

## **Constitution of the Associated Student Government of MiraCosta College**

### **PREAMBLE**

We, the students of MiraCosta College (MCC), in order to establish an effective student government to represent students' interests, practice the democratic process, promote personal and civic growth, and to recognize the inherent rights and responsibilities of self-government, do hereby establish this Constitution of the Associated Student Government of MiraCosta College as provided for by the State Legislature through the California Education Code and Title 5 of California's State Code, and as delegated by the Board of Trustees of the MiraCosta Community College District.

## **Article I: Title of Organization and Framework**

### **Section A. Title**

The organization established herein shall be known as the Associated Student Government of MiraCosta College (MCC), hereafter referred to as ASG.

### **Section B. Purpose**

The purpose of the organization shall exist to serve the collective needs of the students at MCC. Furthermore, the ASG shall endeavor to achieve these goals with excellence and impart that standard to future ASG members.

### **Section C. Authority**

The decision-making authority of the ASG shall be vested in the ASG Student Senate.

### **Section D. Composition**

The ASG Student Senate is a legislative body that shall consist of five elected executives (President, the Vice President of the San Elijo Campus (SAN), the Vice President of the Community Learning Center (CLC), Student Trustee, the Vice President of Diversity, Equity, and Inclusion), appointed executive members (Executive Vice President, Vice-Chair of the Inter-Club Council, Director of Finance, Director of Legislative Affairs, and the Director of Public Relations), and appointed Senators. The Chair of the Inter-Club Council is also an executive elected by the Full Council.

1. There shall be no less than 15 available senator seats in the Associated Student Government, or one (1) Senator per (1,000) students enrolled by the first census date in the Fall semester, whichever is more. Senators shall be distributed in the following manner:
  - a. Approximately three (3) to four (4) Senators representing the Oceanside Campus (OCN).
  - b. Approximately three (3) to four (4) Senators representing the San Elijo Campus (SAN).
  - c. Approximately three (3) to four (4) Senators representing the Community Learning Center (CLC).
  - d. Approximately three (3) Senators representing the Inter-Club Council, hereafter referred to as the "ICC."
2. The ASG Student Senate seats may be redistributed by a proposal from the Executive Council based on student needs.
  - a. Redistribution of the ASG Student Senate seats requires a two-thirds (2/3) majority vote of the ASG Student Senate.
  - b. No more than three (3) ASG Student Senate seats may be redistributed during any ASG Student Senate term.
3. The constituency groups of the ASG will be the Oceanside Campus (OCN), the San Elijo Campus (SAN), the Community Learning Center (CLC), noncredit students, and the Inter-Club Council.

## **Article II: Student Rights**

**SECTION A.**

Neither the ASG, the Senate, nor any group or agency acting on its behalf may take action restricting or infringing upon an individual or organization's right to freedom of speech, freedom of expression, freedom of press, freedom of assembly, or right to privacy, provided that those exercising their rights are not violating the same equal rights or freedoms of others.

**SECTION B.**

The Senate may take no action favoring or disfavoring any religion or religious belief. The ASG shall not require or endorse the taking of oaths, which include references to deities, religions or religious affiliations, nor shall any tests based upon religion be administered under its authority.

**SECTION C.**

Each student has the right to be treated with dignity in an environment free from discrimination and shall be held equal before the law. No rights, privileges, or possessions may be denied or granted to an individual on the basis of race, color, religion, national origin, gender identity or expression, parental status, disability, age, or sexual orientation.

**SECTION D.**

All documents of the ASG shall be available to the public and will be made available for viewing by any individual upon request within a reasonable period of time, pursuant to the California Public Records Act (California Government Code §§ 6250-6276.48).

## Article III: Membership & Eligibility

**SECTION A. Members**

All currently enrolled students at MCC shall be members of the ASG and shall be subject to this ASG Constitution, ASG Bylaws, and Code of Ethics.

1. Privileges:
  - a. The right to seek and hold office if all other qualifications are met as set forth in this document, and in the ASG Election Bylaws.
  - b. The right to vote in all elections held under the authority of the ASG.
  - c. The right to seek an appointment from the ASG to serve on Shared Governance, ASG Committees, ASG Working Groups and ASG Ad-Hoc Working Groups.
  - d. Additional rights and privileges are determined by the ASG Senate.

**SECTION B. Senator and Executive Eligibility**

**Senators and Executives** compose ASG Senate positions.

1. **Elected officer eligibility requirements (Ed Code, Article 4. 76061):** Must be enrolled in the community college at the time of election, and throughout the student's term, and fully meet one of the following requirements (a, b, or c):
  - (a)
    - (1) enrolled in a minimum of five semester units, or the equivalent quarter units.
    - (2) and meet and maintain the minimum standards of scholarship prescribed for community college students by the community college district. Minimum standards include:
      - a minimum of a 2.0 cumulative and term G.P.A. and
      - be cleared of student conduct restrictions
  - (b) or be enrolled in an adult education program offered by a community college district (Ed Code, Article 9, 84900)
  - (c) or is a disabled student, as defined in subdivision (b) of Section 84850.

- “(b) As used in this section, “disabled students” are persons with exceptional needs who have applied to or enrolled at a community college who, because of a verified disability, cannot fully benefit from classes, activities, and services regularly provided by the college without specific additional specialized services or educational programs.”
- 2. All appointed executives and senators must meet the same requirements for elected officers.
- 3. Students-at-Large Eligibility - as a prerequisite to entering office, all Students-at-Large shall:
  - a. Be a currently enrolled student.
  - b. Be free of all official college academic and student conduct restrictions that would deem them ineligible by the Office of Student Affairs.

### **SECTION C. Oaths of Office**

1. Recitation
  - a. All office holders of the ASG shall recite the Oath of Office within two weeks of their election or appointment, in public or private ceremonies administered by the President or their designee.
2. Oath of Office
  - a. I, \_\_\_\_\_, will dutifully and responsibly represent the students of MiraCosta College and I will know and uphold the Constitution and Bylaws of the Associated Student Government.

I, \_\_\_\_\_, as the President of the student body, and I, \_\_\_\_\_, as the advisor to the Senate and on behalf of the faculty and staff,

Do hereby verify your appointment and recognize you, \_\_\_\_\_, as \_\_\_\_\_ (position), for the \_\_\_\_\_ (specified term) with all the authority and responsibility commensurate with your position.

## **Article IV: Roles**

### **SECTION A. General Responsibilities of the Associated Student Government**

All members of the ASG shall assume the duties of the office the individual was elected or appointed to as defined in the ASG Bylaws. In addition, each Senator and Executive shall:

1. Attend all regularly scheduled ASG meetings relative to their position and shall attend all other meetings required by their position.
2. Make an honest effort to attend all other meetings/activities at which their presence/participation is required.
3. Take on individual commitments for projects, activities, special events, committees, and/or other work necessary to fulfill the goals and objectives set by the ASG for the current year.
4. Complete 32 engagement hours throughout the course of the semester and are encouraged to hold at least one engagement hour per week. The remaining engagement hours can be completed at the discretion of the legislative body member.

### **SECTION B. Senate**

1. Composition: The Senate shall consist of all elected and appointed Senators and Executives as indicated by the positions listed below. The Senate shall have and maintain an Executive Council. For specific duties of the Senate see the ASG Bylaws.
  - a. Senators and Executives
    - i. President:
      1. Shall serve as the official representative of the students of MCC, and therefore represent the student body and the ASG on appropriate occasions.
      2. Serve as the chair of the Executive & Senate meetings.
      3. Direct all executive functions of the Senate, and officiate carrying out legislation, resolutions, and sanctions as efficiently as possible.
      4. Be responsible for filling vacant ASG committee positions as outlined in the ASG Constitution.
      5. Preside over District committee appointments and fulfillments.

6. Serve as a liaison between the college administration, faculty and the ASG and ensure students play a role in participatory governance.
  7. The President represents the entire student body as their constituency group
- ii. Student Trustee:
    1. Serve as a liaison to MCCCCD Board of Trustees and provide the student perspective.
    2. The role is further defined in MCCCCD Board Policy 2015 and Administrative Procedure 2015. The Student Trustee shall be considered an executive member and ex-officio member of the ASG Student Senate.
    3. The Student Trustee's constituency group is the entire student body
  - iii. Vice President of the San Elijo Campus (SAN):
    1. Identify the SAN student body needs and interests.
    2. Serve as the chair of the SAN ASG Working Group.
    3. Delineate SAN student needs and interests to the Executive Council.
    4. Oversee and ensure SAN senators comply with the ASG Constitution and ASG Bylaws.
    5. Act as a mentor to the SAN senators and promote engagement in different areas of the ASG.
    6. Assist Student Life & Leadership in the coordination and execution of events on the San Elijo Campus.
    7. The Vice President of the San Elijo Campus represents the San Elijo Campus as their constituency group.
  - iv. Vice President of the Community Learning Center (CLC):
    1. Identify the CLC student body needs and interests.
    2. Serve as the chair of the CLC ASG Working Group.
    3. Delineate CLC student needs and interests to the Executive Council.
    4. Oversee and ensure CLC senators comply with the ASG Constitution and ASG Bylaws.
    5. Act as a mentor to the CLC senators and promote engagement in different areas of the ASG.
    6. Assist Student Life & Leadership in the coordination and execution of events on the Community Learning Center Campus.
    7. The Vice President of the Community Learning Center represents the Community Learning Center and noncredit students as their constituency
  - v. Chair of the Inter-Club Council:
    1. Serve as a liaison between the Senate and all registered student clubs and organizations at MCC and provide assistance and guidance to those club organizations.
    2. Serve as the Chair of the ICC and facilitate efforts that would benefit all registered student organizations.
    3. Have primary responsibility for the preparation and development of the fiscal year budget for the ICC.
    4. Shall be an authorized signatory, or appoint a designee, on all financial processes and procedures related to the ICC finances.
    5. Collaborate with the President, Executive Vice President and Vice President of Diversity, Equity and Inclusion to ensure ICC representation on ASG committees, District committees, Ad-Hoc Working Groups, and Working Groups as needed. Otherwise, the focus of ICC executives and senators is to support the ICC.
    6. The Chair of the Inter-Club Council represents the ICC, MCC student clubs, and organizations as their constituency group.
  - vi. Vice President of Diversity, Equity and Inclusion:

1. Hold the ASG accountable to identifying student body needs and interests.
2. Serve as the chair of the Diversity, Equity and Inclusion ASG Committee.
3. Ensure that the goals of the ASG align with diversity, equity and inclusion as stated in the MCC [Mission, Vision, Commitment, Institutional Values & Institutional Goals](#)
4. Serve as a liaison between the ASG and various diversity, equity and inclusion initiatives on campus.
5. Preside over ASG Ad-Hoc Working Groups formed by the Senate.
6. The Vice President of Diversity, Equity, and Inclusion represents the entire student body as their constituency group.

b. Appointed Executive Members

i. Executive Vice President:

1. Shall, in the temporary absence of the President, assume all the responsibilities and powers of the President's office.
2. Preside over ASG Committees and Working Groups, and serve as a designated chair as needed with advisor approval.
3. Serve as the chair of the Law ASG Committee.
4. Serve as the chair of the ASG Appointments Working Group.
5. Oversee and ensure Executive, Senator, and Student at Large member compliance with the ASG Bylaws, in consultation with the Executive Council.
6. Be responsible for the internal operations of the ASG as stated in the ASG Bylaws.
7. Facilitate and ensure leader transition between the outgoing ASG executives and the incoming ASG executives. This includes, but is not limited to, the period after the ASG General Elections and/or as vacancies arise and are subsequently filled.
8. The Executive Vice President's constituency group is the entire student body.

ii. Vice Chair of the Inter-Club Council:

1. Shall, in the temporary absence of the Chair of the Inter-Club Council, assume all the responsibilities and powers of the Chair of the Inter-Club Council.
2. Assist and support the Chair of the Inter-Club Council in fulfilling their roles and duties as outlined in the ASG Bylaws.
3. The Vice Chair of the Inter-Club Council represents the Inter-Club Council and MCC clubs as their constituency group.

iii. Director of Finance:

1. Provide general supervision and management of all ASG finances.
2. Serve as the chair of the ASG Finance Committee.
3. Meet with all appointed officers to the committee as directed in the ASG Bylaws.
4. Shall have primary responsibility for the preparation and development of the fiscal year budget.
5. Shall be an authorized signatory on all financial processes and procedures related to ASG Finances, with the right to designate other ASG executives to sign on their behalf.
6. The Director of Finance represents the entire student body as their constituency group.

iv. Director of Legislative Affairs

1. Assist the Senate in coordinating advocacy efforts on behalf of student interests and represent the ASG to off-campus entities as delegated by the President or the Senate.
2. Serve as the chair of the ASG Legislative Affairs Committee.
3. Serve as the ASG representative to the Statewide Student Senate for California Community Colleges (SCCC) Region X and attend routine monthly meetings

4. In the event that the Director of Legislative Affairs vacates the position or is otherwise unable to attend SSCCC Region X meetings, the ASG President shall appoint an eligible ASG Student Senate executive or senator to attend on behalf of the Director of Legislative Affairs until the office holder returns or a new individual is appointed to the position.
5. The Director of Legislative Affairs represents the entire student body as their constituency group.

v. Director of Public Relations:

1. Create and implement a strategic marketing plan that will promote the ASG and its goals, programs, events and services on all campuses.
2. Maintain a positive public image for the ASG, nurture goodwill and mutual understanding with MCC and the MiraCosta Community College District (MCCCD) community.
3. Serve as the chair of the ASG Public Relations Working Group.
4. Meet with all appointed members to the committee as directed in the ASG Bylaws.
5. Evaluate the quality and variety of ASG programs and events in relation to selected student demographics.
6. Assist Student Life & Leadership in the coordination and execution of events on all three campuses in accordance with the ASG Bylaws.
7. The Director of Public Relations represents the entire student body as their constituency group.

vi. Senators:

1. Represent a population of the student body's needs and concerns as assigned by the President.
2. Fulfill duties and obligations as directed by the ASG Student Senate, committee leaders, committees, and ASG Ad-Hoc Working Groups.
3. Encourage faculty, staff, and student participation in all of the ASG Student Senate activities.
4. Be a member of a committee based on constituency (OCN, SAN, CLC, ICC).
5. Be a member of a district committee as assigned by the President and approved by the advisors.
6. Carry out and provide follow-up for the ASG Student Senate action as requested.
7. Senators represent the entire student body as their constituency group.

vii. Students-at-Large:

1. Support campus constituent groups and efforts as assigned by the President and approved by advisors.
2. Shall have no voting privileges in the ASG Student Senate or the Executive Council and thus do not count towards meeting quorum, however they can vote and count for quorum in ASG committees and working groups.
3. Students-at-Large represent the entire study body as their constituency group.

2. Legislative Authority

a. The ASG Student Senate shall have the legislative authority to:

- i. Create and amend the ASG Bylaws as necessary.
- ii. Create and act upon motions, proposals, and resolutions.
- iii. Establish whatever committees, ASG Ad-Hoc Working Groups, task forces or working groups it deems necessary to achieve its goals and objectives.
- iv. Develop policies and procedures that are not delegated or otherwise prohibited by this document or the current laws, and to change these policies and procedures as determined necessary.
- v. Fix and collect activity fees for the Associated Students of MiraCosta College.
- vi. Determine and approve the annual budget for the forthcoming fiscal year.

- vii. Authorize expenditures as specified in the ASG Bylaws and to develop new sources of income for the ASG.
- viii. Sponsor, plan, and/or implement activities on behalf of the ASG.
- ix. Hold the ASG Student Senate accountable to uphold all federal/state laws, college policies and procedures, and the ASG Constitution.
- x. Approve all appointments made to the Senate in accordance with the process outlined in the ASG Bylaws.
- xi. Stay informed of MCC issues and policies by attending meetings, performing research, contacting members of the MCC community, and any other means that are necessary to carry out this responsibility.
- xii. Take a position on pending local, state, and federal legislation on behalf of the Associated Students of MiraCosta College.
- xiii. Perform all other duties that may be assigned by the ASG Constitution or ASG Bylaws.
- xiv. The ASG is created with the approval of, and is subject to the control and regulation of, the Board of Trustees of the MiraCosta Community College District (MCCCD) and the California Education Code. The Senate shall not violate any rules or regulations of these entities/documents or any other laws of the State of California and/or the laws of the United States of America. All laws, regulations, codes, policies, and procedures shall be followed from the highest to the lowest level of authority.
- xv. The Senate shall keep a record of all meetings and decisions.

## 2. Meetings

- a. The ASG Student Senate shall meet regularly, during the fall and spring semesters during the college's hours of operation. The Executive Council shall determine the final calendar of meetings for the Senate.
- b. Official meetings of the Senate will only be held on MiraCosta College District property. The ASG Student Senate shall vote to approve of the meeting locations and will teleconference as permitted.
- c. The ASG is not permitted to go into closed session for any reason, as the student leaders are not considered "employees" but rather members of a legislative body (*Hofman Ranch v. Yuba County Local Agency Formation Com.* (2009) 172 Cal.App.4th 805). Special and emergency meetings can only be called by the chair of the Senate or a majority vote of the Senate.

## 3. Parliamentary Authority

- a. All business shall be conducted according to Parliamentary Procedure as outlined in Robert's Rules of Order, Newly Revised Edition and according to the procedures established by this Constitution. The regulations of the Brown Act shall apply to the ASG Senate, Executive, and Committee meetings.

## 4. Quorum

- a. All Brown Act meetings must include a quorum of the members accompanied by an advisor to qualify as an official meeting. Quorum shall be defined as fifty percent (50%) plus one (1) of the Senate membership (ex. Five (5) members / two (2) = two and a half (2.5) + one (1) = three and a half (3.5) or rounded down to three (3) members minimum).
- b. Within the ASG Student Senate, Students-at-Large do not count towards meeting quorum; however, Students-at-Large do count towards committee or working group meeting quorum.

## 5. Rules

- a. All other rules and policies shall be contained in the ASG Bylaws of this organization and, if not otherwise specified in this document, shall be amended by a two-thirds (2/3) majority vote of the Senate.

## 6. Vacant Elected Positions

- a. Individuals will be appointed by the ASG Student Senate to fill vacant elected or appointed positions, as provided for in the ASG Bylaws. A vacancy of the ICC Chair will be filled as provided in the ICC Bylaws.

## 7. Voting

- a. Each voting member (executives and senators) of the ASG Student Senate shall have one (1) vote with the exception of the President who may only vote to break a tie or in personnel matters. The Student Trustee, an ex-officio member of the Senate, shall also retain the right to vote.
  - i. No proxy voting will be permitted.
- b. Non-voting members include:
  - i. Students-at-Large: no voting privileges in the ASG Student Senate or the Executive Council, however they can vote in ASG committees and working groups of which they are members in good standing.
  - ii. ASG Advisors
  - iii. ASG/ICC Administrative Support Assistant and other support staff

## 8. Responsibilities

- a. The ASG Student Senate shall have the primary responsibility for conducting the day-to-day business of the ASG in partnership with Student Life & Leadership.

## 9. Distribution of Powers

- a. All legislative, financial, and executive powers of the ASG shall be vested in the ASG Student Senate, with the guidance of the Advisor(s).

## 10. Representations

- a. The ASG Student Senate shall be the sole representative and decision-making unit of the students enrolled at MCC to all on and off campus entities.

## 11. ASG Committees, ASG Working Groups, &amp; ASG Ad-Hoc Working Groups

- a. The ASG Student Senate may form ASG Committees, ASG Working groups, and ASG Ad-Hoc Working Groups as necessary to achieve its goals and objectives.
  - i. ASG Committees:
    - 1. ASG Committees are described in the ASG Constitution and ASG Bylaws. Committees shall be formed for specific purposes in order to best represent the interests of the student body.
    - 2. ASG Committees must follow the Brown Act; are required to operate with an ASG or ICC Advisor present and should follow parliamentary procedure.
    - 3. ASG Committees shall consist of at least three (3) members, including an executive member as the chair, senators based on their constituency group, and any students-at-large.
    - 4. ASG Committees shall be active as long as deemed necessary, but no less than the fall and spring semesters.
    - 5. ASG Committees shall be formed or disbanded by a majority vote of the ASG Student Senate.
    - 6. The committee or working group will determine the final meeting dates and times of their respective committees and working groups.
    - 7. Committees and working groups will appoint a vice chair at the start of each semester. The Vice Chair shall fulfill the duties of the chair in their absence.
    - 8. The following are designated as ASG Committees, unless voted on by the ASG Student Senate with a two-third (2/3) majority vote:
      - a. ASG Executive Committee
      - b. ASG Senate
      - c. Finance Committee
      - d. ICC Leadership
      - e. ICC Full Council
  - ii. ASG Working Groups:
    - 1. ASG Working Groups are described in the ASG Constitution and ASG Bylaws. Working Groups shall be formed for specific purposes in order to best represent the interests of the student body and respective constituency groups.



2. Working groups shall fulfill the goals and decisions as established by the ASG Student Senate and ASG Executive Council. Working groups may make recommendations to ASG Committees, the ASG Senate, and/ or ASG Executive Council.
  3. ASG Working Groups have the right to activate expenses as approved and outlined in the ASG Bylaws consistent with the most current ASG Budget.
  4. ASG Working Groups are not required to follow the Brown Act, but must follow protocol outlined in the ASG Bylaws, routinely report progress to the ASG Student Senate, and maintain open lines of communication with ASG Advisors.
  5. ASG Working Group shall consist of at least two (2) ASG members. The working group will determine the final meeting dates and times of their respective working group.
  6. The following are designated as standing ASG Working Groups:
    - a. Appointment Working Group
    - b. CLC Working Group
    - c. Diversity, Equity & Inclusion Working Group
    - d. Law Working Group
    - e. Legislative Affairs Working Group
    - f. Public Relations Working Group
    - g. San Elijo Working Group
- iii. ASG Ad-Hoc Working Groups:
1. ASG Ad-Hoc Working Groups may be formed when necessary to perform the majority of Senate business, as well as for activity planning and coordination.
  2. ASG Ad-Hoc Working Groups shall be formed by a majority vote of the Senate.
  3. ASG Ad-Hoc Working Groups shall consist of at least three (3) members including an executive member as the chair, or a qualified individual with the recommendation of the Senate.
  4. ASG Ad-Hoc Working Groups shall be formed with a specific purpose or task in mind and will be temporary in nature.
  5. ASG Ad-Hoc Working Groups will be given tasks within, but not limited to, the areas of programming, activities, and ASG Constitution and ASG Bylaws.
  6. ASG Ad-Hoc Working Groups are not required to follow the Brown Act, but must follow protocol outlined in the ASG Bylaws, routinely report progress to the ASG Student Senate, and maintain open lines of communication with ASG Advisors.

### **SECTION C. Executive Council**

1. Purpose
  - a. To plan, coordinate, and recommend the business and decisions of the ASG Student Senate.
2. Executive Council Composition
  - a. The Executive Council shall consist of the
    - i. President
    - ii. Executive Vice President
    - iii. Student Trustee
    - iv. Vice President of Diversity, Equity and Inclusion
    - v. Vice President of the San Elijo Campus
    - vi. Vice President of the Community Learning Center
    - vii. Director of Finance
    - viii. Director of Legislative Affairs
    - ix. Director of Public Relations
    - x. Chair of the Inter-Club Council
    - xi. Vice Chair of the Inter-Club Council
3. Voting

- a. Each voting member of the Executive Council, including the Student Trustee, shall have one (1) vote with the exception of the President who may only vote to break a tie or in personnel matters.
    - i. Proxy voting is not permitted.
  - b. Non-voting members include:
    - i. ASG Advisors
    - ii. ASG/ICC Administrative Support Assistant and ASG staff
4. Meetings
- a. The Executive Council shall meet regularly during the fall and spring semester at a reasonable time and date during MCC's hours of operation. The Executive Council shall determine the final calendar of its meetings.
  - b. The President shall chair the Executive Council meetings.
  - c. Meetings of the Executive Council shall be open to the public. All Executive Council meetings shall be announced by the posting of an agenda by the President. The business of the Executive Council will be recorded in writing and will be available upon request.
  - d. In addition to meetings, the Executive Council may have trainings, which are required for Executives, and not open to the public.

#### **SECTION D. Inter-Club Council**

- 1. Purpose
  - a. The purpose of the ICC is to encourage student life, diversity, and learning outside of the classroom. The ICC will serve as the representative body to coordinate and promote communication and cooperation among student clubs and organizations on campus. Furthermore, the ICC serves as an outlet to locate important information clubs and organizations need to be effective advocates for their students, campus, and community.
- 2. Composition
  - a. The ICC shall be composed of the ICC Chair, the ICC Vice Chair, and three (3) Senators including the ICC Finance Senator, ICC Senator and an ICC Representative from each of the actively registered student organizations on campus. For specific duties, see the ASG Bylaws.
- 3. ICC Legislative Authority
  - a. The ICC has the ability to make written resolutions and recommendations to the ASG Student Senate on club or event funding issues by a majority vote of the ICC.
  - b. Determine and approve the annual ICC Budget for the forthcoming fiscal year.
  - c. Authorize expenditures as specified in the ASG (ICC) Finance Bylaws and to develop new sources of income for the ICC.
  - d. No representative of the ICC shall represent more than one club. The strict policy of one club, one vote shall be adhered to at all times.
  - e. All student clubs that are actively registered and expect to receive ASG funds must be in compliance with the attendance policy as stated in the ASG Bylaws.

### **Article V: Operations**

#### **SECTION A. Seating**

If the office of the President is vacant for any reason, the Executive Vice President shall assume the office and duties of the President. In this event, an executive or senator may be appointed or elected as stated in Article V., Section B.

#### **SECTION B. Succession**

If any elected position is not filled in a general election, or if it is left vacant by disqualification, resignation, impeachment or recall of the office holder, then it may be deemed an appointed position and shall be filled by a nomination from the Executive Council and two-thirds (2/3) majority vote of the remaining members of the ASG Student Senate, or it may be filled in a special election, if desired, by the ASG Student Senate as shown by a two-thirds (2/3) vote.

As outlined in Article IV, Section B.1.b.i., the Executive Vice President shall, in the temporary absence of a President, assume all the responsibilities and powers of the President's office. In the event of the absence of unavailability of both President and Executive Vice President, one of the three Vice Presidents shall assume responsibility and decision-making authority, until one or both of those positions are filled and available.

### **SECTION C. Resignations and Abandonment of Office**

All resignations must be submitted in writing to the Executive Vice President, President, and the advisors. An executive, senator, or student-at-large member is not required to submit a resignation if they are deemed to have abandoned office as outlined in the ASG Bylaws.

### **Section D. Ineligibility and Disqualification**

A student may only serve in one office in the ASG concurrently. If at any time, before election, appointment, or during term in office, an executive fails to meet any of the eligibility requirements and/or responsibilities set forth in this ASG Constitution, they will be disqualified from holding office in the ASG.

Advisors verify eligibility upon appointment/election, periodically during the term, and may verify in response to information indicating an eligibility concern. If any ASG member becomes ineligible (e.g. not meeting required units, GPA, etc.), advisors will notify the president (or presiding member), who will oversee succession as outlined in Article V, Section B. (Succession).

### **SECTION E. Addressing ASG Executive and Senator Conduct - Rights & Responsibilities**

All ASG members have the responsibility to uphold the expectations outlined in the ASG Constitution. The ASG Student Senate may hold all individual ASG Student Senate members responsible for upholding their responsibilities as outlined in the ASG Constitution & ASG Bylaws. The ASG Student Senate has a right to address alleged violations of the ASG Constitution, ASG Bylaws and/ or district policies that pertain to the ASG and determine findings and issue outcomes/ resolutions within the scope of the policies set forth in the ASG Bylaws. (The procedures for Senate Rights & Responsibilities are outlined in the ASG Bylaws).

### **SECTION F. Impeachment**

The ASG Student Senate shall have the power to enact impeachment proceedings against the ASG President and all other elected and appointed executives of the ASG with a two-thirds (2/3) majority vote of the total ASG Student Senate. The following actions shall be regarded as grounds for impeachment:

1. Failure to meet all qualifications, as dictated by the ASG Constitution.
2. Failure and/or inability to perform duties as outlined in the ASG Constitution and ASG Bylaws.
3. Violation of the Oath of Office.

### **SECTION G. Recall**

1. Any elected or appointed Senator and Executive may be the subject of a recall special election and removed from office. This process requires a petition that has been signed by three percent (3%) of the student headcount. Headcount shall be determined by the previous Fall semester first census date. The petitions must state specific charges and have signatures and student identification numbers in order to be valid.
2. The following actions shall be regarded as grounds for a recall petition:
  - a. Failure to meet all qualifications, as dictated by the ASG Constitution.
  - b. Failure and/or inability to perform duties as outlined in the ASG Constitution and ASG Bylaws.
  - c. Failure to abide by all election rules and regulations as outlined in the ASG Constitution and ASG Bylaws.
  - d. Violation of the oath of office.
3. The Executive Vice President and the ASG Advisor(s) have the responsibility to verify and confirm the petitions and its charges. Only verifiable charges can be used as grounds to initiate a recall election. A recall election shall be organized by an election commission within thirty (30) instructional days. A majority of two-thirds (2/3) votes cast in the affirmative shall be required to recall and remove any elected or appointed Senator and Executive.

### **SECTION H. Initiatives**

Any member of ASG may initiate legislation by petition. The petition must have the signatures and student identification numbers of the average number of students who voted in the previous three (3) ASG Spring General Elections. This Petition shall be submitted to the ASG Student Senate for verification and further action. The ASG Student Senate shall consider the legislation within ten (10) instructional days. A majority vote by the ASG Student Senate shall enact the initiative as policy within the scope of the law.

### **Section I: Referendum**

Any member of the ASG may initiate a petition for a referendum. The petition must have the signatures and student identification numbers of the average number of students who voted in the previous three (3) ASG Spring General Elections. The petition for a referendum shall be submitted to the ASG Student Senate for verification and shall be considered within ten (10) instructional days.

### **SECTION J: Amendments**

The ASG reserves the right to amend its ASG Constitution and ASG Bylaws. The ASG Law Committee shall address all proposed amendments to the ASG Constitution or ASG Bylaws.

- A. The ASG Law Working Group shall be composed of the following members as available:
  - a. The Executive Vice President as chair. Under circumstances where the Executive Vice President is unable to chair the Law Committee, another member of the Executive Council may chair the committee.
- B. The committee shall hear all proposed amendments to the ASG Constitution and ASG Bylaws, and after hearing all proposals the committee will create a draft of the proposed amendments.
  - a. Members will strive to incorporate feedback from student leaders representing the Inter-Club Council, the Community Learning Center, and/ or the San Elijo campuses if said amendments affect those student groups.
- C. The ASG Student Senate, for informational purposes, must present the draft of the proposed amendments to the ASG Constitution or ASG Bylaws to the Executive Council prior to ratification only.
- D. Amendments to the ASG Constitution may be proposed by a two-thirds (2/3) vote of the Senate or by a petition signed by the average number of students who voted in the previous three (3) ASG Spring General Elections.
- E. Proposed amendments to this Constitution shall be posted on the ASG website for at least three (3) school days. A simple majority of votes cast shall be necessary for adoption.
  - a. Upon official ratification, the document shall be posted for public viewing on the ASG website and other ASG platforms.
  - b. The President and Executive Vice President will sign and date the constitution upon ratification.
- F. ASG Bylaws of the Constitution shall be considered procedural matters. Any substantive changes require an amendment to the Constitution.
- G. The ASG Student Senate may pass ASG Bylaws to the ASG Constitution with a two-thirds (2/3) vote in the affirmative.

### **SECTION K.**

The ASG shall receive revenue from Spartan passes, the Student Representation Fee, and other sources of income.

### **SECTION L.**

The ASG will manage its financial affairs through a budget.

### **SECTION M.**

Expenditures must conform with MCCC Board Policies and Administrative Procedures, ASG Bylaws, the decision of the United States Supreme Court in Board of Regents v. Southworth, 529 U.S. 217, 120 S. Ct. 1346 (2000), existing California Statutes, and the Attorney General's opinions.

### **SECTION N.**

The ASG shall allocate its annual budget as the following:

- a. Up to twenty percent (20%) of ASG revenue shall be allocated to the ICC.
  - i. The Chair of the ICC and the Vice Chair of the ICC shall determine the operating budget of the Inter-Club Council no later than the fourth week of the fall semester.

- b. Up to thirty percent (30%) of ASG revenue shall be allocated to ASG programming and events that shall take place across the District.
  - i. The Public Relations Working Group, SAN Working Group, and CLC Working Group shall be responsible to seek student feedback to inform and advise on the execution of ASG programming and events.

#### **SECTION O. Advisor**

The ASG shall have an official MCC staff Advisor(s). The Advisor shall serve as a non-voting ex-officio member of the ASG.

- 1. The Advisor is expected to provide structure to the ASG through mentorship, leadership and fiscal training, transitions, and resources that help foster an environment for ASG members and representatives to successfully serve the needs and interests of MCC students.

#### **SECTION P. Conflicts & Legality**

Should any local, state or federal law, regulation, or code be found to be in conflict with this document, or any portion of this document is found to be illegal, then the portion in this document which is in question shall be considered to be null and void; however, the remainder of the document will remain in full force. The law, regulation, or code from highest-ranking authority shall take precedence over all others and will be adhered to by the ASG. Should any portion of this document be found illegal, the remainder of this document shall remain in effect, until otherwise changed by amendment.

### **Article VI: Elections**

#### **SECTION A. General Elections**

The ASG shall hold a general election for all elected positions, changes to the ASG Constitution, and referendum questions by the last week of April each year. Election procedures will be outlined in the ASG Bylaws.

#### **SECTION B. Term Duration and Limits**

The full term of office for all Senate members shall begin no sooner than June 1st and on the date the individual accepts their position and shall end the following year on May 31st. The individual will be sworn in as soon as possible after accepting the position.

- 1. The maximum amount of time an ASG Student Senate Executive or Senator may spend in the ASG will be no more than three (3) full terms in any collective executive or senator capacity.
  - a. An Executive shall serve no more than one (1) full term in any given Executive position. In the event of a vacant Executive position, an individual may appeal to the ASG Student Senate, to serve a second term in the same position as held previously.
  - b. There shall be no term limits on Students-at-Large.

#### **SECTION D. Special Elections**

- 1. Special Elections may be called at the discretion of the ASG Student Senate for any purpose provided for in this document and the ASG Bylaws.
- 2. A two-thirds (2/3) vote of the ASG Student Senate is required to authorize a Special Election, and a majority vote is required to set the dates for the Special Election, with the exception of recall elections.



## OFFICIAL RATIFICATION OF THE ASG CONSTITUTION

*Per Article V. Section J. Item 5. A.:*

- a. Upon official ratification, the document shall be posted for public viewing on the ASG website and other ASG platforms.*
- b. The President and Executive Vice President will sign and date the constitution upon ratification.*

  
\_\_\_\_\_  
**Bianca Rosales, 2023-24 ASG President**

05/10/24  
\_\_\_\_\_  
**Date**

  
\_\_\_\_\_  
**Edrei Padilla, 2023-24 ASG Executive Vice President**

05/14/2024  
\_\_\_\_\_  
**Date**

## BYLAW I: Framework

### SECTION A: Purpose

These Bylaws contain the operating procedures and rules of the ASG. Their purpose shall be:

1. To serve as the procedures for all members of the ASG.
2. To serve as the official interpretation of the ASG Constitution.

## BYLAW II. The Senate

### SECTION A: Specific Duties

1. President:
  - a. Duties:
    - i. Help to establish overall objectives and plans of the ASG, initiate and participate in overall program planning.
      1. Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of ASG goals.
    - ii. Prepare, in collaboration with ASG members, an agenda for the Senate meeting.
    - iii. Fill vacant ASG Committees.
    - iv. Communicate college policies and mission to ASG members.
    - v. Recommend for the consideration of the ASG such actions as felt necessary and may convene special meetings of the ASG when deemed necessary.
    - vi. Meet with the Student Trustee at least once (1) a month.
    - vii. Meet with the ASG Advisor(s) at least once (1) a week.
    - viii. Meet with the MCC President as necessary.
    - ix. Regularly attend or ensure adequate representation on MCC governance committees; serve as the representative, or appoint a replacement, on the College Council and MCC Foundation Board.
    - x. Stay informed with state, region, and local legislation, which may be of concern to students.
    - xi. In conjunction with the Executive Vice President, meet with the out-going and in-coming officers to discuss expectations and goals and review the previous term of office to facilitate a smooth transition.
    - xii. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
    - xiii. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.
2. Executive Vice-President:
  - a. Duties:
    - i. Meet with the President and Advisor(s) at least once (1) a month.
    - ii. In conjunction with the President, meet with the out-going and in-coming officers to discuss expectations and goals and review the previous term of office to facilitate a smooth transition.
    - iii. Regularly attend an MCC governance committee:
      1. Serve as a liaison and regularly attend or ensure representation at MCC Academic Senate meetings.
    - iv. Will be responsible for implementing the procedures outlined in the ASG Bylaws II Section E: Attendance.

- v. Connect with new officers to fill vacant MCC shared governance, ASG committees, and ad-hoc working groups.
- vi. Serve as chair of the Appointment Working Group and Law Working Group, and work with V.P. of the Community Learning Center, and V.P. of the San Elijo Campus regarding applicants pertinent to each respective campus.
- vii. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- Viii. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

### 3. Vice President of Diversity, Equity, & Inclusion

#### a. Duties:

- i. The DEI Committee is given the responsibility to be the arbiters of equality and hold the ASG accountable to identifying the needs and interests of the student body.
- ii. Ensure that the goals of the ASG are consistent with the objective of diversity, equity and inclusion.
- iii. Engage within the other committees of the ASG to ensure the goals of the Associated Student Government of the current year are being actively and consistently met, especially the goal of diversity, equity and inclusion.
- iv. Regularly attend an MCC governance committee:
  - 1. Serve as liaisons and advocate for student voices on all MiraCosta related committees, and campuses between the ASG and other diversity, equity, and inclusion initiatives across the district (Oceanside, San Elijo, and CLC) such as DEqCC and PADEI.
- v. Provide feedback on requests made to utilize the Student Representation Fee (SRF).
- vi. Chair a ASG Diversity, Equity & Inclusion Working Group that will convene as soon as possible each semester and meet at least once per month.
- vii. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- Viii. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

### 4. Director of Finance:

#### a. Duties:

- i. Uphold and implement Bylaw IV.
- ii. Review and monitor the ASG budget at least once (1) a month.
- iii. Regularly attend an MCC governance committee such as the Budget & Planning Committee.
- iv. Provide financial assistance and direction to the individual officers, the Senate and ASG Committees.
- v. Serve as the main point of contact responsible for approving expenses from the ASG budget as necessary (Ex: approve expenses related to programming efforts such as college hour or collaborations with History & Heritage month events).
- vi. Identify any additional financial risks facing the organization and recommend appropriate action.
- vii. Present a mid-year revision of the current ASG operating budget by the end of January.
- viii. Present an annual proposed budget for the next fiscal year by the third Monday of March within the current term.
- ix. Meet with the President and Advisor at least once (1) a month.
- x. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- Xi. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

### 4. Director of Legislative Affairs

#### a. Duties:



- i. Research federal, state and local legislative issues and educate students regarding said issues.
- ii. Develop and implement a student advocacy plan for the academic year within two (2) months of taking office.
- iii. Coordinate advocacy efforts on behalf of student interests. Efforts include: forums, letter writing and email campaigns, in-person lobbying, rallies, etc.
- iv. Meet with the ASG President at least once (1) a month.
- v. Inform the ASG of any local, state or federal legislation actions which may be of concern to students.
- vi. Ensure that the Senate understands the issues being advocated by the ASG, and provide all necessary documentation and presentations to that end.
- vii. Attend and participate in professional advocacy conferences, workshops, as well as local, state, regional and national activities on behalf of the ASG.
- viii. Regularly attend or ensure adequate representation at all the statewide Student Senate of California Community Colleges (SSCCC) Region X meetings and functions.
- ix. Serve as the voting delegate at all of the SSSCC General Assemblies and Region X meetings and functions. Another ASG officer may be delegated this authority with advisor(s) approval should the Director of Legislative Affairs be unavailable due to extenuating circumstances.
- x. Provide a written status report after the General Assembly regarding all actions taken and resolutions voted on at the General Assembly to the Senate.
- xi. In the event that the Director of Legislative Affairs is unable to be present at a General Assembly, there will be an alternate delegate selected and approved by the Senate by a simple majority.
- xii. Stay abreast of the SSSCC issues, resolutions, & activities.
- xiii. Present monthly reports to the Senate that reflect statewide issues, in addition to local and regional issues, and any actions that occurred over the month.
- xiv. Are not required to serve on an MCC governance committee due to SSSCC responsibilities.
- xv. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- Xvi. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

5. Vice President of San Elijo (SAN):

a. Duties:

- i. Serve as a representative of the San Elijo campus to ensure that students at the San Elijo campus are represented throughout the district.
- ii. Assist the Executive Vice President in identifying and recruiting students to fill vacant ASG positions at SAN.
- iii. Advocate and serve as a liaison for the concerns of the student body, faculty, and programs directly concerning the SAN to the Student Senate.
- iv. Meet with the ASG Advisor of the SAN at least once (1) a week. Regularly attend an MCC governance committee such as the San Elijo Advisory Working Group.
- v. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- Vi. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

6. Vice President of the Community Learning Center (CLC):

a. Duties:

- i. Serve as a representative of the Community Learning Center to ensure that students at the CLC are represented throughout the district.
- ii. Assist the Executive Vice President in identifying and recruiting students to fill vacant ASG positions at the CLC.
- iii. Advocate and serve as a liaison for the concerns of the student body, faculty, and programs directly concerning the CLC to the Student Senate.
- iv. Meet with the ASG Advisor regarding CLC business at least once (1) a week.

- v. Regularly attend an MCC governance committee.
- vi. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- vii. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

8. Director of Public Relations:

a. Duties:

- i. Create an ASG marketing plan within two (2) months of taking office.
- ii. Evaluate and update the ASG marketing plan as needed.
- iii. Coordinate marketing and promotion of all ASG programs and services.
- iv. Assist ASG members with the publicity and promotion of ASG sponsored activities through the use of flyers, posters, banners, marquee, etc.
- v. Maintain and update ASG marketing materials including flyers, social media, and other electronic media.
- vi. Oversee the preparation and distribution of press releases and on-air promotions for major ASG-sponsored events (Ex: hosting candidates for a political debate during an election season; ex: hosting a well-known public figure on campus).
- vii. Ensure activities and events sponsored by ASG are photographed and integrated into appropriate publicity mechanisms.
- viii. Participate and coordinate outreach and recruitment activities.
- ix. Meet with the MCC Public Information Officer as needed.
- x. Act as the communications link between campus and community media (ex. The Chariot, The MiraCostan) and social networks to promote ASG and its sponsored events.
- xi. Ensure contacts within and outside the MCC community, especially with non-profit organizations.
- xii. Regularly attend an MCC governance committee.
- xiii. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- xiv. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

9. Chair of the Inter-Club Council and Vice Chair of the Inter-Club Council

- a. Duties are delineated in Bylaw III.
- b. ICC Executives are not required to serve on an MCC governance committee due to ICC responsibilities.
- c. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.
- d. Complete a transition document by the last meeting of the year to assist the incoming leaders with their role and responsibilities.

10. Senators

- a. Serve as a member of the ASG Student Senate, and designated committees, working groups, and ASG ad-Hoc working groups.
- b. Serve on a minimum of one ASG committee/workgroup and one shared governance committee
- c. Support a minimum of one ASG event per month.
- d. Support the efforts of their campus constituency (OCN, SAN, CLC, ICC).
- e. Support the president and chairs of their respective committees and working groups and fulfills committee assignments as needed.
- f. Complete a pre- and post-reflection on that year's identified co-curricular learning skill.

11. Students-at-Large

- a. Serve on a minimum of one ASG committee, ASG working group, or MCC governance committee (specifically those meetings that conflict with the ASG Executive and Senate meetings) with Advisor(s) approval.
- b. Support a minimum of one ASG event per month.
- c. Are not required to attend ASG Executive Council or Senate meetings but should provide any committee reports to the president in advance of the meetings to share out on their behalf

## SECTION B: Committees & Working Groups

1. Public Relations Working Group: the purpose of the group is to support all events of the ASG and improve communication between the students, community, faculty and ASG.
  - a. The Public Relations Working Group shall preferably be composed of at least three (3) ASG leaders, representing students from each campus if possible.
  - b. Responsibilities:
    - i. Advertise events happening on the Oceanside Campus, San Elijo Campus, and the Community Learning Center. This shall be done by working with the chairs of all ASG committees and working groups, on a regular basis as needed.
    - ii. Assist with drafting a press release for all major ASG-sponsored events, especially those that will be televised (ex: when hosting candidates for a political debate during an election season; ex: hosting a well-known public figure on campus).
    - iii. Support the promotion of ASG events, Senate business, ASG committee and working groups work through various avenues such as social media, The Chariot, and/ or working with Student Life & Leadership to ensure the promotions are included in the MiraCosta College Public Information Office avenues (Ex: district-wide newsletters).
    - iv. Monitor the ASG website at least once (1) per week and make requests for updates/edits as necessary.
    - v. Promote ASG Elections and the Outstanding Faculty and Classified Staff Awards.
2. Finance Committee: The Finance Committee shall be a committee of the ASG charged with assisting the Director of Finance in making recommendations to the Senate on all fiscal matters.
  - a. The Finance Committee shall preferably be composed of at least three (3) ASG leaders, representing students from each campus if possible.
  - b. Responsibilities:
    - i. Hear presentations on, investigate, deliberate over, and make recommendations to the Senate regarding all requests for ASG funding.
    - ii. Review all funding requests to ensure compliance with ASG Bylaw IV, Section B before forwarding requests to be presented to the Senate.
    - iii. Create and maintain fiscal documents that will facilitate legal requirements regarding fiscal matters
    - iv. Assist the Director of Finance in providing financial assistance and direction to individual leaders, the Senate, and ASG committees and working groups.
    - v. Know and uphold Office of Student Life & Leadership policies and procedures pertaining to financial matters.
    - vi. Review and consider additional sources of income for the ASG.
    - vii. Track and analyze data and spending trends to conduct a mid-year revision of the ASG Budget.
    - viii. Develop and recommend to the Senate a data-driven budget for the following fiscal year.
    - ix. Strive to convene no later than the second week of the fall semester and establish a regular meeting schedule.
3. If an Executive leader is unable to fulfill assigned duty as chair of a standing committee or working group, the Executive Council may recommend and vote to appoint another Senate member to act as chair of the committee.
  - a. In the event the president or designated chair of a committee or work group is unable to chair a meeting, the designated committee or work group vice chair will chair the meeting in their place. Committees and working groups will appoint a designated vice chair at the start of each semester to assume chairing responsibilities when needed.
4. The Executive Council will recommend and vote to appoint an Executive leader, or other qualified individual, to chair any ad-hoc committee formed by the Senate.
5. The members of any standing or ad-hoc committee may vote to appoint one member of the committee as the vice-chair.

6. Students who are not voting members of the ASG Student Senate may serve as members of a standing or ad-hoc committee. Such members shall be students-at-large and shall be appointed by the ASG President.

### SECTION C: Appointments

1. Any open executive position, with the exception of the Student Trustee and Chair of the ICC, may be filled by appointment at the Executive Council's discretion.
  - a. The President will identify an application committee to be composed of one (1) Executive leader and no more than two (2) other ASG leaders, as vacancies arise. The chair of the application committee will be designated by the President.
  - b. Completed applications will be submitted to the ASG Advisor for verification of eligibility and forwarded to the chair of the interview committee.
    - i. Elected officer eligibility requirements (Ed Code, Article 4. 76061): Must be enrolled in the community college at the time of election, and throughout the student's term, and fully meet any one of the following requirements (a, b, or c):
      - (a)
        - (1) enrolled in a minimum of five semester units, or the equivalent quarter units.
        - (2) and meet and maintain the minimum standards of scholarship prescribed for community college students by the community college district. Minimum standards include:
          - a minimum of a 2.0 cumulative and term G.P.A. and
          - be cleared of student conduct restrictions
      - (b) or be enrolled in an adult education program offered by a community college district (Ed Code, Article 9, 84900)
      - (c) or is a disabled student, as defined in subdivision (b) of Section 84850.
        - "(b) As used in this section, "disabled students" are persons with exceptional needs who have applied to or enrolled at a community college who, because of a verified disability, cannot fully benefit from classes, activities, and services regularly provided by the college without specific additional specialized services or educational programs."
      - All appointed executives and senators must meet the same requirements for elected officers.
      - Students-at-Large Eligibility - as a prerequisite to entering office, all Students-at-Large shall:
        - Be a currently enrolled student.
        - Be free of all official college academic and student conduct restrictions that would deem them ineligible by the Office of Student Affairs.
  - c. The chair of the Appointment Working Group will arrange interviews with applicants no later than ten (10) working days after the application deadline and will respond to student-at-large applicants no later than ten (10) working days upon receipt of the application, when school is in session
    - i. If an application deadline has not been set, the chair of the Appointment Working Group will arrange interviews with applicants no later than ten (10) working days after receipt of the application.
    - b. The Appointment Working Group will interview applicants and select a candidate to recommend to the Executive Council for appointment.
2. All appointed ASG members must complete the oath of office in a Senate meeting following their appointment to officially assume their position.
3. The chair of the Inter-Club Council shall be elected to office according to Bylaw III, and shall be recognized as an Executive leader of the ASG.

3. The senators of the Inter-Club Council shall be appointed to office according to Bylaw III.

#### **SECTION D: Ex-Officio Members**

1. The ASG Administrative Support Assistant shall be a paid employee of MCCCCD.
  - a. Duties and Responsibilities:
    - i. Record and provide weekly minutes of all ASG Executive and Senate meetings, ASG committee meetings, and ICC meetings.
    - ii. Keep agendas and minutes updated for public access.
    - iii. Provide an attendance report of all ASG/ICC members and representatives to the Senate/ICC once a month.
    - iv. Maintain an active roster of all ASG/ICC leaders.
    - v. Update the ASG website and other ASG platforms.
    - vi. Support administrative tasks related to the ASG and ICC within the scope of their role.
  - b. The ASG/ICC Administrative Support Assistant shall not have voting rights in ASG or ICC meetings.

#### **SECTION E: Attendance**

1. All Executives, Senators, and Student-at-Large members shall attend, and be on time, for all regular and special meetings required by their role, such as the Executive Council, Student Senate, ASG committees/working groups, and shared governance committees. An ASG leader will be subject to disciplinary action upon two unexcused absences per semester.
2. All ASG leaders will also be responsible for completing their required engagement hours.
3. The definition of absences, tardies and early departures shall be defined as follows:
  - a. Absences shall be defined as not being present for more than twenty-five percent (25%) of any meeting or activity. Notifying the Executive Vice President twenty-four (24) hours in advance is recommended.
  - b. Tardies shall be defined as not being present for less than or equal to twenty-five percent (25%) of a meeting. Notifying the Executive Vice President twenty-four (24) hours prior to a meeting or activity is recommended. Two (2) unexcused tardies equal one (1) absence.
  - c. Early departures shall be defined as not being present for less than or equal to twenty-five percent (25%) of the meeting. Early departures may be excused upon discretionary approval from the Executive Vice President and or an ASG advisor.
4. If a Brown Act committee meeting is called into order and canceled due to a failure to meet quorum, absences and tardies/ early departures will still be counted towards a member's attendance record.
5. Upon one (1) absence, the Executive Vice President, or designee, shall issue a warning to the member.
6. Upon two (2) absences, the Executive Vice President shall issue a second warning directing the leader to attend a meeting between the leader, Executive Vice President and/or President, and Advisor(s) to discuss their absences/tardies. Failure to appear at the mutually agreed time and place or respond to the meeting request shall result in an automatic removal from office.
  - a. The advisors, President, and/or Executive Vice President will discuss the absences with the leader and formulate a set of resolutions that address the absences and define expectations moving forward. This can include (but is not limited to) allowing one more absence under an extenuating circumstance or agreeing on a change in position (e.g. from Senator to Student at Large). Former absences will remain on record.

- b. Subsequent absences or failure to complete the agreed upon resolutions will result in removal from office.
- 7. Once a leader has accumulated a third (3rd) absence without being granted an exception for an extenuating circumstance by the Executive Vice President and/or President, they will be automatically removed from office.
  - a. Removal from office automatically results in a forfeiture of the leader's scholarship for the remainder of the term of office.
  - b. If removed from office, a former leader may reapply for their former position.

## **Section F: ASG Member Behavior and Conduct**

1. If an ASG leader fails to perform their duties, as indicated in the ASG constitution and bylaws, the ASG leader in conjunction with advisors, ASG President and/or Executive Vice President will agree on a set of resolutions that address the behavior and conduct of the ASG leader to realign with the responsibilities and values of ASG.
2. The resolution(s) should be time bound, clear & concise. The resolution will also include specific detailed outcomes or resolutions consequences that will be imposed if the ASG leader does not complete the resolutions by the agreed upon time. Failure to complete the agreed upon resolutions will result in removal from office. If the ASG leader would like to appeal their removal from office, their case may be presented to the Senate for discussion and a motion to reinstate their position.
3. If the resolution cannot be agreed upon, the ASG leader can appeal to the ASG Senate. The ASG Senate will hear from those involved, consider the matter, and render a decision, which can include (but is not limited to): removal from office, a probationary period, and/or educational resolutions or other activities. If the ASG leader is not responsive to communications and requests for the meeting, and/or does not complete the agreed upon resolution, the leader will be removed from office.

## **BYLAW III: Inter-Club Council (ICC)**

### **Section A: Club Recognition**

The ASG shall set the requirements for official recognition status for student clubs. The Office of Student Life and Leadership and the ICC Chair will verify those requirements and will grant recognition.

1. In order to be granted recognition as an official student club, a group must submit to the Office of Student Life and Leadership a Petition for Recognition form with the following:
  - a. A draft constitution using the most updated template provided by Student Life & Leadership.
  - b. An identified campus.
  - c. Club leadership must maintain a 2.0 GPA and be enrolled in three credit units or its non-credit equivalent.
    - i. No student may serve as the same officer for more than one club.
  - d. A membership list of at least five (5) active members.
    - i. Club members must be enrolled as MiraCosta College students and must provide email addresses.
  - e. Clubs with the same name and purpose, claiming separate home campuses, may not have the same active members. The name and signature of a permanent faculty or staff member who has agreed to serve as the advisor-of-record to the group and who will attend group meetings and functions.

2. Clubs are not guaranteed to receive the clubs allocations past the Thursday of the 5th week of each semester.
3. Clubs who are recognized in the fall semester, will remain recognized through the end of the summer semester.
4. Clubs must be open to all currently enrolled students.

### **Section B: Club Representatives**

1. All recognized clubs must have one member at each Full Council meeting.
2. An ICC representative must only represent one recognized club at the Full Council meetings.
3. Club representatives must be currently enrolled at MCC and be free of all academic and disciplinary restrictions.
4. The term of office for any club representative shall begin the date the individual is officially appointed by the respective club and shall end at the conclusion of the academic year.
5. Duties and responsibilities of club representatives shall include the following:
  - a. Diligently attend all Full Council meetings. In the event a club representative cannot attend a meeting, they shall notify the Chair requesting an excused absence, or send another member of their club to serve in their place for the duration of the meeting (Reference Section I.1.e for the attendance policy).
  - b. Serve as official liaison between their respective clubs and the ICC, and report their club's activities and upcoming events to the ICC.
  - c. Disseminate information from the ICC to their respective clubs.
  - d. Vote on all matters raised within the ICC, on behalf of, and in the best interest of their respective clubs.
    - i. Each club shall have a single vote within the ICC.

### **Section C: Leadership Council**

1. The purpose of the Leadership Council shall be to effectively coordinate and execute all decisions made by the ICC and its committees.
2. The Leadership Council shall be composed of all elected and appointed officers of the ICC.
  - a. Chair: The presiding officer of the ICC and highest authority.
    - i. Duties and responsibilities:
      1. Represent the ICC in Senate meetings.
      2. Preside over ICC Leadership and Full Council meetings.
      3. Facilitate the drafting and posting of the Leadership and Full Council agendas in accordance with the Brown Act.
      4. Vote on ICC matters that result in a tie.
      5. Shall be an authorized signatory, or appoint a designee, on all financial processes and procedures related to the ICC finances.
  - b. Vice-Chair: Shall be an ASG Senator-ICC appointed to this role.
    - i. Duties and responsibilities:
      1. Maintain order in the assembly and provide assistance to the Chair during meetings.
      2. Shall, in the temporary absence of the Chair, assume all the responsibilities and powers of the Chair's office.
      3. Serve as the ICC liaison for SAN clubs and advocate for SAN club needs and interests.
      4. Track club attendance and correspondence.
  - c. Finance Senator: Shall be an ASG Senator-ICC appointed to this role.
    - i. Duties and responsibilities:
      1. Serve as the principal financial Senator of the ICC.

2. ICC expenses are not limited to, but include, club allocations, purchase requisitions, spend authorizations, and reimbursements.
    - a. During the service term, the Finance Senator must designate, with the ICC advisor, a time to periodically review the ICC budget to make informed fiscal decisions. Will create ICC Funding Request recommendation summaries to present to the Full Council.
  3. Review, update, and provide the ICC budget reports at least once (1) a month.
  4. Provide financial assistance and direction to the individual officers, the ICC and its committees.
  5. Identify any additional financial risks facing the ICC and recommend appropriate action.
  6. Present an annual proposed budget for the next fiscal year by the first ICC Full Council Meeting in April.
  7. Meet with the Chair and Advisor at least once (1) a month.
- d. Senator: Shall be an ASG Senator-ICC appointed to this role.
- i. Duties and responsibilities:
    1. Serve as the public relations officer of the ICC.
    2. Serve as the ICC liaison for CLC clubs and advocate for CLC club needs and interests.
    3. Fulfill other duties as assigned by the Leadership Council.
3. Leadership members shall have the following responsibilities in addition to those pertaining to their specific positions:
- a. Provide reports at all Leadership and Full Council meetings.
  - b. Record and maintain minutes of any standing or ad hoc committees which they chair, as needed.
  - c. Know and uphold all proper operational procedures and regulations pertaining to club and ICC activity as outlined in Article III of the ASG Bylaws and MCCCCD Policies and Administrative Procedures.
4. Leadership Council officers shall hold only one position within the ICC Leadership and shall not serve as the ICC representative of a club.
5. The Chair shall be elected by the last ICC meeting of the previous academic year and in accordance with Bylaw III.E.
6. In the absence of the Chair, the ICC shall abide by the following order of succession: The Vice-Chair, Finance Senator, and Senator.

#### **Section D: Committees**

The ICC may form standing or ad hoc committees as necessary to achieve its goals and objectives.

1. Standing Committees shall be formed for specific purposes in order to best represent the interests of the student body.
  - a. Standing committees shall consist of at least three (3) members, including an ICC officer as the chair and two other members (club representative and/or ICC officer).
  - b. Standing committees shall be active as long as deemed necessary, but no less than the fall and spring semesters.
  - c. Standing committees shall be formed or disbanded by a majority vote of the ICC Full Council.
  - d. The chair of a standing committee will determine the final meeting dates and times of their respective committee.
2. Ad Hoc Committees may be formed when necessary to perform the majority of ICC business, as well as for activity planning and coordination.
  - a. Ad hoc committees shall be formed by a majority vote of the ICC Full Council.



- b. Ad hoc committees shall consist of at least three (3) representatives, including an ICC leadership member as the chair and two other members (club representative and/or ICC leadership member).
  - c. Ad hoc committees shall be formed with a specific purpose or task in mind and will be temporary in nature.
  - d. Ad hoc committees will be given tasks within, but not limited to, the areas of programming, activities, the Constitution and Bylaws.
  - e. Ad hoc committees shall provide a report to the ICC after carrying out committee work.
- 3. The ICC may appoint members as representatives to serve on committees of the ASG. The process for appointing ICC representatives to serve on ASG committees is as follows:
  - a. An application shall be completed by interested members who meet the minimum qualifications. Qualified candidates must:
    - i. Be currently enrolled at MCC.
    - ii. Meet the minimum qualifications to serve on the Associated Student Government (ASG) as defined in Article II. Section B. of the *ASG Constitution*.
    - iii. Must be an active member of at least one (1) club recognized by the ICC.
  - b. All qualified candidates must present themselves to the ICC Full Council & be approved by a majority vote.

### **Section E: Elections**

- 1. Qualified individuals may be nominated or self-nominated for an elected position.
- 2. Nominees must submit an application to the ICC Advisor for verification of compliance with the position's minimum qualifications prior to the scheduled election. For term limit information, please refer to Article VI. Section B. of the *ASG Constitution*.
- 3. General and special elections shall be held electronically for a period of no less than 48 hours.
- 4. At least two weeks' notice will be provided to ICC members of an upcoming election.
- 5. Votes shall be cast by secret ballot.
- 6. If the ICC Chair is unable to fulfill a term of office, a special election will be held to fill the vacancy.
- 7. Any eligible member, including those already holding office, may be nominated for the vacated position(s).
- 8. If no applications are received to fill a vacancy, the Executive Council of the Senate may appoint a student to fill the position.

### **Section F: ICC Guidelines & Resolutions**

- 1. If a club representative or club itself is unable to perform its duties, as indicated in Sections A & B, or violates District policy, the ICC Leadership in conjunction with the club in question will work on a set of resolutions that outline the criteria needed for the club to remain active.
- 2. The resolution(s) should be time bound, clear & concise, and agreed upon with the club representative or club. The resolution will also include specific detailed outcomes or resolutions that will be imposed if the club does not complete the resolutions by the agreed upon time. The following consequences may occur: A majority vote by the ICC Leadership in the negative will cause the club or representative in question to receive the following outcomes or resolutions, including but not limited to:
  - a. Restriction of club activities.
  - b. A revocation of club recognition.
  - c. A revocation of fund allocation.
  - d. Club account frozen.
  - e. An individual may be removed from their leadership position within the club.
- 3. If the resolution cannot be agreed upon between ICC Leadership and the club representative or club, the ICC Leadership or Club can appeal to the ICC Advisor who will decide which resolution(s) to move forward.

If the club representative or club in question does not complete the list of resolutions in the agreed upon time, the following outcomes or resolutions may occur: Club activities may be limited or not permitted.

- a. Restriction of club activities.
- b. A revocation of club recognition.
- c. A revocation of fund allocation.
- d. Club account frozen.
- e. An individual may be removed from their leadership position within the club.

#### **Section G: Amendments to the ICC Bylaws**

1. A majority vote of attendees of the ICC full council is required to approve recommended amendments to Bylaw III. Proposed amendments will be presented in writing to the ICC full council one (1) meeting prior to a vote to approve the recommendations.
  - a. Final ratification of the amendments to Article III shall be voted on by the Student Senate.

#### **Section H: Club Inactivity**

1. Clubs in good standing that desire to become inactive must:
  - a. Contact the ICC advisor and submit the club minutes that reflect the vote of the club members to have the club become inactive.
2. Clubs will be considered inactive if they have not registered for recognition for four consecutive semesters (not including the summer semester).
3. Finances: Refer to Bylaw III Section J.9.

#### **Section I: Parliamentary Authority / Rules**

1. Meetings: The ICC Full Council shall meet during the fall and spring semesters for approximately one hour at a reasonable time and date during the college's hours of operation. The Leadership Council shall determine the final calendar of meetings for the ICC.
  - a. The Leadership Council will meet on alternate weeks to the ICC.
  - b. Official meetings of the ICC will only be held on MCCCCD property.
  - c. The ICC is not permitted to go into closed session for any reason, as the student leaders are not considered "employees" but rather members of a legislative body (Hofman Ranch v. Yuba County Local Agency Formation Com. (2009) 172 Cal.App.4th 805). Special and emergency meetings can only be called by the Chair or a majority vote of the ICC.
  - d. Attendance: Recognized clubs are expected to send a representative to each Full Council meeting if they have decided to be part of the full council by the 5th week of the semester.
    - i. The definition of absences, tardies, and early departures shall be defined as follows:
      1. Absences shall be defined as not being present for more than twenty-five percent (25%) of any full council meeting. Notifying the ICC advisor at least twenty-four (24) hours in advance is recommended.
      2. Tardies and early departures shall be defined as not being present for less than or equal to twenty-five percent (25%) of a meeting. Notifying the ICC advisor twenty-four (24) hours prior to meetings is recommended. Two tardies/early departures equal one (1) absence. The ICC advisor can excuse the representative.
      3. A registered club may be excused from ICC attendance when mandatory class attendance of a nature that would affect program or enrollment status, conflicts with regularly scheduled ICC meetings in such a way that all members of a club are affected, whereby no other suitable representative can be found. An

absence for educational purposes shall be granted upon receipt of notification from the ICC advisor, stating that the program's structure does not afford a club representative the opportunity to be present at ICC meetings.

4. Each club has a maximum of three (3) absences per semester.
  5. The ICC Leadership may place clubs through a resolution process (Reference Section F – ICC Guidelines & Resolutions).
  6. Probation may result from a club's failure to meet the attendance policy and/or failure to follow club rules and regulations.
2. Parliamentary Authority: All business shall be conducted according to Parliamentary Procedure as outlined in Robert's Rules of Order, Newly Revised Edition and according to the procedures established by this Constitution. The regulations of the Brown Act shall apply to the ICC.
  3. Quorum: All Brown Act meetings must include a quorum of the members accompanied by an advisor to qualify as an official meeting. Quorum shall be defined as fifty percent (50%) plus one (1) of the ICC membership (ex. fifty (50%) plus one (1) of five (5) members is three and a half (3.5) or rounded down to three (3) members minimum).
  4. Rules: All other rules and policies shall be contained in the Bylaws of Article III of the ASG Bylaws.

## **Section J: Finances**

1. The ICC will use the following funding principles and considerations:
  - a. Expenditures of funds must conform with constitutional requirements, including the decision of the United States Supreme Court in Board of Regents v. Southworth, 529 U.S. 217, 120 S. Ct. 1346 (2000), existing California Statutes, Attorney General's opinions, MCCCCD Board policies, administrative regulations, policies and procedures.
  - b. How the request enhances cultural, educational, social and recreational opportunities for MCC students.
  - c. The demonstrated need and/or benefits of the programs or services being planned.
  - d. The number of students being served.
  - e. The thoroughness of the request.
  - f. When making decisions the ICC will take into consideration the amount of money available.
  - g. If the requester is a club, the attendance of the club at the ICC full council meetings.
2. The ICC shall receive up to twenty percent (20%) of the ASG annual revenue and from other sources of income.
3. The ICC shall manage its financial affairs through a budget which shall be proposed by the ICC Leadership Council and approved by majority vote during a regularly scheduled meeting no later than second ICC Full Council meeting in April.
4. All new clubs, after being officially recognized by the ICC Full Council, will receive one-hundred (\$100.00) seed money to be deposited in their club accounts provided the recognized clubs are present and occupy a seat at the next ICC Full Council meeting after the clubs' recognition within the same semester.
5. Club Allocation Process:
  - a. The total club allocation amount in the annual ICC operational budget shall be determined with the approval of the ICC.

- i. The total amount determined within the budget for annual allocations shall be divided into two (2) parts; half will be equally distributed and disbursed to all eligible clubs fall semester, and the other half, spring semester.
  - b. Final allocation to each club will be determined by the number of recognized clubs in good standing with the ASG and ICC as stated in Bylaw III.
  - c. Funds will be transferred to each club account after the allocation is approved at the regular ICC Full Council meeting and clubs are approved by the ICC & ASG per the Club Recognition process.
6. All eligible clubs will receive an annual allocation, which will be disbursed in the following manner:
- a. Continuing clubs in good standing will be eligible for a fall allocation contingent upon submitting all necessary documents required for official recognition status by the ICC & Student Life and Leadership and subsequent attendance at ICC meetings. A spring allocation will be distributed to clubs determined to be in good standing after the deadline of the spring semester.
  - b. Continuing clubs are recognized after the allocation deadline but during fall semester will receive spring allocation only. All clubs recognized during spring semester will not be eligible to receive allocations until the next academic year.
  - c. New clubs are not eligible for an ICC club allocation during their first active semester in the ICC.
    - i. New clubs in good standing will be eligible for an ICC club allocation beginning with their second (2nd) semester of membership in the ICC provided they have complied with the attendance requirements as set forth in Bylaw III.H.1.e.
7. Any additional requests for funds by recognized clubs must be presented in the form of a funding request to the Leadership Council for review prior to approval by the ICC Full Council.
- a. The funding request must be formatted using the ICC funding request form and must include:
    - i. A title.
    - ii. A list of all items included in the expenditure.
    - iii. An itemized quote/invoice for the expenditure/expenses.
    - iv. An explanation as to why the expenditure is necessary.
    - v. Indication if a spending bill of the same or similar nature will be presented for consideration to the Associated Student Government.
    - vi. A list of other sources of income the requestor(s) will receive and use toward the expenditure.
    - vii. The name of the person who is authorized to execute the expenditure.
    - viii. The account(s) in the budget that will be utilized to pay for the expenditure.
  - b. Requesters may submit up to fifteen (15%) of the ICC Funding Request budget per academic year.
  - c. After the spending bill has been reviewed by the ICC Leadership, it may be placed on a Full Council agenda for consideration and approval.
8. The ICC Full Council may discuss and approve funding requests from departments, organizations, and community programs. All requests for funding must be presented in the form of a spending bill to the Leadership Council for review prior to approval by the ICC. All spending bills must comply with the requirements specified in Bylaw III, Section J, 7a.
9. Inactive Clubs:
- a. Clubs in good standing that are seasonal or desire to become inactive may take a one (1) semester hiatus and still be eligible for a club allocation upon their return to active ICC

status within the next academic (fiscal) year if the Club Petition for Recognition is submitted by the 5th week.

- b. Clubs that are inactive for at least one (1) full academic (fiscal) year will receive one-hundred dollars (\$100) from the Club Seed Money account upon their active return to the ICC.
  - c. Funds held in accounts of clubs that have been defunct for four consecutive semesters (not including the summer semester) will revert to the ICC Account.
10. The ICC shall commit three to seven percent (3%-7%) of their yearly allocation from the ASG to the ICC Reserves Account and shall maintain an amount equal to ten (10%) of the previous fiscal year's operating budget in the ICC Reserves Account.
- a. The ICC Reserves can be accessed to fund important or unexpected emergency needs which are in the best interests of students as determined by the ICC.
  - b. Funds from the ICC Reserves may only be used for one-time expenditures.
  - c. Any spending drawn from the ICC Reserves Account must be approved by a two-thirds (2/3) majority vote of the ICC Full Council.
11. All club funds will be housed and managed in accordance with Article III of the ASG Bylaws and MCCCCD policies and procedures.

## **BYLAW IV: Senate Finance Bylaws**

### **Section A: Funding Principles and Considerations**

1. Expenditures of funds must conform with constitutional requirements, including the decision of the United States Supreme Court in Board of Regents v. Southworth, 529 U.S. 217, 120 S. Ct. 1346 (2000), existing California Statutes, Attorney General's opinions, MCCCCD Board policies, administrative regulations, policies and procedures.
2. How the request enhances cultural, educational, social and recreational opportunities for MCC students.
3. The demonstrated need and/or benefits of the programs or services being planned.
4. The number of students being served.
5. The thoroughness of the application.
6. When making decisions the Senate will take into consideration the amount of money available.

### **Section B: Expenditure Approval**

1. All expenditures incurred with student funds (Fund 71) must be provided in a written report to the Senate by the Director of Finance at least once (1) per month.
2. Any departmental, club or community funding request must be submitted in the form of an ASG funding request by the requestor and shall be subject to approval by a majority vote of the Senate.
  - a. For departmental, club or community requests, the requestor must provide the funding request to the Finance Committee at least two weeks before the scheduled meeting in which it is to be put before the Senate.
  - b. The funding request must include:
    - i. A title.
    - ii. A list of all items included in the expenditure.
    - iii. An explanation as to why the expenditure is necessary.
    - iv. Indication if a funding request of the same or similar nature will be presented for consideration to the Inter Club Council.
    - v. The name of the person who is authorized to execute the expenditure.

- vi. The account(s) in the budget that will be utilized to pay for the expenditure.
- 3. After reviewing the funding request, the Finance Committee will forward the funding request with their recommendation to the Senate for consideration and approval.
- 4. Requesters have the opportunity to present their funding request at the meeting in which the request will be put before the Senate.
- 5. In the event of urgent spending needs, special or emergency meetings may be called in accordance with the Brown Act.

### **Section C: Signatory Duties (Ed Code Section 76063)**

- 1. All ASG funds shall be expended subject to the approval of each of the following before any of the funds may be expended:
  - a. The certificated employee who is the designated advisor of the ASG.
  - b. A representative of the ASG.
  - c. The Director of Finance or designee shall have the sole signatory authority as representative of the ASG for all expenses.
- 2. During regular breaks between semesters (summer and winter breaks), the Vice President of Finance must be available in-person or via email to approve expenditures.
- 3. In the absence of the Director of Finance, only the President shall assume the signatory authority for all expenses.

### **Section D: Executive Discretionary Spending**

- 1. Notwithstanding Section A, executive leaders of the ASG, who have funds designated for their use in the ASG budget, may spend up to eleven percent (11%) of their discretionary fund per month on expenses directly related to their positions without the approval of the Senate.
  - a. At any point in time, the executive leader may request to exceed this dollar amount, provided that a written budgetary proposal is presented and approved by the Executive Council.
- 2. The following executive leaders shall have discretionary spending:
  - a. Vice President of the San Elijo Campus
  - b. Vice President of the Community Learning Center

### **Section E: Budgets**

- 1. Types of accounts
  - a. ASG Accounts (Fund 71): All income and expenditures designated in the annual budget.
  - b. General Reserves Account (Fund 71):
    - i. General Reserves: The ASG shall maintain an amount equal to 8% of its previous fiscal year operating budget in the general reserves account.
    - ii. General Reserves can be accessed for emergency purposes only. Any spending drawn from the General Reserves Account must be approved by a two-thirds (2/3) majority vote of the Senate.
  - c. Student Center Fee Account (Fund 73)
    - i. Annual building and operating fee for the purpose of financing, constructing, enlarging, remodeling, refurbishing, staffing and operating the Oceanside or San Elijo Student Centers.
- 2. Only voting members of the ASG can make requests for funds.
- 3. Funding requests are not to exceed 75% of the available balance in the account.

4. The Finance Committee will assist the Director of Finance in developing and recommending to the Student Senate a data-driven budget for the next fiscal year.
  - a. The committee shall approve and release to the MiraCosta College community a form for funding requests.
    - i. The form will be available for at least three weeks.
  - b. The committee shall schedule a standing agenda item for funding requests and will invite requesters to attend and explain their requests.
  - c. After reviewing and deliberating over the requests submitted, the committee will analyze data from the past fiscal years and use the approved requests and past data to develop an operating budget for the next fiscal year.
  - d. The committee will deliver and present the proposed budget to the Senate two Senate meetings prior to voting to approve the draft.
  - e. The Senate shall vote to approve the ASG Budget for the next fiscal year no later than the third Monday of March within the current term.
  - f. The budget approved by the Student Senate will be the operating budget for the next fiscal year.
    - i. The Student Senate shall conduct one (1) mid-year revision of the ASG Budget.
  - g. The Finance Committee shall propose recommendations for the Senate's mid-year revision no later than the first week of February.
    - i. Programs and services included in the approved budget will be notified in writing of their approved allocation. Granted programs and services must confirm in writing their acceptance of their allocation by no later than fall census or the funds will be made available for redistribution.
    - ii. Funds allocated to programs and services that are not used by the date specified on the funding form will be returned to the funding request line of the ASG Operating Budget.

#### **Section F: Receipts**

1. Internal Expenditures
  - a. Original receipts of expenditures and/or purchase requisitions shall be returned to the appropriate ASG Advisor or designee no later than (5) working days after the event or travel.

### **BYLAW V: Operational**

#### **Section A: Engagement Hours**

1. Senate officers shall keep a record of their Engagement Hours and/or Service Hours and report their hours in accordance with the reporting expectations of the Executive Vice President and ASG Advisor(s).
2. All Senate officers should fulfill any engagement hours that they sign up to complete in advance (ex: if an officer signs up to complete Engagement Hours at a Farmer's Market or a virtual event, they are expected to uphold that responsibility that they committed to unless they are given permission to not attend in advance).
3. Officers shall perform engagement hours in either four half-hour time periods, two one-hour time periods or one two-hour time period per week, or any combination thereof, totaling two hours.

#### **Section B: Computer Usage**

1. The ASG shall have computers in the Office of Student Life & Leadership on both the Oceanside Campus and the San Elijo Campus.
2. The computers in both offices shall be reserved for Senate business and club business.

3. The priority for usage of any computer in the ASG offices shall be as follows:
  - a. Executive Officers
  - b. Senators
  - c. Student Life & Leadership staff
  - d. Others that are admitted at the discretion of the Director of Student Life & Leadership (Oceanside) or Director of Student Services (San Elijo) or designee.
4. Computers at both the Oceanside Campus and the San Elijo Campus shall be used during normal business hours of the Office of Student Life & Leadership only.

### **Section C: Student Senate Incentives**

1. The President shall receive the following incentives for completing a term of office while meeting all requirements and responsibilities as stated in the Articles and Bylaws of the ASG Constitution:
  - a. Staff parking permit for each semester in office.
  - b. Receive the same amount of pay from the ASG Budget as the Student Trustee receives from the MCCCC Budget.
2. All executive officers shall receive the following incentives for completing a term of office while meeting all requirements and responsibilities as stated in the Articles and Bylaws of the ASG Constitution:
  - a. Staff parking permit for each semester in office.
  - b. With the exception of the President and the Student Trustee, up to one (1) one-thousand-dollar (\$1000) scholarship. If an executive officer has not been in office for a full term, the scholarship shall be prorated to the member's term of office based on a twelve (12) month calendar year.
3. All Senators shall receive the following incentives for completing a term of office while meeting all requirements and responsibilities as stated in the Articles and Bylaws of the ASG Constitution:
  - a. Student parking permit or reimbursement for each semester in office.
  - b. Up to one (1) two-hundred and fifty-dollar (\$250) scholarship. If a Senator has not been in office for a full term, the scholarship shall be prorated to the member's term of office based on a twelve (12) month calendar year.
4. The Executive Council may also maintain a Senator of the Month Award during the fall and spring semesters. The Executive Council shall collectively choose up to two (2) senators per month for the Senator of the Month Award.
  - a. The Executive Vice President will be responsible for facilitating a fair and equitable process.
  - b. The Senator of the Month Award shall be based on, but not limited to, attendance, completion of responsibilities and demonstrated leadership. The Executive Council retains the right not to give the award.
  - c. The Senator(s) of the Month shall receive the following:
    - i. A Certificate of Recognition signed by the President, the senator's standing committee chair, and the Advisor(s).
    - ii. Name and/or picture submitted to the Chariot by the Director of Public Relations.
5. The Executive Council may also maintain a Student-at-Large of the Month Award during the fall and spring semesters. The Executive Council may collectively choose up to two (2) Students at Large per month for the Student at Large of the Month Award.
  - a. The Executive Vice President will be responsible for facilitating a fair and equitable process.
  - b. The Student at Large of the Month Award shall be based on, but not limited to, attendance, completion of responsibilities and demonstrated leadership. The Executive Council retains the right not to give the award.
  - c. The Student(s) at Large of the Month shall receive the following:
    - i. A Certificate of Recognition signed by the President, the Student at Large's standing committee chair, and the Advisor(s).
    - ii. Name and/or picture submitted to the Chariot by the Director of Public Relations.



## BYLAW VI: Elections

### Section A: General Statements for the ASG MCC Elections

1. Candidates may run for only one position on the ballot for one election period.
2. All successful candidates will assume office no later than June 1 of the current year.
3. Pursuant to MCCCCD Administrative Procedure 2105, special elections shall be held as needed, upon the vacancy of the Student Trustee position.

### Section B: Election Commission

The Student Senate shall establish an Election Commission with the responsibility of carrying out the duties required by the ASG Constitution and Election Bylaws. The Election Commission must be identified, organized, and composed of members as determined by this code.

1. Membership
  - a. The Election Commission shall consist of at least three (3) currently enrolled MiraCosta College students. In addition, one ex-officio member from the ASG Public Relations Committee may be appointed to the Commission by the Student Senate. Composition of the Commission should reflect a broad selection of the student population. Members of the Student Senate are ineligible to serve on the Election Commission, with the exception of the ex-officio appointment. All student members must be in good standing with the college. Members of the Election Commission shall be referred to as commissioners. The ASG Advisor shall also be the Election Commission Advisor.
  - b. Election Commission membership shall be approved by a majority vote of the Student Senate.
  - c. The Election Commission shall appoint one member to be the commission chair and one member to be the Vice Chair.
  - d. The chair shall conduct meetings of the Election Commission, facilitate communication between the Election Commission and the ASG advisor, and be responsible for other duties as assigned by the Student Senate. The Vice Chair shall fulfill the duties of the chair in their absence.
  - e. Commissioners shall plan, coordinate and execute the decisions and duties of the Election Commission.
  - f. The ex-officio member from the ASG Public Relations Committee shall plan, coordinate and execute the publicity needs of the Election Commission. Resources of the ASG Public Relations Committee shall be made available to the Election Commission.
  - g. The Election Commission should be identified a minimum of two (2) months prior to the first day of voting.
  - h. Election Commission members shall submit to the ASG Advisor a contact sheet with name, contact information and sign a statement that the individual shall not engage in any campaign activities for candidates running in the election.
2. General Duties
  - a. It is the responsibility of the Election Commission to enforce this code.
  - b. The Election Commission or the ASG Advisor shall determine the dates, times and electronic method for students to vote.
  - c. The Election Commission or the ASG Advisor shall publicly announce election dates, times, and locations a minimum of two (2) weeks prior to the first day of voting.
  - d. The Election Commission or the ASG Advisor shall establish the dates, times and locations of all Candidate Orientation meetings and include this information in the *Candidate Packet*.
    - i. Information about the *Candidate Packets* will be publicized at least two (2) weeks before they are released.
  - e. The Election Commission or the ASG Advisor shall prepare and distribute the candidate application and orientation packet entitled, Candidate Packet at least one month prior to the established election dates.
  - f. The Election Commission or the ASG Advisor shall post candidate biographies and pictures, if received, prior to the first day of voting.
  - g. The Election Commission may host a candidates forum prior to an election.

- h. All Election Commission materials, publicity and information generated for public distribution shall be done equitably at all three (3) campuses of MiraCosta College.
- i. The Election Commission or the ASG Advisor shall arrange for staffing support of the electronic election. Poll staff may not be candidates or members of a campaign staff and will be required to sign an ASG document swearing that this is the case.
- j. The Election Commission shall be responsible for making decisions with regard to election questions and concerns not otherwise addressed by this code.

### **Section C: Candidate Eligibility**

To become an eligible candidate for office, applicants must meet the minimum requirements to hold office as stated in the ASG Constitution and the California Education Code.

- 1. Application Process
  - a. Applicants must complete and submit a candidate application.
  - b. The ASG Advisor shall process all applications then forward them to the Election Commission for review.

### **Section D: Applicant Due Process**

Applicants who do not meet all the minimum requirements to hold office as stated in the ASG Constitution and the California Education Code are ineligible to run for office, and may appeal in the following manner:

- 1. Applicants shall have two (2) business days after receipt of official notification of ineligibility to appeal the decision.
- 2. If ineligibility corresponds to Article V, Section II, Clause I, III or IV; applicant may file an appeal with the Dean of Student Affairs.
- 3. If ineligibility corresponds to Article V, Section II, Clause II; applicant may appeal to the Student Senate.

### **Section E: Candidate Orientation**

The Election Commission will give each candidate an orientation on the details of running for elected office and will do so according to the following guidelines:

- 1. All candidates will be required to attend at least one Candidate Orientation meeting prior to campaigning (Flint v. Price, et al., No. 05-35441, U.S. Court of Appeals for the Ninth Circuit, 2007).
  - a. Candidate Orientation may be held in person at each campus of MiraCosta College or remotely.
- 2. These meetings will be conducted by the ASG Advisor who will review the information in the Candidate Packet and other information specific to the current election.
- 3. All candidates must sign and return the Election Bylaws Acknowledgment Statement to the ASG Advisor before campaigning may commence.
- 4. Should any otherwise qualified candidate fail to attend a Candidate Orientation meeting, he, she or they are still required to receive an orientation from the ASG Advisor before engaging in any kind of publicity or campaigning.
- 5. All candidates are responsible for knowing and adhering to the provisions of the ASG Constitution, the ASG Election Bylaws, Standards of Student Conduct (MCCCD BP 5500 and AP 5500), Student Discipline Procedures (MCCCD AP 5520), Students Rights and Grievances (MCCCD AP 5530).
- 6. Lack of knowledge as to the content of these documents is not a defense against Election Commission enforcement of the ASG Elections Bylaws.

### **Section F: Campaigning**

The ASG election process is considered to be a limited public forum; therefore, candidates shall comply with campaigning guidelines outlined in this code (Flint v. Price, et al., No. 05-35441, U.S. Court of Appeals for the Ninth Circuit, 2007).

- 1. Campaigning must be free of elements that interfere with the education process, endanger persons, or damage property on campus; campaigning must comply with the Standards of Student Conduct (MCCCD BP 5500 and AP 5500). Campaigning involving tabling, gatherings, meetings, rallies, and/or special stunts

shall require prior approval from the ASG Advisor. Candidates shall submit an Activity Request for such an activity seven (7) days prior to the event.

- a. Misuse of district property or equipment may result in sanctions by the Elections Commission, including but not limited to disqualification of candidacy.
2. The use of supplies and electronic equipment purchased or paid for by the ASG is strictly prohibited with the exception of the following:
  - a. Each candidate may email one (1) graphic/ image/ design for a poster that they want to be printed and laminated by Student Life & Leadership. Student Life & Leadership will not alter the design in any way. They will only print and laminate up to six (6) posters per eligible candidate. The posters are 36" x 24" and can be printed horizontally or vertically.
  - b. Each candidate may email one (1) graphic/ image/ design for a flier that they want to be printed by Student Life & Leadership. Student Life & Leadership will not alter the design in any way. They will only print up to fifty (50) 8"x11" flyers per eligible candidate.
3. Limited use of MCCCCD property and equipment is permissible including tables, chairs, sound equipment and space.
  - a. Candidates must submit an Activity Request within seven (7) business days of the event.
4. The use of the ASG and MCCCCD logos is strictly prohibited.
5. All election materials for posting and distribution must conform to the Standards of Student Conduct (MCCCCD BP 5500 and AP 5500) and meet the following standards:
  - a. Be neat in appearance,
  - b. Be removed if they become weatherworn,
  - c. Be maintained by candidates.
6. Candidates are responsible for the removal and disposal of all election materials after the election and may be billed for related cleanup costs if incurred by the District.

#### **Section G: Ballot**

The ASG Advisor shall prepare ballots with candidates' names appearing in randomly chosen sequence and shall exclude the use of titles including "Incumbent."

#### **Section H: Voting**

Voting in the general election shall be conducted in the following manner:

1. Every currently enrolled MiraCosta College student is entitled to one ballot and one vote.
2. No student, or non-student, can vote in place of a currently enrolled student.
3. Proxy voting is prohibited.
4. The ASG Advisor shall order an alpha list of all currently enrolled MiraCosta College students prior to the first day of voting. The alpha list shall be titled "Voters Register".
5. Voting shall be conducted by electronic ballot. This may be changed to hard- copy ballots by a majority vote of the Election Commission.
6. If the election is conducted using electronic ballots, the Election Commission shall prepare voting material and obtain voting booths according to the following procedure:
  - a. Students shall input electronically or manually provide identification information using Surf Registration credentials.
  - b. Voters shall mark their ballots according to directions and submit their vote by clicking the "Cast My Vote" button.
7. If the election is conducted using hard-copy ballots, the Election Commission shall be responsible for obtaining voting booths. Voting shall be administered according to the following procedure:
  - a. Voter shall produce one of the following forms of valid picture identification in order to authenticate their identity:
    - i. Current MiraCosta College Student ID;
    - ii. Valid driver's license containing a photograph;
    - iii. Temporary California driver's license containing a photograph;
    - iv. Valid state issued identification card containing a photograph;
    - v. Valid United States Military I.D. card (active duty or dependent);
    - vi. Valid driver's license issued by a Canadian government authority;
    - vii. Valid driver's license issued by the District of Columbia, American Samoa, Guam, Puerto Rico or Virgin Islands;

- viii. Valid U.S. passport; a valid foreign passport;
    - ix. Valid alien registration card (Green Card);
    - x. California Department of Corrections Privilege card [CDC 130-A(7-88)];
    - xi. Matricula Consular.
  - b. The above-mentioned forms of identification are based on the standard used for the issuance of student identification cards at MiraCosta College.
  - c. Voters shall sign the Voter's Register to attest to their identity and obtain a ballot.
  - d. Voters shall mark ballots according to directions and deposit ballots into the designated ballot box.
8. The following statement must be endorsed prior to casting a ballot: "I attest that I am a currently enrolled MiraCosta College student, that this vote is cast of my own free will and is not a proxy vote, that I am voting only once and not for another student, and I understand that willful abuse of the election process may result in disciplinary action by an appropriate college authority as per the Standards of Student Conduct (MCCCD BP 5500 and AP 5500)."

### **Section I: Tabulation**

The Election Commission shall tabulate the election ballots according to this code.

1. Tabulation Procedure
  - a. Electronic: The Elections Commission will tabulate the votes online via a third-party provider.
  - b. Paper Ballots
    - i. All properly marked ballots shall be tabulated.
    - ii. The ASG Advisor and the Election Commission chair shall supervise the tabulation process.
    - iii. Two (2) or more members of the Election Commission shall tabulate all valid ballots.
    - iv. Tabulation shall be conducted in public. For security purposes, the ASG Advisor may limit access to the tabulation area.
    - v. Tabulation shall be officially endorsed by all of the following: the ASG Advisor, the Election Commission chair, and all others tabulating ballots.
2. The candidate receiving the majority votes cast (plurality) for each office will be the winner.
3. Ties and Run-offs: In case of a tie, a run-off election may be held within one (1) week of the official tabulation. Run-off elections shall be subject to the same regulations, when reasonable, that govern general elections.
4. Public Notice: Public notice of election results shall be publicized electronically on the ASG website and other platforms within four (4) business days of the last day of voting.
5. Recount: Candidates shall have two (2) business days, after official notice of results, to request a recount. The signature of the candidate and thirty (30) currently enrolled students shall be necessary to engage a recount process of all valid ballots.
6. Securing of Ballots: The Election Commission advisor shall maintain valid online and/or hard copy ballots in a locked container for a minimum of seven (7) business days after certification of the election.

### **Section J: Certification**

The Election Commission shall certify the election, after all ballots are tabulated, all recount requests have been addressed and all pending candidate complaints have been accorded due process. Certification shall be achieved by a two-thirds (2/3) vote of the Election Commission.

### **Section K: Candidate Due Process**

Candidates who feel that they have been the victim of severe and/or repeated violations of any part of the ASG Election Bylaws will have their complaint reviewed by the Election Commission and the ASG Advisor in a timely manner. Once elections have started, complaints will be reviewed within one (1) business day.

1. Process for Addressing Complaints
  - a. All complaints must be filed in writing and must be signed by the candidate. The burden of proof is on the complainant.

- i. Complaints must be submitted no later than 9:00 am the day after polls close, regardless of the need for any runoff election.
  - b. Accused individuals must be notified of a complaint prior to any ruling; he/she has the right to appear before the Election Commission to defend him/herself prior to a decision.
    - i. Notification will be provided by email using the email address indicated on the candidate's application. Included in this notification will be the date, time and location of the Election Commission meeting.
  - c. If either party disagrees with the decision of the Election Commission, he/she may appeal the decision to the Dean of Student Life & Judicial Affairs in writing no later than one (1) business day after receipt of the Elections Commission decision.
    - i. The Dean of Student Life & Judicial Affairs shall have two (2) business days to rule in writing on the appeal and notify the complainant of their decision on the matter.
2. Bylaws with a Challenged Candidate:
- a. If a candidate is disqualified and the appeal process is exhausted prior to the start of the voting, the disqualified candidate's name will not be placed on the ballot. Any allegations of additional violations of the ASG Election Bylaws shall be treated as set forth in herein.
  - b. If the challenged candidate has not exhausted the appeal process prior to the start of the voting, the challenged candidate's name will appear on the ballot and voting will proceed as set forth on the Elections Calendar.
  - c. If a candidate is challenged, or if a challenged candidate's appeal is completed after the voting, resulting in both a final decision against the challenged candidate, and the disqualification of the challenged candidate, all votes cast for the disqualified candidate will be voided. If the disqualified candidate would have won the election, the candidate with the next highest vote total shall be declared the winner.
  - d. If all candidates for an ASG position are successfully challenged for violations of the ASG Elections Bylaws, a new election will be held.

#### **Section L: Other allegations of violations**

- 1. If a violation is alleged that does not involve inappropriate activity by a specific candidate, but rather alleges a violation by other students or parties attempting to disrupt the election, the allegation must be made in writing, signed by the complainant and delivered to the Election Commission, as set forth in Section K.1.
  - a. The complaint will be reviewed in a manner consistent with this section of the Bylaws.
  - b. If the complaint is found to be valid, the final body involved in the appeal of the matter in an ASG position election, may:
    - i. Determine that the violation was minor and the election stands; or
    - ii. Determine that the violation was significant and invalidate all results of any position in the election affected thereby, resulting in a new election being scheduled pursuant to the rules set forth herein.
  - c. The final body involved in the appeal of the matter in an ASG position election may recommend that any party involved in the violation, whether ruled minor or significant, be disciplined pursuant to MCCCCD Board Policy and Administrative Procedure 5500 – Standards of Student Conduct and all appropriate Disciplinary Action portions of the ASG MCC Constitution and Bylaws.
- 2. If a violation is alleged that does not involve inappropriate activity by a specific candidate, but rather alleges a violation of procedure by the Election Commission, the allegation must be made in writing, signed by the complainant and delivered to the Dean of Counseling and Student Development no later than 9:00 am the day after polls close, regardless of the need for any runoff election.
  - a. The complaint will be reviewed in a manner consistent with this section of the Bylaws.
  - b. If the complaint is found to be valid, the Dean of Counseling and Student Development may:
    - i. Determine that the violation was minor and the election stands; or
    - ii. Determine that the violation was significant and invalidate all results of any position in the election affected thereby, resulting in a new election being scheduled pursuant to the rules set forth herein.

- c. The final body involved in the appeal of the matter in an ASG position election may recommend that any party involved in the violation, whether ruled minor or significant, be disciplined pursuant to MCCCCD Board Policy and Administrative Procedure 5500 – Standards of Student Conduct and all appropriate Disciplinary Action portions of the ASG MCC Constitution, Bylaws and Elections Bylaws.

#### **Section M: Enforcement of Elections Bylaws**

The Election Commission and the ASG Advisor may impose anyone, or a combination of, the following penalties to individuals or groups found guilty of violations:

1. Suspension of campaigning for a duration to be determined by the Election Commission and ASG Advisor.
2. Disqualification as a candidate for an elected ASG position.
3. Recommendation to the Vice President of Student Services for disciplinary action as per MCCCCD Board Policy and Administrative Procedure 5500 – Standards of Student Conduct.

#### **Section N: Amendment of the Elections Bylaws**

To amend the ASG Election Bylaws, a two-thirds (2/3) vote of the Student Senate is required. These Bylaws were amended on March 4, 2005; March 12, 2008; February 4, 2011; April 15, 2011; April 6, 2012; March 1, 2013; April 12, 2013, April 19, 2013; May 9, 2014; May 2, 2017; April 30, 2020; April 23, 2021, April 28, 2023



## OFFICIAL RATIFICATION OF THE ASG CONSTITUTION

*Per Article V. Section J. Item 5. A.:*

- a. Upon official ratification, the document shall be posted for public viewing on the ASG website and other ASG platforms.*
- b. The President and Executive Vice President will sign and date the constitution upon ratification.*

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**Bianca Rosales, 2023-24 ASG President**

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**Date**

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**Edrei Padilla, 2023-24 ASG Executive Vice President**

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**Date**

