President.

G. Director of Student Representation Councilman:

- i. Shall fulfill the powers and duties of the Director of Student Organizations Councilman in the event of a vacancy of the Director of Student Organizations.
- ii. Shall serve as chair of the Student Representation Council.
- iii. Shall uphold the Constitution and Bylaws of the Student Representation Council.
- iv. Shall serve on a minimum of one (1) ASMPC standing committee or MPC campus committee.
- v. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- vi. Shall perform other duties as assigned by the President.

H. Director of Student Activities Councilman:

- i. Shall fulfill the powers and duties of the Director of Student Representation Councilman in the event of a vacancy of the Director of Student Representation.
- ii. Shall serve as chair of the Activities Council.
- iii. Shall uphold the Constitution and Bylaws of the Activities Council.
- iv. Shall serve on a minimum of one (1) ASMPC standing committee or MPC campus committee.
- v. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- vi. Shall perform other duties as assigned by the President.

I. Student Trustee Councilman:

- i. Shall serve as Associate Justice in the event of a vacancy in the Justice Department.
- ii. Shall serve as the student representative to the Monterey Peninsula Community College District Governing Board.
- iii. Shall work closely with the President to coordinate the relationship with the Monterey Peninsula College administration.
- iv. Shall serve on a minimum of one (1) ASMPC standing committee or MPC campus committee.
- v. Shall work a minimum of three (3) hours in the ASMPC office per a week.

J. Statewide Representative Councilman:

- i. Shall serve as the official delegate of The Council to the Student Senate for California Community Colleges (SSCCC) and the SSSCC Region IV. In the event that the Statewide Representative is not able to attend the SSSCC General Assemblies or Region IV meetings, the Statewide Representative shall appoint a temporary replacement.
- ii. Shall report on the actions of the SSSCC and Region IV at each meeting of The Council.
- iii. Shall bring forward recommendations to The Council based on the actions of the SSSCC and Region IV.
- iv. Shall serve on a minimum of one (1) ASMPC standing committee or MPC campus committee.
- v. Shall work a minimum of three (3) hours in the ASMPC office per a week.

K. Chief Justice:

- i. Shall serve as chair of the Justice Department.

- ii. Shall become familiar with all legal documents pertaining to the ASMPC both internal and external.
  - iii. Shall attend all meetings of The Council.
  - iv. Shall serve as the official parliamentarian for The Council.
  - v. Shall work a minimum of three (3) hours in the ASMPC office per a week.
- L. Associate Justice of Internal Documents (split Associate Justices in to two parts):
- i. Shall fulfill the powers and duties of the Chief Justice in the event of a vacancy of the Chief Justice.
  - ii. Shall attend all meetings of the Justice Department.
  - iii. Shall attend all meetings of the Inter Club Council as the Justice Representative.
  - iv. Shall attend all meetings of Governing Documents Committee as the Justice Representative.
  - v. If unable to attend the Inter Club Council or the Governing Documents Committee, at the discretion of the Chief Justice, the Associate Justice of Internal Documents and External Documents may switch committees or councils for which they are the Justice Representative.
  - vi. Shall inform the Chief Justice if unable to perform any duties. The Chief Justice shall find suitable replacement for those duties if able.
  - vii. Shall work a minimum of three (3) hours in the ASMPC office per a week.
  - viii. Shall perform other duties as assigned by the Chief Justice.
- M. Associate Justice of External Documents (split Associate Justices in to two parts):
- i. Shall fulfill the powers and duties of the Chief Justice in the event of a vacancy of the Chief Justice and Associate Justice of Internal Documents.
  - ii. Shall attend all meetings of the Justice Department.
  - iii. Shall attend all meetings of the Activities Council as the Justice Representative.
  - iv. Shall attend all meetings of Student Representation Council as the Justice Representative.
  - v. If unable to attend the Activities Council or the Student Representation Council, at the discretion of the Chief Justice, the Associate Justice of External Documents and Internal Documents may switch committees or councils for which they are the Justice Representative.
  - vi. Shall inform the Chief Justice if unable to perform any duties. The Chief Justice shall find suitable replacement for those duties if able.
  - vii. Shall work a minimum of three (3) hours in the ASMPC office per a week.

- viii. Shall perform other duties as assigned by the Chief Justice.
- N. Governing Documents Councilman:
- i. Shall be the Chairperson of the Governing Documents Committee.
  - ii. Shall serve on a minimum of one additional (1) ASMPC standing committee or MPC campus committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- O. Equity and Diversity Councilman:
- i. Shall act as representative of The Council on the Academic Senate.
  - ii. Shall be a member of the Public Relations Committee as a liaison between the academic department heads and the Public Relations Committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- P. Elections Councilman:
- i. Shall be the Chairperson of the Elections Committee, and shall insure fair elections at MPC.
  - ii. Shall serve on a minimum of one additional (1) ASMPC standing committee or MPC campus committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- Q. Technology/Archiving Councilman:
- i. Shall serve as the social media member of the Public Relations Committee.
  - ii. Shall work with the Secretary to archive old and current ASMPC documents.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- R. Night Student Interests Councilman:
- i. Shall organize a minimum of two evening activities with the Activities Council.
  - ii. Shall serve on a minimum of one (1) ASMPC standing committee or MPC campus committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- S. Budget Advisory Councilman:
- i. Shall be a member of the Budget Advisory Committee.
  - ii. Shall be a member of the Fundraising Committee.
  - iii. Shall act as a liaison between the Budget Advisory Committee and the Fundraising Committee.
  - iv. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- T. Student Benefits Councilman:
- i. Shall be the chairperson of the Student Benefits Committee.

- ii. Shall maintain the Food Bank and coordinate the distribution of the food to students.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- U. Environmental Issues Councilman:
- i. Shall plan and coordinate Earth Day activities with the Activities Council.
  - ii. Shall serve on a minimum of two (2) ASMPC standing committee or MPC campus committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- V. Academic Affairs Councilman:
- i. Shall serve as the Student Representative on the Curriculum Advisory Committee.
  - ii. Shall serve on a minimum of one additional (1) ASMPC standing committee or MPC campus committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.
- W. Fundraising Councilman:
- i. Shall be the Chairperson of the Fundraising Committee.
  - ii. Shall serve on a minimum of one additional (1) ASMPC standing committee or MPC campus committee.
  - iii. Shall work a minimum of three (3) hours in the ASMPC Office per a week.

#### Section 1.03 Endorsements and Affiliation

- A. This code is established to define policies and procedures regarding any and all official letters or contracts which shall represent The Council.
- B. Any and all official letters or contracts going out to businesses, MPC faculty or staff carrying the endorsement of ASMPC shall be presented to The Council to be approved by majority before being sent out.
  - i. ASMPC Auxiliary Organizations and Committees are exempt, unless deemed necessary by The Council.
- C. In the interest of possible time constraints, The Council may set standards and guidelines for any official letters or contracts that may go out.
- D. The Voting Council may approve letters of endorsement or support for Local, State, and National legislation.

#### Section 1.04 Vacancy of Council Positions

- A. If for any reason a vacancy occurs in The Council, the President must immediately notify the student body of the vacancy via public notice stating;
  - i. The seat(s) vacant.
  - ii. A summary of the application process.
  - iii. The time, date and location of The Council meeting in which the appointment (s) shall take place.
- B. Applicants must pick up an application for appointment from the ASMPC Office to be filled out and submitted to a member of The Council.
- C. Applicants for appointments must meet all requirements set forth in the ASMPC Bylaws, Section 4.04 to be eligible to submit an application.
- D. The application process shall be as follows:
  - i. The Secretary shall submit a copy of the application for appointment to all members of The Council.
  - ii. Any concerns about any applicant may be brought to the President prior to the interview their meeting with the applicant.
  - iii. The President shall meet with all applicants individually to discuss the requirements and responsibilities of the position.
  - iv. The President shall place the application for appointment on the agenda for the next scheduled regular meeting of The Council.
  - v. The nominee(s) must be present at said meeting to answer questions from The Council.
  - vi. A motion to approve a nominee must be made, seconded, and approved by a majority vote of The Voting Council in order for the nominee to be confirmed.

#### Section 1.05 Absentee Policy of The Council

- A. Valid reasons for missing a Council meeting shall be:
  - i. Due to illness or medical circumstances.
  - ii. Due to educational purposes, excluding regular class sessions.
  - iii. Due to an unusual condition or extreme necessity.
  - iv. Due to attendance to ASMPC related events.
- B. Any Council member who expects to be absent shall inform the ASMPC Advisor, President, or Secretary ahead of time. The message will then be read aloud at the meeting for approval. A majority vote during Validation of Absenteeism shall excuse an absent member of The Council.



- C. If any Council member informs their respective branch of the ASMPc in advance of an expected absence, that member may have the absence excused in advance at a meeting by stating the excuse for the record under Validation of Absenteeism, The Council shall determine the validity of the excuse at that time, and shall approve or disapprove the excuse. The Executive veto shall not apply to this procedure.
- D. Any member leaving a meeting early shall be automatically counted as having an unexcused absence unless a majority of Council votes to validate the early departure. An excused early departure shall not count as an excused absence. An unexcused early departure shall count as an unexcused absence. The Executive veto shall not apply to this procedure.
- E. Any member who arrives to a meeting more than ten minutes late shall automatically be counted as having an unexcused absence unless a majority of the Council votes to validate the tardiness. An excused tardiness shall not count as an excused absence. An unexcused tardiness shall count as an unexcused absence. The Executive veto shall not apply to this procedure.
- F. In the event of a meeting not having quorum, attendance will be kept and validation of absences will be determined at the next meeting which has quorum.
- G. A member of The Council will be removed from The Council after two (2) consecutive or three (3) total unexcused absences, upon approval of the minutes.

#### Section 1.06 Policy on Meetings

- A. The Council shall establish a regular meeting time, date and place for the duration of the academic year. A calendar of the meeting will be posted at a site which is readily available to the student body. Change of regular meeting place, time or date must be made public by special bulletin or notice in available media at least one day in advance.
- B. All meetings of The Council shall be open to the public, except when business warrants for a closed session.
- C. The Council must meet weekly when school is in session or as stipulated in the Constitution.
- D. All Council members must be notified at least ~~one~~ three (3) days in advance of any change of time or location of the regular Council meeting.

#### Section 1.06 Procedures and Order of Business

- A. The agenda for the meeting will be prepared and distributed to each member of The Council by the ASMPc President, or designee, by email or in each Council member's inbox.

- B. In the event there is quorum, half plus one (1) filled Voting Council positions, the following agenda format will be followed:
- i. Call meeting to order
  - ii. Roll Call
  - iii. Public Comment
  - iv. Consent Resolutions
    - a. Approval of Minutes
    - b. Approval of Agenda
  - v. Reports
  - vi. Committee Reports
  - vii. Discussion Items
  - viii. Action Items
  - ix. Validation of Absenteeism
  - x. Open Forum
  - xi. Adjournment
- C. In the event of no quorum the following agenda format will be followed:
- i. Roll Call
  - ii. Public Comment
  - iii. Reports
  - iv. Committee Reports
  - v. Open Forum
  - vi. Adjournment
- D. This template for the agenda is not permanent and can be changed by a two-thirds majority vote of The Voting Council.

#### Section 1.08 Employment and Termination of ASMPC Employees

- A. Employment
- i. The President and ASMPC Advisor shall interview a potential employee of ASMPC.
  - ii. When a potential employee is approved by the President and ASMPC Advisor, The Council may question said person at the next regular meeting.
  - iii. A two-thirds (2/3) majority vote is required to approve the employment of said person by The Voting Council.
- B. Termination:

- i. The Executive Council may meet to discuss the potential termination of any ASMPC employee.
- ii. The Executive Council shall meet in closed session, chaired by the Chief Justice, to discuss the termination of any ASMPC employee.
- iii. A unanimous vote of the Executive Council is required to approve the termination of the ASMPC employee being discussed.
- iv. The terminated employee can challenge the termination with the Justice Department.

#### Section 1.09 Minutes of Meetings

- A. The minutes shall include the following information when a motion is made:
  - i. Motion Made
  - ii. Maker of Motion/ Seconded By / Amendments to motion
  - iii. Key points of the discussion
  - iv. Results of the Vote, including count of
    - a. Ayes
    - b. Nays
    - c. Abstentions
    - d. In the case of a roll call vote, the name of each member of Council with their vote.
- B. Any Council member may ask for a roll call vote.
- C. A member voting against a measure, during a roll call vote, may state reasons and have them recorded in the minutes.

#### Section 1.10 Complaints

- A. Complaints or charges against elected positions; The Council shall be referred to the Chief Justice. If the complaint is made against the Chief Justice the Associate Justice of Internal Documents will preside over any judicial proceedings.
- B. Complaints or charges against any employee and/or appointed positions of ASMPC will be presented to The Executive Council directly and shall be referred to the President for investigation and report. Following the investigation, the President will then communicate to the person making the complaint. The investigation report shall be given to all Council members at ~~the~~ next Joint Meeting of The Council.

- C. Anonymous complaints will be disregarded by the Justice Department and the ASMPC Government.
- D. Anonymous charges will be investigated.

#### Section 1.11 The Oath of Office

- A. The Oath of Office shall read:

*I, (Name), affirm to uphold the duties of my position as an Officer of the Associated Students of Monterey Peninsula College to the best of my abilities; to represent every student of Monterey Peninsula College equally and with all fairness. I take this opportunity and obligation freely and without any mental reservation or purpose of evasion; and I will well and faithfully uphold the Constitution, Bylaws and all governing documents of the Associated Students of Monterey Peninsula College while performing the duties and responsibilities I have been entrusted with by my constituents for the duration of my term in office.*

### **Article II. EXECUTIVE COUNCIL**

#### Section 2.01 Proclamations

- A. The President may make proclamations, with a majority vote of the Executive Council, designating a day(s), week(s), or a month as a special period of observance, mourning or commemorations.

#### Section 2.02 Check Requisitions

- A. Only the President of the Associated Students shall be empowered to sign Check Requisitions, on behalf of the Associated Students. The President may designate the Vice President or a designee such authority, although final authority rests with the President.
- B. If the Check Requisition form is processed from the Inter Club Council's, Activities Council's, or Student Representation Council's account the signature of the respective chair or their designee is required for approval.
- C. All check requisitions must be checked and initialized by the Treasurer, or the Budget Advisory Councilman if the Treasurer position is vacant.

#### Section 2.03 Budget

- A. The Treasurer shall submit the annual budget for approval by The Council.
  - i. A budget overview shall be available in the ASMPC Office.

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- ii. Request forms for itemized budgets shall be available in the ASMPC Office and shall be processed within seven (7) business days after submission.
- iii. All requests for itemized budgets shall be reported to The Council including who made the request and which budget was requested at the next regular meeting of The Council.

B. Budget Drafts & Revisions

- i. Proper documentation shall be provided to The Council in all proposals that will have a direct effect or influence upon ASMPC funds.
- ii. The Treasurer shall prepare and present a draft budget for the following fiscal year at the first regular meeting of The Council in May. The Council shall make the draft budget public and discuss the proposed budget, if there is public inquiry. Otherwise The Council will review the budget at the first meeting after the receipt of the draft. No final vote on the budget shall be taken at the first meeting.
- iii. Members of The Council may request changes or edits to the draft budget at the first review and up until four (4) business days before the final vote. All requests shall be in submitted writing to the Budget Advisory Committee for deliberation.
- iv. Approval of the budget will be taken by roll call vote and shall be considered binding. The budget must be approved at the last regular meeting of The Council in May.
- v. The Treasurer will present a budget report in writing at every regular meeting of The Council.

C. Accountability

- i. The Treasurer shall keep all accurate records of all ASMPC transactions. This includes the ICC, AC, and SRC.
- ii. Upon request of the Treasurer, the ICC, AC, and SRC chairs, or said appointee, shall provide a full record of all transactions within their departments. The request must be submitted in writing or email and include dates of transaction history to be provided to the Treasurer. The respective chairs or representatives shall have seven (7) business days to comply.

D. ASMPC Budget Reserve

- i. The ASMPC Reserve shall never be allowed to fall below a minimum cap of \$25,000.
- ii. The reserve is not replenished yearly and shall not be spent on any regular or recurring costs of ASMPC.

- iii. Spending from the reserve is limited to large and/or unforeseen unusual purchases that are needed by ASMPC.
- iv. Any request for expenditure from the reserve must be made in writing to the Budget Advisory Committee for deliberation. The request is sent to Senate for deliberation where a two-thirds majority vote of the Senate is needed for approval. Because of the nature of the expense, an advisory vote shall be granted to the ASMPC advisor for the purposes of guidance.

### **Article III. THE JUSTICE DEPARTMENT**

#### Section 3.01 Procedures

- A. Any student may petition the Justice Department to rule on the constitutionality of any Council's action. The person must file a petition stating charges, grounds and evidence. The person must include their name, student ID number, email, date, and signature.
  - i. The Chief Justice shall receive the petition and respond in writing to the petitioner. If the grounds are valid, the Chief Justice shall call for a meeting of the Justice Department to investigate and decide on the issue.
  - ii. If the petition involves a member of the Justice Department the Student Trustee shall fill in for that member. If that member is the Chief Justice the Student Trustee shall preside over the matter in question following procedures in sections 3.01 and 3.02 of the Bylaws.
  - iii. The Chief Justice shall contact, in writing, all parties directly involved in the investigation, three (3) business days prior to the Justice Department meeting.
  - iv. At a Justice Department meeting, both sides will present their case with the petitioner stating their case first, then the person(s) named in the petition stating their case. After both sides have stated their cases, the Justice Department will meet behind closed doors to make a decision on the issue. Nobody else may be present while the Justice Department is making a decision.
  - v. If there is more than one issue before the Justice Department to decide, the Chief Justice may decide to hear all issues first, and then make judgments.

#### Section 3.02 Meetings

- A. The Justice Department shall be required to meet at least twice a month and at times when petitioned to decide an issue.

- B. All meetings of the Justice Department shall be open to the public. The public shall, however, not be allowed to be present with the Justices when they meet to make judgments.
- C. Agendas for the Justice Department meetings must be posted at least seventy-two (72) hours prior to the meeting.
- D. No member of the Justice Department shall be allowed to abstain during a Justice Department meeting.

#### **Article IV. ASSOCIATED STUDENT GOVERNMENT ELECTIONS**

Section 4.01 All Elections shall conform to Article XI of the Constitution.

Section 4.02 Ballots

- A. Ballots shall include the following:
  - i. Shall be numbered, starting with the number one, in the upper right hand corner. Sample Ballots shall not be numbered but, in large bold letters, "SAMPLE BALLOT" will be printed on the top of the ballot.
  - ii. The names and positions of all candidates will be listed.
  - iii. All petitions and propositions will be listed on the ballot.
  - iv. Spaces for a write-in candidate for every office open for election at the bottom of the list of named candidates.

Section 4.03 Candidates Listed

- A. All candidates shall be listed in the order in which they submit their petitions to the Election Committee. Initiatives, referendums, recalls etc., shall be listed on the ballot in the order in which they are received by the Election Committee.
- B. Candidacy forms for the General Elections shall be made available by the first day of March class is in session.

Section 4.04 Candidate Eligibility

- A. Candidates must meet the following requirements in order to be placed on the ASMPCC election ballot.
  - i. For the positions of President, Vice President, Secretary, Treasurer, Communications Officer Councilman, Student Trustee Councilman, Statewide Representative Councilman, Chief Justice, Director of Student Representation Councilman, Director of Student Organizations Councilman, and Director of Student

Activities Councilman prospective candidates shall have participated as a member of The Council for a minimum of one semester.

- B. In the event that no eligible candidate submits an application to the aforementioned positions, then the eligibility requirement shall be waived. The final day to accept candidacy forms from prospective candidates that are eligible for the President, Vice President, Secretary, Treasurer, Communications Officer Councilman, Student Trustee Councilman, Statewide Representative Councilman, Chief Justice, Director of Student Representation Councilman, Director of Student Organizations Councilman, and Director of Student Activities Councilman shall be three (3) business days prior to the sample ballot release.

#### Section 4.05 Sample Ballots.

- A. Sample ballots shall be posted in the ASMPC Office and the Student Activities Office, sent to all available campus media, and placed in all ASMPC mailboxes. They shall be made available for all candidates and to those persons sponsoring initiatives, referendums, recalls, etc.; at least four calendar days before the election is held. It shall be the responsibility of all candidates and persons sponsoring initiatives, etc., to pick up a sample ballot and to notify the Elections Committee Chairperson of any desired corrections before 5:00 PM, of the day following the release of the Sample Ballots.

#### Section 4.06 Ballot Correlation

- A. The number of ballots printed and numbered must correlate to the number of ballots in the possession of the Elections Committee after the polls are officially closed.
  - i. If the numbers do not correlate, then the Justice Department will rule on the validity of the election.
  - ii. If ruled invalid, another election will be held one week after the ruling.
  - iii. The Elections Committee will be required to state the reason of invalidation, as long as it doesn't infringe on privacy rights, and announce the new election time.

#### Section 4.07 Voting Procedure

- A. There shall be at least one polling booth for each polling station. Each polling station will have the following:
  - i. A sealed ballot receptacle
  - ii. A list of eligible voters
  - iii. The official voter signature sheet



- iv. Sample Ballots
- v. Voter's instruction sheet

#### Section 4.08 Polling Station Attendants

- A. There shall be at least one person running the polls at all times. Only members of the Election Committee or authorized assistants shall have the authority to run the polls. At no time should the poles be left unsupervised by authorized personnel. The Elections Committee shall keep a record of all those who work at the polling stations.
- B. Candidates for election may not work at the polling stations.

#### Section 4.09 Campaigning

- A. The poll watcher shall do everything within reason to prevent campaigning within a 25 foot radius of the polls.

#### Section 4.10 Signs

- A. All polling stations shall be designated as such by two or more easily seen signs, the signs shall indicate what polling station it is, hours it will remain open and the day(s) of the elections.

#### Section 4.11 Publicity

- A. The location of the polling stations shall be publicized in available campus media.

#### Section 4.12 Voting

- A. Prospective voters, upon approaching the polling station will be asked by the poll worker for their identification. The voter will be instructed to sign his or her name on the voter registration sheet provided by the Elections Committee. A member of the Committee (or the poll worker) shall inform the voter of the nature of the election, the procedure on how to mark the ballot, and other voting procedures before giving the ballot to the voter. No person, or worker of the Elections Committee shall request or advise voters on how to mark their ballots.

#### Section 4.13 Miss-marked Ballot

- A. If a voter miss-marks a ballot or makes a mistake that voter must sign the back of the ballot with his name then return the ballot to the poll worker. The poll worker will cosign his/her
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name, mark the ballot as void, and deposit the ballot in the ballot box. Another ballot will then be given to the voter by the election worker. No ballots may leave the polling station at any time.

#### Section 4.14 Ballot Tabulation.

- A. The Elections Committee shall count the marked ballots in the sealed ballot receptacles, on the same date the election is officially over, immediately after the polls close. If the election is held for more than one day, ballots shall be tabulated on the final day of election after the polls close.
- B. Candidates, representatives of candidates and also sponsors of referendums, amendments, initiatives, recalls, etc. that are on the ballot, may be present at the time of the vote tabulation. A limit of two representatives (including the candidate) per candidate is set. Those present shall make no comments until after the vote count is completed.
- C. The Elections Committee Chairperson may remove any person from the room where the vote tabulation takes place for making comments, talking or in any other way disturbing the process of counting the ballots.
- D. The Elections Committee Chairperson shall be present during the counting except for a valid reason, and then he/she shall appoint a substitute.
- E. Each polling station's ballots shall be counted separately. For example, if there are three polling stations, the three station's returns shall be counted separately. The totals from the three would then be added together and totaled.
- F. Until such time as an effective method of preventing multiple voting, only one polling station shall be open at a time with the official registry of voters in attendance.
- G. Actual Counting.
  - i. Two persons will work together to count returns from each polling station. (These persons must be authorized assistants to the Elections Committee or members of the Committee).
  - ii. The Elections Committee Chairperson, when receiving all returns from all polling stations, shall total all the returns indicating the winners, sign and date the sheet. The Elections Committee Chairperson shall make three (3) copies of the total returns.
  - iii. The Elections Committee Chairperson shall retain one copy of all returns from all polling stations and submit one copy to a representative of the College Administration and one copy to the ASMPC Secretary.

iv. No candidate may count votes.

#### H. Counted Ballots

- i. All used, unused, voided or damaged ballots shall be placed in a sealed container and stored in a locked room. The re-sealed ballot boxes shall be re-opened only in the event that an official recount is conducted. The ballots shall be locked and under the responsibility of the Elections Committee Chairperson for a minimum of two (2) weeks after the election.
- ii. The Elections Committee Chairperson shall make public the results of the election as soon as possible following the tabulation of the returns. It shall be the responsibility of the Elections Committee Chairperson to see that the results are released to all campus media, to the President of ASMPC, to the ASMPC Advisor and posted in the ASMPC and Student Activities Office at least one business day after the election.
- iii. All candidates and all sponsors of referendums, etc. on the ballot shall be officially informed of the results no later than four business days following the election.

#### I. Recounts

- i. Recounts may be demanded by any candidate, a group of candidates or by the sponsors of initiatives, referendums, etc., within five (5) business days after the results are released.
- ii. The recount demand must be submitted, in writing and signed by the requesting person or persons to the Elections Committee Chairperson. The recount must be made by the Elections Committee within two business days after the demand is made and received. The same vote counting procedure stated in earlier sections of these Bylaws shall be used.
- iii. The candidate(s) and/or sponsor(s) requesting a recount shall be notified of the time, date and place of the recount in writing at least twenty-four (24) hours prior to the recount. The candidate(s) and/or sponsor(s) requesting a recount must be present for the recount or the recount will be canceled.

#### J. Election Result Can Be Contested.

- i. All election complaints shall be submitted to the Elections Committee Chairperson who shall rule on the complaint. The decision of the Elections Committee Chairperson may be appealed to the MPC Vice President of Student Services. The decision of the Vice President of Student Services shall be final.
- ii. Those person(s) contesting the results or any part of the election shall submit, in writing reasons why such a complaint is being made. The signed statement, which

must be dated, must be received by the Elections Committee Chairperson no later than four business days after the results are released.

- iii. Grounds for contesting the election shall be any violation of pertinent sections of the ASMPC Constitution, its Bylaws and/or ASMPC Ordinances. No other reasons shall be considered as grounds for contesting the election.

## **Article V. OFFICE RULES & PROCEDURES**

### Section 5.01 Office Rules

- A. The inner office is for the use of the ASMPC Government and its Auxiliary Organizations only.
- B. Eating in the office is discouraged.
- C. Keep all food and drink away from computers and other electronics.

Section 5.02 Any person found to be using the computers in either office for pornographic entertainment will be automatically dismissed from the office and if a council member then automatically removed from office.

## **Article VI. TRAVEL POLICY**

Section 6.01 This code is established to define policies and procedures regarding any and all travel done by or through ASMPC.

### Section 6.02 Attendance Procedures for ASMPC officers

- A. The Council shall attend a number of conferences throughout the academic year, pending an available budget for such attendance.
- B. Members of The Council wishing to attend such conferences shall submit in writing a request for attendance to the ASMPC Advisor.
- C. The Statewide Representative Councilman and other members of The Council in elected state positions shall be exempt from this for regular state representations.
- D. The ASMPC President and ASMPC Advisor shall meet to determine the list of attendees to such conferences. The ASMPC President and the ASMPC Advisor shall base their determination on the person in question's participation in ASMPC events, activities, attendance at ASMPC meetings, and general contribution to ASMPC.
- E. The ASMPC President shall announce the list of attendees when the attendance determination is completed.

- F. In the event the ASMPC President is unable to announce a list of attendees by a predetermined date, the ASMPC Vice President shall have forty-eight (48) hours to announce the list of attendees.
- G. The list of attendees may not be challenged by the Justice Department.
- H. All members of The Council will be required to sign a Travel Agreement Contract (TAC), which binds them to reimburse funds allocated for their attendance to ASMPC in the event of not attending.
- I. In the event that a member of The Council does not conduct themselves in a proper manner as stated in the Monterey Peninsula College Catalog under Student Rights and Responsibilities, The Executive Council may take action banning the person from future travel. This action must be passed by a majority vote of the Executive Council.
- J. In the event that a student breaks their TAC the funds set aside for their attendance, which needs to be paid back, will be treated as an official ASMPC Short Term Emergency Loan. After that the student's case will be referred to Fiscal Services and the student will lose all rights to their stipend.

#### Section 6.03 Attendance Procedures for non-ASMPC officers

- A. Any non-ASMPC Government member wishing to travel through the ASMPC must get approval from the appropriate council.
- B. All students will be required to sign a Travel Agreement Contract (TAC), which binds them to reimburse funds allocated for their attendance to ASMPC in the event of not attending.
- C. In the event that a non-ASMPC Government member does not conduct themselves in a proper manner as stated in the Monterey Peninsula College Catalog under Student Rights and Responsibilities, Council may take action banning the person from future travel. This action must be passed by a majority vote of the Executive Council.
- D. In the event that a non-ASMPC Government member breaks their TAC the funds set aside for their attendance, which needs to be paid back, will be treated as an official ASMPC Short Term Emergency Loan. After that the case will be referred to Fiscal Services.

#### Section 6.04 Attendees must present a report at the next appropriate meeting.

### **Article VII. STIPENDS**

Section 7.01 All members of the ASMPC Government, other than the person in question, will fill out an evaluation. Each question will be based on a scale of zero (0) to ten (10). If

the person scores an average of 70% or more of the total points per evaluation they pass. If a person passes, they get the whole of their position's stipend. If a person fails, they receive nothing.

#### Section 7.02 Evaluations

- A. The questions will be as follows;
  - i. Rate the attendance and involvement of the person in question in relation to ASMPC meetings.
  - ii. Rate the performance of their duties with respect to Section 1.02 of the By-Laws.
  - iii. Rate the behavior of the council member at the meetings of The Council.
  - iv. Rate how well this council member followed appropriate procedures at the meetings of The Council.
- B. Procedure
  - i. The evaluations will be placed in an envelope with the person in question's name written on it.
  - ii. Immediately after the meeting, the secretary and the advisor will go and average the evaluations one at a time while under the supervision of a member of the Justice Department.
  - iii. The Justice Department member will keep a record of the number of evaluations each person had.
  - iv. If no member of the Justice Department can make it to the evaluation then the Student Trustee Councilman will fill in.
- C. Evaluations will be held at the last regular meeting of each semester regardless of quorum.
- D. A copy of the By-Laws will be available to all members of The Council at the meeting that evaluations will be completed.

#### Section 7.03 Changes in position

- A. If a member of council changes position, he or she is entitled to the pro-rated amounts of the positions for which he or she served for the duration of the time served in each position.

#### Section 7.04 Stipend Amounts

- A. Students serving as an officer of the ASMPC Government, an officer of ICC, an officer of AC or as an appointed student representative of SRC shall receive a stipend for services rendered during their term in office, pending a passing evaluation from their respective council.

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- B. Stipends shall be paid according to the procedure put forth in the Constitution.
- C. Students shall receive a maximum of \$400 per semester.
- D. If a student is receiving stipends from multiple councils that would exceed the semester cap, then each council would contribute an even portion of the maximum stipend for that position.
- E. Stipends will be paid at the end of the semester pending verification that council members have passed evaluations and The Council has earned \$80,000 or more during the fiscal year. If council members have passed their evaluations and The Council's income has not been verified, the council members may leave contact information for when The Council's income has been verified.

#### Section 7.05 Appeals Process

- A. If a member of the ASMPC Government fails to pass the evaluation, they may petition the Advisor for a recount. If the Advisor fails to comply or is the reason for the petition, then the student may petition the MPC Vice President of Student Services. The decision made by the Vice President of Student Services will be final.

### **Article VIII. PARLIAMENTARY PROCEDURE**

Section 8.01 ASMPC adopts the "Robert's Rules of Order" as the official ASMPC meeting procedures to be included in the By-Laws.

Section 8.02 ASMPC adopts the "Agenda Item Form" as the official agenda procedures to be included in the By-Laws

### **Article IX. ORDINANCES**

Section 9.01 All ASMPC ordinances shall be established for a period of one (1) fiscal year, approval requires a two-thirds (2/3) majority vote. Ordinances may be continued for an additional year(s) with a majority vote at the first regular meeting of The Council for the Fall semester.

Section 9.02 All ASMPC ordinances shall be adopted as By-Laws and will supersede any Constitution and By-Laws of any ASMPC auxiliary organization.

Section 9.03 All ASMPC ordinances will be made available with the Constitution and By-Laws in the ASMPC Office.