

# Constitution of the Associated Students of Monterey Peninsula College

## Preamble

We, the students of Monterey Peninsula College, adopt this Constitution in order to provide students activities; advocate for the rights of the students; support student organizations; effectively represent the interests of the student; increase cooperation between students, faculty, staff, the administration and the community; provide a forum for the expression of student opinion; develop student initiative and responsibility; and insure equal rights for all students of Monterey Peninsula College.

## Article I. Name

**Section 1.01** To be known as the Associated Students of Monterey Peninsula College with the official abbreviation to be ASMPC.

## Article II. Rights of Students

**Section 2.01** All students of Monterey Peninsula College shall be afforded all rights under the "Monterey Peninsula College Student Bill of Rights."

**Section 2.02** All members of the Associated Students of Monterey Peninsula College shall have the right to vote in all ASMPC elections.

**Section 2.03** Students may initiate, change, or annul legislation by submitting a petition with signatures of at least two percent of the student body, and having said legislation adopted, changed, or annulled by a simple majority vote in a general or special election.

## Article III. ASMPC Government Organization

**Section 3.01** The Associated Students of Monterey Peninsula College shall be governed by the four members of the Executive Council, the three members of the Justice Council and the sixteen members of the Voting Council.

**Section 3.02** The ASMPC Executive, Justice, and Voting Councils shall have regular joint meetings on the same weekday every week while school is in session during the fall and spring semesters beginning two weeks prior to the first week of classes, and with the last meeting to be held during finals week. Once per month, the Executive Council may, by unanimous vote, cancel one of that month's regular joint meetings.

A. The time and place of regular meetings must be set by resolution at the final spring semester ASMPC joint meeting.

B. During one joint meeting per month, the Executive Council may, by unanimous vote, cancel one of that month's regular joint meetings.

**Section 3.03** Any member of ASMPC who is absent from three regular meetings, without valid excuse as defined in the bylaws, or five total regular meetings per semester shall be officially removed from office upon approval of the minutes of the meeting where the final absence occurred.

**Section 3.04** All Members of ASMPC must be currently registered students of MPC carrying at least five units per semester during their terms of office while maintaining a 2.0 grade average.

**Section 3.05** The term of office for ASMPC members is one year, and begins on the Monday following the MPC graduation ceremony at the end of the spring semester.

- A. From the time the new ASMPC Council is elected, the Councilmen-Elect shall be present at all meetings their incumbents are required to attend, and shall be mentored by the current Council as to the ways of ASMPC. This will be referred to as the transitional period which ends when the Councilmen-Elect take office.
- B. Attendance of the Councilmen-Elect during the transitional period shall be recorded in the meeting minutes.
- C. Any member of the Council-Elect who violates the ASMPC attendance policy shall be prohibited from holding office.

**Section 3.06** Vacancies of ASMPC, with the exception of Student Trustee, may be filled by applicants upon a majority vote from the Voting Council.

- A. A vacancy in the position of Student Trustee shall be deemed to exist whenever the Student Trustee submits a resignation or is recalled by the enrolled students in accordance with procedures prescribed by the governing board.
- C. Any time a vacancy exists for the position of Student Trustee, except at the end of the regular term of office, the candidate with the second highest number of votes in the last election for the position of Student Trustee shall be appointed to the remainder of the term. If said candidate no longer attends MPC or no longer meets the qualifications, the student with the third highest number of votes shall be appointed to the remainder of the term. If neither candidate is able to fill the position then a new election will be held if the remainder of the term is at least six months from the time the vacancy is declared. Otherwise, ASMPC will be asked to name a replacement who meets all of the qualifications for Student Trustee.

**Section 3.07** No member of ASMPC may hold more than one ASMPC office.

#### Article IV. Voting Council

**Section 4.01** The Voting Council shall be composed of sixteen students who shall be elected by the MPC Students.

**Section 4.02** The ASMPC Voting Council shall have the ability to set policies and take actions within ASMPC's jurisdiction.

- A. The ASMPC Voting Council has the authority to appropriate all funds.
- B. All Voting Councilmen must attend all Joint Council meetings, and have the right to vote in the Voting Council. All individual duties shall be listed in the ASMPC Bylaws.
- C. The Voting Council approves or disapproves the annual budget of ASMPC. The Voting Council shall have the power to amend the budget at any time, when deemed necessary, with the approval of the Justice Council and the Executive Council.
- D. The ASMPC Voting Council may override an Executive Council Veto.
  1. Whenever the Executive Council unanimously vetoes an action taken by the Voting Council, the veto can only be overridden by a unanimous vote from the Voting Council.
  2. Whenever the Executive Council vetoes, without a unanimous vote, an action taken by the Voting Council, the veto can be overridden by a 2/3 vote from the Voting Council.
- E. Voting Council Positions
  1. Governing Documents Councilman
  2. Equity and Diversity Councilman
  3. Elections Councilman
  4. Technology/Archiving Councilman
  5. Night Student Interests Councilman
  6. Budget Advisory Councilman

7. Student Benefits Councilman
8. Environmental Issues Councilman
9. Academic Affairs Councilman
10. Fundraising Councilman
11. Communications Councilman
12. Student Trustee Councilman
13. Statewide Representative Councilman
14. Director of Clubs Councilman
15. Director of Activities Councilman
16. Director of Representation Councilman

## Article V. Executive Council

**Section 5.01** The Executive Council shall be composed of four students who shall be elected by the MPC Students.

### **Section 5.02** Powers and Duties of the Executive Council

- A. The Executive Council shall attend all Joint Council meetings.
- B. The Executive Council may, with a majority vote, veto any action taken by the Voting Council.  
All Executive Councilmen must vote on a veto; no abstentions will be allowed.
- C. Executive Council Positions
  1. President
  2. Vice President
  3. Secretary
  4. Treasurer

## Article VI. Justice Council

**Section 6.01** The Justice Council shall be composed of one Chief Justice and two Associate Justices. All three shall be elected at large by the MPC Students.

### **Section 6.02** Powers and Duties of the Justice Council.

- A. The Justice Council shall review the constitutionality of all legislation passed by the Voting and Executive Councils. A ruling of unconstitutionality makes an act null and void.
- B. Shall stand as the highest interpreter of the ASMPC Constitution and Bylaws, and the Constitutions and Bylaws of all ASMPC auxiliary organizations, ASMPC Standing Committees and MPC Student Organizations.
- C. Shall hear and act on student complaints in accordance with the student complaint procedures defined in the ASMPC Bylaws.
- D. Shall resolve disputes within the Associated Students when petitioned to do so.
- E. Shall have regular meetings twice a month during the fall and spring semesters.
- F. Shall assist students with the MPC student grievance process.
- G. Shall have special meetings as often as necessary to insure that all pending business is conducted in a timely manner

### **Section 6.03** Powers and Duties of Justices

- A. The Chief Justice shall chair all meetings of the Justice Council, attend all meetings of the Voting and Executive Councils as a non-voting member, and serve as the official parliamentarian of ASMPC.
- B. The Associate Justices shall attend all meetings of the Justice and Joint Council.

## Article VII. ASMPC Advisor

**Section 7.01** ASMPC shall have an advisor appointed by the appropriate persons of MPC.

**Section 7.02** Powers and Duties of the ASMPC Advisor – The Advisor shall attend all Joint Council meetings as a non-voting member, and evaluate all members of the ASMPC Government every five (5) weeks while school is in session. The evaluation process shall be defined in the ASMPC Bylaws. The Advisor shall also act as a mediator during individual disputes, and advocate for ASMPC within the Monterey Peninsula College Community.

**Section 7.03** If a member of the ASMPC Government receives two (2) consecutive failing evaluations; the Advisor shall make a recommendation to ASMPC to remove said member from Council. The Voting Council then may remove said member with a majority vote. Evaluations must be made available to the Voting Council upon request.

## Article VIII. Auxiliary Organizations

**Section 9.01** Student Representation Council

- A. The purpose of the Student Representation Council (SRC) is to bring together students to officially represent the MPC student body for the purposes of advocacy, support and networking.
- B. The Student Representation Council shall include the following members.
  - 1. Director of Representation – Chair
  - 2. President
  - 3. Vice President
  - 4. Secretary
  - 5. Treasurer
  - 6. Student Trustee
  - 7. Any member of the Justice Council
  - 8. All students serving on MPC Campus Committees
  - 9. All students officially representing the interests of MPC students before anybody of City, County or State Government approved for SRC representation by the SRC and confirmed by the ASMPC Council.
- D. The SRC is here to support MPC student representatives. The SRC distributes its funds among recognized student representatives. Uses for these funds include:
  - 1. To purchase refreshments for SRC meetings.
  - 2. To pay for travel expenses associated with attending meetings and conferences.
  - 3. To purchase office supplies for the student representatives necessary to conduct official business in a professional manner.
  - 4. To give each SRC member a stipend in accordance with the ASMPC Constitution and Bylaws. Stipends for the SRC members shall be paid at the end of each semester.
- G. The SRC shall meet monthly during the fall semester and regular spring semester. The first SRC meeting of each semester shall take place during the second week of classes.
- H. Each year the SRC shall receive 10% of the total ASMPC Budget.
- I. The SRC shall operate in accordance with the SRC Constitution and Bylaws.
- J. All changes to the SRC Constitution must be approved by the SRC and then ratified by the Voting Council.
- K. The Voting Council may freeze all funds of the Student Representation Council.

**Section 9.02** Inter Club Council

- A. The purpose of the Inter Club Council (ICC) is to serve as a central force, bring together all of the student organizations for resource appropriation, advocacy, and networking on behalf of the ASMPC Government.
- B. The ICC is here to support MPC Student Organizations. The ICC distributes funds

given to it by ASMPC among recognized student organizations. These funds may be used for the following purposes.

1. To provide funding for student organizations ~~in good standing with the ICC.~~
  2. To provide the ICC with equipment and supplies that will be shared by all student organizations.
  3. To purchase office supplies for ICC officers necessary to conduct official business in a professional manner.
  4. To give each ICC Officer a stipend in accordance with the ASMPC Constitution and Bylaws. Stipends for the ICC Officers shall be paid at the end of each semester.
- C. The ICC shall meet weekly during the fall and spring semesters. The first meetings of each semester shall take place during the second week of classes.
- D. The ICC shall operate in accordance with the ICC Constitution and Bylaws.
- E. Each year the ICC shall receive 30% of the total ASMPC Budget.
- F. All changes to the ICC Constitution must be approved by the ICC and then ratified by the Voting Council.
- G. The Voting Council shall have the authority to freeze all funds of the Inter Club Council.
- H. The ICC shall hear all requests for funding from student organizations. Student organizations may not petition the Voting Council for funding.

### **Section 9.03** Activities Council

- A. The Activities Council (AC) is the activities department of the ASMPC Government, and is responsible for producing a wide variety of enjoyable activities for MPC students and the MPC community.
- B. The AC shall use funds appropriated in the budget by the Voting Council to organize activities. These funds may be used for the following purposes.
1. To produce organize quality activities for the student body.
  2. To purchase needed supplies and equipment
  3. To purchase office supplies for the AC Board of Directors necessary to conduct official business in a professional manner.
  4. To give each member of the AC Board of Directors a stipend in accordance with the ASMPC Constitution and Bylaws. Stipends for the AC Board of Directors shall be paid at the end of each semester.
- D. AC will meet weekly during the fall and spring semesters. The first meeting each semester shall take place at least two weeks prior to the first week of classes.
- E. AC shall be operated in accordance with the AC Constitution and Bylaws.
- F. Each year AC shall receive 20% of the total ASMPC budget.
- G. All changes to the AC Constitution must be approved by the AC Board of Directors and then ratified by the Voting Council.
- H. The Voting Council shall have the authority to freeze all AC funds.
- I. The AC may co-sponsor and share the cost of activities with student organizations but student organizations may not petition the AC simply for funding.

### **Section 9.05** Minutes

- A. All meetings of ASMPC, including its auxiliary organizations and standing committees, are required to keep minutes which must include attendance and monetary motions.

### **Section 9.04** Auxiliary Organization Attendance Policy – All auxiliary organizations shall adhere to the ASMPC Attendance policy.

## **Article X** Student Representation Fee

- Section 10.01** All funds collected from this fee will be placed in a separate account from the ASMPC budget. These funds may only be used for reasons accepted by the "California Education Code."

## Article XI Elections

**Section 11.01** General Elections – A General Election of the Associated Students is defined as an election of ASMPCC Council members, and may also include recalls, constitutional amendments, ratifications, and initiatives.

**Section 11.02** Special Elections – A Special Election of the Associated Students is defined as an election concerning recalls, referendums, Constitutional Amendments, ratifications and/or initiatives, which is held separately from a General Election.

**Section 11.03** The Election Committee – ASMPCC shall conduct all elections through the Election Committee,

- A. The Elections Councilman shall be responsible for the following:
  - 1. Calling General or Special Elections.
  - 2. Providing for the registration of all candidates.
  - 3. Notifying all candidates and/or persons submitting petitions for referendums, etc., of all existing election codes and any other pertinent information.
  - 4. Nominating members to serve on the Election Committee, incumbent members of the ASMPCC Government who are not running for reelection shall be members of the Election Committee, and appointed by the Senate.
  - 5. Providing poll workers.
  - 6. Counting and tallying all ballots and officially announcing the results to the public.
  - 7. Submitting final election results to ASMPCC immediately following the election.
- B. The Election Committee, collectively, is responsible for the following:
  - 1. Provide for candidate registration.
  - 2. Verifying all election petitions, including the qualifications of candidates.
  - 3. Publishing and distributing all election ballots.
  - 4. Publicizing election registration dates and requirements at least a week in advance.
  - 5. Setting up polling places.
  - 6. Enforcing the Election Codes under the supervision of the Elections Councilman.

## Article XII. Impeachment and Resignations

**Section 12.01** Any member of ASMPCC may be removed from office for failure to perform his or her duties and/or significantly violating the ASMPCC Constitution or Bylaws.

### **Section 12.02** Impeachment Procedures

- A. Before a member of ASMPCC may be impeached, the following steps must be taken:
  - 1. A meeting to discuss the possible charges will be held between the Justice Council, the member to be impeached, and the member(s) of Council wishing to impeach.
  - 2. If no resolutions come from the meeting, then the impeachment process shall proceed.
- B. A motion of impeachment containing specific charges must be made, seconded and voted upon by the Voting Council. Any member of the ASMPCC Council may move to impeach.
  - 1. The President may not veto motions of impeachment.
- C. If the motion for impeachment is approved by a majority of the Voting Council, a special Joint Council meeting called an "Impeachment Hearing" shall be held within five business days for the purpose of discussing the charges.
  - 1. No other items may be on the agenda at this meeting.
  - 2. In the case of an impeachment motion against the President, the Vice President shall preside at the special meeting.
  - 3. All members of the ASMPCC Government shall attend this meeting.
- D. At the impeachment hearing, the charges will be thoroughly discussed. If a motion to proceed with impeachment proceedings is made, seconded and approved by 2/3 of the Voting Council, the decision is then given to the Justice Council. At this time, the meeting shall be recessed until the Justice Council returns with a verdict.
  - 1. All members of the Justice Council must be present at the impeachment hearing.
  - 2. In the case of a motion of impeachment against a member of the Justice Council, the Justice

- Council shall exclude the Justice in question and the President shall act as a Justice
- F. The Justice Council shall meet privately to decide the case. A ruling in favor of the impeachment motion shall require two of three voting in favor of the motion. Once a decision has been reached, the verdict must be posted on the ASMPC Announcement Board immediately following the meeting.
1. At the next regular Joint Council meeting the Justice Council shall provide a written report of their decision in detail.
- G. A Justice Council ruling in favor of impeachment shall result in the immediate removal of the impeached from office. The impeached will not receive a stipend for any services rendered.

### **Section 12.03 Resignations**

- A. No oral notice of resignations shall be considered at any time.
- B. Any member who wishes to resign from a position, including positions on the AC and the ICC, must submit a signed and dated letter of resignation.
1. A Member who wishes to resign is called a "resignee" for the purposes of this section.
- C. Letters of resignation shall be presented to the body the resignee is resigning from. At this time, an evaluation of the resignee shall take place. The evaluation process shall be defined in the particular body's bylaws. If the resignee passes his or her evaluation, the resignee receives his or her stipend. If the resignee fails his or her evaluation, the resignee receives nothing.

## **Article XIII. Amendments to the Constitution and Bylaws**

### **Section 13.01 Procedure for Constitutional Amendments**

- A. Any member of the ASMPC Government may propose Constitutional amendments.
- B. Constitutional amendments submitted by students outside of the ASMPC Government require the signatures and student identification numbers of one-hundred currently registered MPC students before they will be considered by the ASMPC Government.
- C. Proposed Constitutional amendments shall be discussed at a regular Joint Council meeting and subsequently referred to the Justice Council and the Committee of Governing Documents for further inspection.
1. Neither the Justice Council nor Committee of Governing Documents are allowed to edit the proposed amendments such that the intention of the amendment changes.
- D. At the next regular Joint Council meeting, the Justice Council and the Committee of Governing Documents shall report.
1. If the Justice Council finds the proposed amendment unconstitutional, the proposed amendment is killed.
- E. Following the reports, the proposed amendment shall be voted on by the Voting Council. A two-thirds vote is required for the process to continue. Failure to achieve two-thirds kills the proposed amendment.
1. The Voting Council may decide to refer the proposed amendment back to the Justice Council or the Committee of Governing Documents. In this case, the procedure shall circle back to subsection (D.).
- F. At this time, the proposed Constitutional amendment shall be voted on by the MPC students in a General or Special election. A two-thirds vote is required for the Constitutional amendment to be adopted. Failure to achieve two-thirds of the vote kills the proposed amendment.

### **Section 13.02 Procedure for Bylaw Amendments:**

- A. Any member of the ASMPC Government may propose Bylaw amendments.
- B. Bylaw amendments submitted by students outside of the ASMPC Government require the signatures and student identification numbers of one-hundred currently registered MPC students before they will be considered by the ASMPC Government.
- C. Proposed Bylaw amendments shall be discussed at a regular Joint Council meeting and

subsequently referred to the Justice Council and the Committee of Governing Documents for further inspection.

1. Neither the Justice Council nor Committee of Governing Documents are allowed to edit the proposed amendments such that the intention of the amendment changes.
- D. At the next regular Joint Council meeting, the Justice Council and the Committee of Governing Documents shall report.
  1. If the Justice Council finds the proposed amendment unconstitutional, the proposed amendment is killed.
- E. Following the reports, the proposed amendment shall be voted on by the Voting Council. A two-thirds vote is required for the proposed Bylaw Amendment to be adopted. Failure to achieve two-thirds kills the proposed amendment.
  1. The Voting Council may decide to refer the proposed amendment back to the Justice Council or the Committee of Governing Documents. In this case, the procedure shall circle back to subsection (D.).

#### Article XIV. Compensation for Service

**Section 14.01** The ASMPC Government, ICC Officers, SRC members and the AC Board of Directors shall receive stipends to help with the cost of their educations. Stipends will be paid at the end of the regular Fall and Spring Semesters. Executive, Voting, and Justice Council stipends will be paid from the ASMPC Government portion, ICC stipends from the ICC portion, SRC stipends from the SRC portion, and AC stipends from the AC portion of the budget. If a member does not pass his or her peer evaluation, he or she will receive nothing.

- A. The President, Vice President, Secretary, Treasurer, and Chief Justice shall each receive \$400 per semester or \$80 per month, whichever is less.
- B. All members of the Voting Council and Associate Justices receive \$300 per semester or \$60 per month, whichever is less.
  1. During the regular joint meeting two weeks prior to finals, members of the Voting Council will complete "Bonus Recommendation Forms" [BRFs (see appendix A)] to be collected by the Chief Justice.
    - a) A Bonus Committee, Chaired by the Chief Justice and consisting of the entire Executive Council will, taking the BRFs into consideration, evaluate the Associate Justices and Voting Councilmen to determine who will receive bonuses not to exceed \$60 (20% of stipend). A maximum of \$300 total will be divvied among the recipients.
    - b) A separate bonus of \$50 will be awarded to the ASMPC member who receives the highest approval rating as determined by the ASMPC peer evaluation.
- C. ICC Officers, SRC members and AC Board of Directors shall receive \$200 per semester or \$40 per month, whichever is less.
- F. Evaluation procedures shall be included in the ASMPC, SRC, ICC and AC Bylaws.
  1. Each person receiving a stipend shall be evaluated at the end of each semester by the organization allotting the stipend.
- G. In the event that the ASMPC Council's total income for the academic year falls below \$80,000 all stipends shall be canceled.

**Section 14.02** The ASMPC Government may purchase promotional items for members. All members shall receive the same items except when items are purchased before a member takes office.

- A. The amount allocated for promotional items for the ASMPC Government may not exceed 10% of the ASMPC budget.
- B. Promotional items are defined as any item that promotes the organization, and will be kept by the members after completion of their term.

**Section 14.03** No other forms of compensation except those described in Article XIV are allowed.

## Article XV. Parliamentary Procedure and Governing Laws

**Section 15.01** Parliamentary procedure of Student Government shall derive from Robert's Rules of Order, with the exception of those situations expressly provided for within the Constitution.

**Section 15.02** ASMPC, its auxiliary organizations, and standing committees will follow all laws laid out in the California Code, including the Ralph M. Brown Act.

Constitution was respectfully submitted by the ASMPC Council, 16 May 1973. Approved by the MPC Student Body, 22 May 1973. Confirmed by the MPC Board of Trustees, 13 June 1973.

Constitution revised by the ASMPC Council, approved by the MPC Student Body, and confirmed by the MPC Board of Trustees in February 1974.

Constitution revised by the ASMPC Council and approved by the Student Body, and confirmed by the MPC Board of Trustees, 14 July 1976.

Constitution revised by the ASMPC Council, 2 November 1978. Approved by the Students Body, 21 and 22 February 1979, and confirmed by the MPC Board of Trustees.

Constitution revised by the ASMPC Council, 7 April 1987, and approved by the MPC Student Body, 3 April 1987.

Constitution revised by the ASMPC Council and approved by the MPC Student Body in April 2004.

Constitution revised by the ASMPC Council and approved by the MPC Student Body in September 2008.

Constitution revised by the ASMPC Council and approved by the MPC Student Body in April 2010.

Constitution revised by the Chief Justice and Senator of Governing documents February 2012.