

**CONSTITUTION OF  
THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA (ASUC)**

As amended by votes of the student body: 26 September 1949, 14 November 1949, 16 May 1950, 12 March 1952, 13 May 1953, 14 December 1955, 23 April 1956, 10 December 1956, 15 April 1957, 9-10 December 1957, 5-6 May 1958, 10 December 1958, 11-12 May 1959, 12-13 May 1960, 18 October 1960, 27-28 April 1961, 9-10 April 1962, 25-26 April 1963, 7-8 December 1964, 6-10 February 1967, 25-27 November 1968, 16-18 April 1969, 3-5 December 1969, 2-5 June 1970, 26-28 April 1971, 15-17 November 1972, 12 March 1973, 16 November 1973, 24 May 1974, 7-9 May 1975, 24-26 November 1975, 21 January 1976, 28-30 April 1976, 22-24 November 1976, 15-17 February 1977, 27-29 April 1977, 23-25 April 1980, 17-19 November 1982, 11-13 April 1984, 13-14 June 1985, 9-11 April 1986, 19-21 November 1986, 1 April 1987, 18-20 November 1987, 13-15 April 1988, 16-18 November 1988, 11-13 April 1990, 8-10 April 1992, 7-9 April 1993, 10-12 November 1994, 10-12 April 1996, 8-10 April, 1997, 7-9 April, 1998, 6-8 April, 1999, 11-13 April 2000, 10-12 April, 2001, and 9-11 April 2002.

**PREAMBLE**

*We, the students of the Berkeley campus of the University of California, as an autonomous constituency of the university community, do provide by this Constitution a student government committed to effective student participation in all areas of student concern, that we may, through independent action and in concert with other constituencies of the university community, participate in the formation and the improvement of educational programs, protect full freedom of assembly and expression in the university community, articulate and represent the student interest in the governance of the campus, provide services and coordinate activities for students, and advance our common interests and concerns as students and as citizens, do hereby ordain and establish this Constitution.*

**ARTICLE I - NAME, MEMBERSHIP, AND POSITIONS**

**SECTION 1: NAME**

The name of this Association shall be the *Associated Students of the University of California*, herein called the Association. The abbreviation of the name of the Association shall be the ASUC.

**SECTION 2: MEMBERSHIP**

Any person registered as a student, or registered as a Fall Extension Student at the University of California at Berkeley may be a member of the Association. All members shall hold equal voting rights in the Association and its subordinate organizations, except as otherwise provided in this Constitution. Subject to other applicable qualifications, all members shall be eligible to hold office in the Association or in any of its subordinate organizations.

**SECTION 3: ELECTED AND APPOINTED POSITIONS**

In order to assume or remain in an elected, appointed, or confirmed position in the Association, a person must be a registered student at the University of California at Berkeley, unless the position is explicitly designated as non-student, or - for not more than one semester - if the person can demonstrate that s/he is actively working towards the removal of a University imposed impediment of her/his registration for that semester. This provision does not apply to the Summer semester provided that the person intends to be a registered student in the Fall semester.

**ARTICLE II - EXECUTIVE OFFICERS**

**SECTION 1: GENERAL QUALIFICATIONS, TERM OF OFFICE, VACANCIES**

- A. The executive officers of the Association shall be a President, an Executive Vice-President, an External Affairs Vice-President, an Academic Affairs Vice-President, and a Student Advocate. They shall be elected during the Spring semester. Their term of office shall be approximately one year, beginning on the first day of the regular Summer Session or upon the final certification of election results, whichever is later. Their term of office shall end when their successor's term begins.
- B. In the event of a vacancy occurring in any executive officer positions before the end of the normal term, the nomination for replacement shall be made in accordance with the ASUC By-Laws. The Senate shall consider such nominations, and shall, by a two-thirds (2/3) vote of the entire Senate, approve a replacement.
  - 1. The replacement's term shall be for the remainder of the academic year.
  - 2. If the vacancy occurs at least 14 calendar days prior to the Spring regular election, the position shall be included in that election. The person elected shall take office immediately upon certification of election results by the Senate.
  - 3. When an Executive Officer position is vacant, the President shall perform the duties of that office that are urgent and necessary to the functioning of the ASUC until such time as a replacement is selected or elected.
  - 4. When the position of the President is vacant, an Interim President shall perform the duties of the President until such time as a replacement is selected or elected. The Interim President shall be determined by a line of succession to be specified in the By-laws.
  - 5. Should the President submit to the Chair of the Judicial Council, the Executive Officers and the Senate (if in session) a written declaration that s/he is unable to perform the duties of the office, an Interim President shall perform the duties of the office until the President submits a written declaration to the contrary. The Interim President shall be determined by the aforementioned line of succession.

## SECTION 2: PRESIDENT

The President shall not serve more than two full terms. His/her duties and powers shall be:

- A. To serve as the chief representative of the Association, and to monitor the health and well-being of the Association and the student body which it represents.
- B. To have the power of veto over legislative actions of the ASUC Senate. Such veto may be overridden by a two-thirds (2/3) vote of the entire Senate, during the semester in which the action takes place. The President must exercise the option of veto within seven (7) days of action by the Senate.
- C. To direct by Executive Order the taking of actions which are urgent and necessary to maintain the functioning of the A. S.U.C. until the Senate can again meet. Any such Executive Order automatically expires at the third regular Senate meeting following issuance of the order, or upon termination by the Senate by a majority of those voting, a quorum being present to do business.
- D. To carry out any other duties as set forth in this Constitution and/or assigned by the Senate.

## SECTION 3: EXECUTIVE VICE-PRESIDENT

The duties and powers of the Executive Vice-President shall be:

- A. To serve as the second ranking representative of the Association.

- B. To serve as the chairperson of the ASUC Senate.
- C. To vote to break a tie vote of the ASUC Senate.
- D. To appoint members to committees of the ASUC Senate, with approval by a two-thirds (2/3) vote of the entire Senate.
- E. To ensure that actions directed by the Senate are performed.
- F. To plan and direct the Senate Leadership Institute.
- G. To assume the duties of the President in the event of the resignation, recall, or temporary or permanent disability of the President to perform his/her duties, until such time as a replacement is selected or elected.
- H. To determine the need for and the assignment of office and/or storage space and/or equipment to student groups sponsored by the ASUC, subject to the regulations and guidelines and appeals process outlined in the ASUC By-Laws.
- I. To carry out any other duties as set forth in this Constitution and/or assigned by the Senate.

#### SECTION 4: EXTERNAL AFFAIRS VICE-PRESIDENT

The duties and powers of the External Affairs Vice-President shall be:

- A. To present the position of the ASUC in matters involving other campuses, schools, and students from outside the University of California at Berkeley.
- B. To supervise the lobbies and governmental lobbying actions of the Association, including appointment or nomination of students to positions within the lobbies and on U.C. systemwide committees.
- C. To be the ASUC representative to the association of U.C. campuses.
- D. To carry out any other duties as set forth in this Constitution and/or assigned by the Senate.

#### SECTION 5: ACADEMIC AFFAIRS VICE-PRESIDENT

The duties of the Academic Affairs Vice-President shall be:

- A. To be generally responsible for ASUC relations with the Academic Senate.
- B. To be responsible for the appointment and/or selection of ASUC-chosen student representatives to Academic Senate committees, other university committees on academic matters, and campus administrative committees; to provide facilities and resources for the use of all student representatives; and to replace or request replacement of representatives not performing their duties.
- C. To supervise ASUC projects and operations involving academic matters on campus, as assigned by the Senate and the ASUC By-Laws, and to serve as a liaison between the ASUC Senate and sponsored activity groups dealing with academic matters, except for those matters falling under the purview of the Student Advocate.
- D. To carry out any other duties as set forth in this Constitution and/or assigned by the Senate.

#### SECTION 6: STUDENT ADVOCATE

The duties of the Student Advocate shall be:

- A. To aid students charged with violations of university, campus, or Association rules, upon request of such students. In addition, the Student Advocate must assist students with Financial Aid problems, grade disputes, and the filing of grievances against members of the campus community.
- B. To present the position of the Association in discussions with University or campus administrations concerning student rights, campus rules, and other areas of student conduct.
- C. To educate the student body about students' rights, University and Association policies, laws, regulations, and procedures, and to promote awareness of the availability of advice and representation services offered by the Office of the Student Advocate pursuant to this Section.
- C. To carry out any other duties as set forth in this Constitution and/or assigned by the Senate.

#### SECTION 7: RECALL

- A. Any executive officer of the ASUC may be subject to recall by presentation to the Senate of a petition signed by at least twenty-five percent (25%) of the total number of votes in the regular ASUC election of the previous academic year students and containing a statement of specific reasons for the proposed removal.
- B. At the next regular meeting of the Senate, the period of the recall election shall be set in accordance with Article VII. At that meeting the officer shall be allowed to speak in his/her own defense.
- C. If two-thirds (2/3) of the votes cast at the recall election approve, the officer shall be removed from office.

### ARTICLE III - ASUC SENATE

#### SECTION 1: PURPOSE

- A. All legislative and final administrative authority of the Association shall be vested in and exercised by the ASUC Senate, for the promotion of the welfare and interest of the students of the University of California at Berkeley, subject to the limitations enumerated in this Constitution.

#### SECTION 2: MEMBERSHIP

- A. The voting members of the Senate shall be twenty (20) Senators (the entire Senate), elected in accordance with Article VII of this Constitution and the ASUC By-Laws. All seats shall be filled by the Spring regular election with terms of office beginning the first day of the Fall semester and lasting for one year.
- B. A Senate Leadership Institute, to provide training and information to new Senators, shall be held at the beginning of each Fall and Spring semester. Requirements for attendance and any penalties for failure to attend, up to and including not being permitted to take office and having a Senate seat declared vacant, shall be as prescribed in the ASUC By-Laws.

#### SECTION 3: REMOVAL AND REPLACEMENT OF SENATORS

- A. A Senator shall be automatically removed from office if:
  - 1. At any time during a semester, s/he has failed to attend sufficient meetings such that s/he will not by the end of the semester, be able to have attended seventy percent (70%) of the regular Senate meetings of a semester. Regular Senate meetings which occurred while s/he was not a Senator, or meetings for which s/he can present to the Executive Vice-President a valid written medical excuse or religious excuse

explaining the reason(s) for non-attendance two (2) days before the meeting, shall not be included in calculating the attendance requirement. Attending a meeting shall be defined as presence at the first and final roll calls between the beginning of the meeting and the time scheduled for adjournment according to the agenda, plus presence (defined as a yea, no, or abstention) at sixty percent (60%) of roll calls relating to main motions between those two points in time.

2. At any time during the semester, s/he has failed to meet Standing Committee requirements and/or fails to sit on at least one Standing Committee as specified in the ASUC Administrative Structure By-Laws.
- B. Any Senator may be subject to recall by presentation to the Senate of a petition signed by at least twenty-five percent (25%) of the total number of votes in the regular ASUC election of the previous academic year and containing a statement of specific reasons for the proposed removal.
1. At the next regular meeting of the Senate, the date(s) of the recall election shall be set in accordance with Article VII. At that meeting, the Senator shall be allowed to speak in his/her own defense.
  2. If two-thirds (2/3) of the votes cast at the recall election approve, the Senator shall be removed from office. Only students represented by that Senator may cast votes for or against the recall.
- C. Replacement:
1. In the event of a vacancy in the ASUC Senate, the person receiving the greatest number of votes for Senator, who did not become a Senator, shall assume the vacated office.
  2. If a Senator is removed from office, that Senator is not eligible to fill the vacated seat within that semester.

#### SECTION 4: REPRESENTATION

There shall be five (5) representatives to the ASUC Senate:

- A. The Alumni Representative shall be an alumnus of the University of California at Berkeley, appointed by the Council of the California Alumni Association, and shall serve at the pleasure of the Council.
- B. The Chancellor's Representative shall be appointed by the Chancellor of the Berkeley campus and shall serve at the pleasure of the Chancellor.
- C. The Faculty Representative shall be a member of the Academic Senate of the University of California at Berkeley, shall be appointed by the Academic Senate, and shall serve for a term of one (1) year.
- D. The two (2) Graduate Assembly representative shall be selected according to the By-Laws of the Graduate Assembly.

#### SECTION 5: MEETINGS AND QUORUMS

- A. A majority of the entire Senate shall constitute a quorum.
- B. No meeting held during the Summer semester or during a semester break shall be considered a regular meeting.
- C. The ASUC Senate shall hold a special meeting at the call of the President or the Executive Vice-President, or at the written request of any five (5) Senators.

#### SECTION 6: ATTORNEY GENERAL

The Senate shall select and appoint the Attorney General, who shall be responsible for:

- A. Ensuring that all rules, regulations, and procedures passed by the Senate and/or stated in this Constitution are implemented and followed.
- B. Investigating charges of violation of this Constitution, the By-Laws of the Association, and all other regulations of the Association.
- C. Maintaining the official file of standing policies of the ASUC Senate.
- D. Representing the ASUC when it is a party (as the Association) in a Judicial Council suit.
- E. Keeping the Senate informed of legal matters involving the Association.
- F. Carrying out other duties as set forth in this Constitution and/or assigned by the Senate.

#### SECTION 7: INITIATIVE AND REFERENDUM

- A. Upon the presentation to the Senate of a petition signed by at least ten percent (10%) of the student body, or by a majority vote of the entire Senate, any questions may be submitted to a vote of the students of University of California at Berkeley. The voting date(s) shall be set in accordance with Article VII.
- B. Concurrence of a simple majority of those students voting for or against shall be necessary to pass such questions. Upon passage, such matters may be amended or repealed by a subsequent majority vote by the students of the University of California at Berkeley.
- C. In the case of two or more conflicting initiatives or referenda passed concurrently, all non-conflicting parts shall be enacted and the conflicting parts which are part of the measure receiving the highest number of votes shall be enacted.

#### SECTION 8: ASUC APPOINTMENTS

- A. All appointments to positions referred to in this Constitution must be approved by a two-thirds (2/3), vote of the entire Senate, unless otherwise stated. If the Senate votes on and fails to approve the appointment of an individual, that person shall immediately cease holding the position voted on.
- B. Executive officers shall advise the Senate of appointments and request votes of approval in a timely fashion. If an executive officer fails to notify the Senate of an appointment within two (2) regular Senate meetings after appointment, the appointee cannot continue in the position until appointment notice is given.

#### SECTION 9: ASUC ADVOCACY AGENDA

- A. The ASUC Senate shall develop at the beginning of its term an ASUC Advocacy Agenda. The Advocacy Agenda shall consist of a series of student concerns to be advocated for by the ASUC Senate for the remainder of its term.
- B. The Senate shall approve individual items for the Advocacy Agenda by a two-thirds vote of the entire Senate. Each item on the Advocacy Agenda shall include a series of short, medium, and long-term goals, as well as potential strategies to be employed.
- C. The ASUC By-Laws shall contain procedures for implementing the Advocacy Agenda system. The By-Laws shall include, but not be limited to, the following;
  - 1. A procedure through which the ASUC Senate develops and approves the Advocacy Agenda.

2. A Committee structure through which Senators work towards the goals of the Advocacy Agenda. The structure shall include one committee for each Advocacy Agenda item. In addition, each committee shall have ASUC funding.
3. A specific number of student concerns that the Advocacy Agenda must contain.

#### **ARTICLE IV - JUDICIAL COUNCIL**

##### **SECTION 1: AUTHORITY**

The Judicial Council of the Association shall be vested with the judicial authority of the Association. The council's authority shall extend to all judicial cases arising under this Constitution, the ASUC By-Laws, official actions of ASUC executive officers, employees, and the Senate, and any matters delegated to the council by the ASUC Senate or this Constitution.

##### **SECTION 2: MEMBERSHIP**

- A. The Judicial Council shall consist of nine (9) students, nominated by the President. The nominations of the President will then be interviewed by the Constitutional Review Committee of the Senate. The President may nominate any number of individuals to the Judicial Council positions, yet he/she may not nominate fewer than three individuals per available position on the Judicial Council. Following the interviews of the prospective Judicial Council members, Constitutional Review Committee will vote to select the nominees to be sent to the Senate for approval.
- B. Members shall have a term of two (2) years, reckoned from the date on which they are confirmed.
- C. In the event that the President fails to submit at least three nomination to the Senate within three (3) regular Senate meetings following the occurrence of a vacancy, nominations may be made by any executive officer or Senator. If a Presidential nomination is rejected, the President shall have one (1) regular meeting to introduce another nomination before right of nomination devolves to other executive officers and Senators. If the Senate does not consider a nomination to fill a vacancy within two (2) regular meetings after submission of the nomination, then the Senate must consider the nomination before any further business.
- D. Three of the students in the Judicial Council shall be nominated by the GA President. Upon receipt of a vacancy in one of these three seats, the GA President will have two weeks to submit no fewer than three nominations for each vacancy. The Graduate Assembly will then forward three of the nominees to be confirmed by the senate. If the GA President does not make nominations within two weeks right of nomination goes back to the ASUC President, with GA delegate or Executive Board approval.

##### **SECTION 3: RULES OF PROCEDURE**

The Judicial Council shall frame, approve, and revise, during well-advertised open hearings, rules and procedures for the exercise of its responsibilities. Changes in rules of procedure shall be forwarded to the Senate. Proposed rules shall not be open to amendment by the Senate, except for deletion of individual clauses. Should the Senate fail to reject, by majority vote of the entire Senate, changes within three (3) regular meetings after their receipt by the Senate, the rules will be automatically approved.

##### **SECTION 4: FUNCTIONS AND POWERS**

- A. To exercise the primary judicial powers of the Association, granting such judicial relief as defined by this Constitution and the By-Laws of the Association.
- B. To maintain custody of the current and previous versions of the ASUC Constitution and By-Laws.

- C. To review charges of violation of this Constitution, the By-Laws of the Association, and all other regulations of the Association.
- D. To request the attendance of those holding positions in the Association, when attendance is needed in a case before the Judicial Council.
- E. To revoke the funding of any group found discriminatory under Section 7 of Article VII.
- F. To perform other duties as described in this Constitution or assigned by the Senate.

**SECTION 5: FINALITY**

All decisions of the Judicial Council shall be final unless reversed by subsequent council action.

**SECTION 6: REMOVAL FROM OFFICE**

- A. Any member of the Judicial Council shall be removed from office for malfeasance or dereliction of duty. Charges may be brought by any five (5) Senators.
- B. In open session the ASUC Senate shall give equal opportunity to the accused member to defend him/herself as is given to hearing of the accuser(s). Removal shall require a two-thirds (2/3) vote of the entire Senate.
- C. Members shall automatically be removed from office for failure to attend seventy percent (70%) of the regular meetings of the Judicial Council in any one (1) semester. The Chairperson of the Judicial Council shall promptly notify the President and Senate of such a vacancy.
- D. Interpretation of this section shall be the sole right of the ASUC Senate.

**ARTICLE V - GRADUATE ASSEMBLY**

**SECTION 1: PURPOSE**

The Graduate Assembly shall speak for the ASUC on matters concerning graduate students. On all other issues, the Graduate Assembly shall forward its position to the ASUC Senate to be dealt with by the Senate within three (3) regular meetings, such position becoming the position of the Senate if not modified or rejected by the Senate within that time.

**SECTION 2: CHARTER**

The Graduate Assembly shall frame a charter that includes its purpose and limitations for carrying out its functions as established in this Constitution. The charter shall include a section concerning funding. Changes in that section shall require the approval of both the Graduate Assembly and a two-thirds (2/3) vote of the entire Senate.

**SECTION 3: MEMBERSHIP**

The Graduate Assembly shall be composed of one (1) delegate per each one hundred (100) students or fraction thereof in each department, school, college, or other academic unit within the graduate division, as set forth in its By-Laws. ASUC executive officers and graduate students who are Senators shall be ex-officio, non-voting members of the Graduate Assembly.

**SECTION 4: FUNDING**

- A. The Graduate Assembly shall receive funding each year from the ASUC of an amount at least equal to five-sevenths (5/7) of the total amount of ASUC discretionary fees paid by graduate students, including those

enrolled in the School of Law, during the past academic year.

- B. If Graduate Assembly expenditures for the year are less than the funding required by Section A, the difference shall be automatically carried over into Graduate Assembly accounts for the following year, such amount to be in addition to funding required by subsection A.
- C. The Graduate Assembly shall have the authority to seek non-ASUC funds as it so desires, so long as such action does not conflict with the goals of the entire student body as expressed by this Constitution and does not in any way endanger the tax exempt status of the Association.
- D. In times of fiscal emergency, as outlined in Article VI, Graduate Assembly funding shall be decreased in no more than an amount proportional to the decrease in funding of ASUC governmental activities, considered as a whole.

#### SECTION 5: LIMITATIONS

The Graduate Assembly recognizes the authority of the ASUC Senate to speak for the students of the University of California at Berkeley as a whole.

### ARTICLE VI - FISCAL MATTERS

#### SECTION 1: SENATE FISCAL AUTHORITY

- A. The Senate has sole authority over the ASUC funded budgets of student government operations, operations groups, projects, student services, and activity groups and publications, and is responsible for approving the overall ASUC budget each year.
- B. The Senate may initiate changes in student fees paid to the ASUC, subject to a referendum of the students of the University of California at Berkeley and approval by the Regents.
- C. All financial appropriations or revenue reductions require a two-thirds (2/3) vote of the entire Senate for approval.

#### SECTION 2: SENATE FINANCE OFFICER

The Senate Finance Officer shall be a student appointed by the President, with the following responsibilities:

- A. To provide advice and assistance to the Senate Finance Committee and to act for the Finance Committee when the Senate is not in session.
- B. To be in charge of the annual budget process for the parts of the Association over which the Senate has sole authority (Section 1).
- C. To ensure that student services and operations groups stay within their budgets.
- D. To be responsible for other financial matters as are assigned to him/her by the Senate or the Senate Finance Committee.

#### SECTION 3: SENATE FINANCE COMMITTEE

- A. The Senate Finance Committee shall be composed of the Finance Officer, seven (7) Senators, the President and the Executive Vice President.
- B. The Senate Finance Committee shall meet at the call of the Executive Vice-President, the Chair of the Finance Committee, the Finance Officer, or any three (3) Senators thereof. Five (5) members shall

constitute a quorum.

C. Functions and Powers

1. The committee shall participate in budget hearings conducted by the Senate Finance Officer to allocate revenues to student activities and services, and report to the Senate a recommended annual budget for the Association.
2. All new appropriations of funds for Association activities, all modifications to annual appropriations for activities under the sole authority of the Senate (Section 1), shall be presented to the Senate Finance Committee for its consideration, and shall then be forwarded to the ASUC Senate for final action.

SECTION 4: BALANCED BUDGET

The budget of the Association must be in balance such that expenditures for the fiscal year do not exceed revenues from that fiscal year, allowing for a surplus if so desired by the Senate.

SECTION 5: FISCAL EMERGENCY

- A. If at any time the Senate Finance Officer, President, or any five (5) Senators have reason to believe that expenditures for the fiscal year will exceed revenues from that fiscal year, such person or persons may appeal to the Judicial Council for a full or partial freeze on parts or all of the Association's budget. The Senate shall immediately be notified of such appeal and the reasons for requesting the freeze.
- B. Such a freeze shall remain in effect until the Judicial Council Finds that the Senate has taken effective action to balance the budget of the Association.

SECTION 6: SENATE CONTINGENCY FUND

- A. The Senate Finance Committee shall recommend the amount allocated to the Senate Contingency Fund during the annual budget process.
- B. At the beginning of the fiscal year, the ASUC Senate Contingency Fund shall consist of no less than eight (8) percent of the total amount allocated to activity groups.
- C. The ASUC Senate shall establish a Legal Defense Fund, expenditures from which may be authorized only for the purpose of emergency legal action which the Association may undertake. The ASUC Senate shall annually allocate an amount no less than one (1) percent of annual revenues, unless and until the Legal Defense Fund is equal to or greater than ten (10) percent of annual ASUC revenues.

SECTION 7: SPONSORSHIP AND FINANCIAL ALLOCATIONS

- A. When a group applies to the ASUC Senate for sponsorship and/or affiliation it shall describe its membership requirements and recruiting methods.
- B. When a group submits its budget each year to petition for funding, each group shall describe in writing its membership requirements, recruiting methods, and goals. This information shall be sent to the Senate along with budget requests.
- C. The Senate shall not fund any activity or group which discriminates against any student by race, color, religion, marital status, national origin, sex, age, sexual orientation, physical disability, or political activity or belief in its method or recruitment and acceptance for membership.
- D. The ASUC Attorney General shall fully investigate, upon receipt of complaint by any member of the ASUC, at his/her own initiative or at the direction of the ASUC Senate, any alleged violation of this section

and shall initiate action before the Judicial Council as appropriate. This subsection shall not be deemed to limit in any way the right of any member of the Association to initiate action before the Judicial Council under this section.

#### SECTION 8: FISCAL ACCOUNTABILITY

- A. The ASUC shall specify in the By-laws restrictions on the use of ASUC funds.
- B. Those restrictions may be waived with a two-thirds vote of the entire Senate Finance Committee, subject to final approval by the Senate. A waiver granted by the Finance Committee may be overturned by a majority vote of the Senate at the next regular Senate meeting.
- C. Any fund waivers must be requested in a standardized document approved by the Finance Committee. This document shall include, but not be limited to: the name of the group requesting, the amount of the waiver, and the reason the waiver is requested.
- D. Any time a fund waiver is granted, the standardized form will be included in the agenda packet for the next regular Senate meeting.

### ARTICLE VII - ELECTIONS

#### SECTION 1: GENERAL

- A. Control of all Association elections and related activities shall rest with an Elections Council as empowered by the ASUC By-Laws. All provisions of the By-Laws that conflict with any portion of this Constitution are automatically null and void, including, but not limited to, any By-Law provision regarding regular Fall elections. Those By-Laws referring to the number of Senators or the number of placement of polling places shall be automatically altered to reflect the provisions of this Constitution.
- B. Normally, only students currently enrolled at the University of California at Berkeley may vote. However, the Senate may establish procedures allowing voting privileges to persons not currently enrolled who are eligible to register for the following Fall or Spring semester without applying for readmission.
- C. One (1) regular Association election shall be held each year during the Spring Semester. No special election shall be held to fill vacancies in elected offices. This shall not be construed to prohibit recall elections.

#### SECTION 2: ELECTION DATES

- A. The specific dates for regular elections and for any special elections shall be set by the ASUC Senate. The election period for special elections must be during the Spring or Fall semester, not on a Saturday or Sunday, and not on an official school holiday. The election period for regular elections must be during the Spring semester, not on a Saturday or Sunday, and not on an official school holiday.
- B. The Senate shall set the election (voting) period of a recall election no later than one regular meeting following receipt of the petition. A recall election must be held no later than the second regular Senate meeting following the setting of the voting date(s).
- C. The vote on an initiative, referendum, or amendment shall take place at the next regular election following receipt of the petition or vote of the Senate, provided that the date of receipt or Senate vote is before the end of the candidate filing period for that election; otherwise, the vote shall take place at the second regular election thereafter.

#### SECTION 3: ELECTION PUBLICITY

Notice of an election and full statement of any proposed recalls, initiatives, referenda, and/or amendments shall be published at least once prior to the election period in all established campus newspapers whose fluency of publication is more than once per week.

#### SECTION 4: SENATE SEATS

Unless changed by referendum, all Senators shall be elected at-large. Nothing in this Constitution shall be construed to prohibit district elections.

#### SECTION 5: VOTING

- A. All voting in Association elections shall be by secret ballot.
- B. In each race, the single transferable vote system with fractional transfer of surplus votes shall be used. The voter shall list candidates on his/her ballot in order of preference, until s/he has no further preference between candidates or until s/he runs out of room on the ballot. The ASUC Senate may limit the number of candidates the voter may list; such a limit may not be less than thirteen (13).
- C. The Elections Council, or successor agency, shall provide for the placement and operation of polling places at multiple on-campus locations and residence areas, and refer to the elections By-laws for specific requirements for polling location and hours of operation.

#### SECTION 6: CAMPAIGN FINANCE

- A. Executive Officer candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$1,000 on their ASUC campaign. Senate candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$200 on their ASUC campaign.
- B. These provisions must be administered by a member of the Elections Council.
- C. All disputes/arbitration that arise are to be handled solely by the Judicial Council.
- D. This amendment overrides any and all campaign finance provisions specified in the by-laws and Constitution.

**- Amended by vote: 11-13 April 2000**

### **ARTICLE VIII – ENVIRONMENTAL SUSTAINABILITY**

#### SECTION 1: Purpose

The ASUC shall conserve and protect natural resources by adopting environmental sustainability as a policy.

#### SECTION 2: Policies

The adopted environmental sustainability policies shall include the following:

- A. All copying and printing paper purchased shall be of at least 30% post-consumer recycled content.
- B. All ASUC administrative purchases of the same product that exceed two hundred dollars within a period of one fiscal year shall adhere to the following conditions, the purpose being to use more environmentally preferable products: An environmentally preferable product shall be purchased

instead of a non-environmentally preferable product if its price falls within ten percent of the price of the non-environmentally preferable product.

1. For the purposes of this Article, the phrase “environmentally preferable product” shall mean products that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.

### SECTION 3: Execution of Policies

The Executive Vice President shall:

- A. Oversee the environmental sustainability policies each session and;
- B. Generate an annual ASUC report on environmental sustainability policy implementation.

## ARTICLE IX - MEETINGS

### SECTION 1: CLOSED SESSION

- A. All meetings of ASUC boards, councils, committees, and other organizations shall be open and public, except as provided in this article.
- B. The ASUC Senate, the Judicial Council, the Graduate Assembly, and subordinate units of these bodies may hold closed sessions only if two-thirds (2/3) of their entire membership approve. Such closed sessions may be held only for the discussion or consideration of the following:
  1. Matters involving litigation, when discussing in open session concerning those matters would adversely affect the interests of the ASUC.
  2. The acquisition or disposition of property, if discussion of these matters in open session could adversely affect the ability of the ASUC to acquire or dispose of the property on the terms and conditions it deems to be in the best interest of the Association.
  3. Matters concerning the appointment, employment, performance, compensation, or dismissal of ASUC employees, excluding elected and appointed officers.
  4. Deliberation on a case in order to arrive at a judgment, for the ASUC Judicial Council only.
  5. Matters relating to labor-related negotiations between the Association and the University.
  6. Matters involving investments, when discussion in open session could have a negative impact on the Association's financial situation.
- C. The agenda for closed sessions shall be approved in open session and no further items shall be considered in closed session. No items shall be voted on during a closed session.

### SECTION 2: PUBLIC NOTICE

- A. The ASUC Senate, the Judicial Council, and the Graduate Assembly shall not take action on any main motion unless and until that motion has been publicly posted for at least one week.

- B. Notice of the agenda for each regular meeting must be given to all ASUC Executive Officers and all members of the respective body and any individual or medium that has filed a request for it at least one week prior to the meeting.
- C. The call and notice of a special meeting shall be posted and given at least 48 hours in advance and shall specify the business to be transacted. No other business shall be considered at these meetings.
- D. The requirements of this article may be waived by two-thirds vote of the entire membership of a body mentioned in Section A in the case of the following emergency situations involving matters upon which prompt action is necessary.
  - 1. Work stoppage.
  - 2. Crippling disaster.
  - 3. Pending litigation.

The presiding officer of the bodies mentioned in Section A shall provide notice and public posting of such situations and actions as soon as practicable.

### SECTION 3: VOTING BY PROXY

Members of the ASUC Senate or any board, council, or other organization of the Association may not vote by proxy in any ASUC matter.

### SECTION 4: RULES OF ORDER

The parliamentary rules governing meetings of the Association shall not be inconsistent with this Constitution or the By-Laws of the Association.

## **ARTICLE X - ASUC BY-LAWS**

### SECTION 1: PURPOSE

The ASUC By-Laws shall supplement this Constitution by establishing such boards, councils, committees, and subordinate organizations as the ASUC Senate deems necessary. The By-Laws shall enumerate powers, duties, and rules pertaining to these official organizations. The By-Laws shall also lay out procedures governing the functions of activities described in the Constitution, and may assign additional duties to executive officers, Senators, and appointees.

### SECTION 2: AMENDMENTS

A two-thirds (2/3) vote of the entire Senate shall be necessary to ratify, modify, or suspend portions of the By-Laws. All such actions shall be considered main motions for purposes of Article IX. The By-Laws may contain provisions prohibiting the suspension of specific portions of the By-Laws.

## **ARTICLE XI - BILL OF RIGHTS**

### SECTION 1: DUE PROCESS AND EQUAL PROTECTION

The ASUC shall not deprive any person of liberty or property without due process of law, nor shall the ASUC deny to any person within its jurisdiction the equal protection of the laws.

### SECTION 2: FREEDOM OF EXPRESSION

The ASUC shall make no law respecting an establishment of a religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the ASUC for a redress of grievances.

#### SECTION 3: RIGHTS OF THE ACCUSED

No person shall be subject for the same offense to be twice put in jeopardy; nor shall be compelled in any case to be a witness against him or herself. The accused shall enjoy the right to a speedy and public trial, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him/her; to have the opportunity to present witnesses; and to have the Assistance of Counsel for his/her defense. The privilege of seeking appeals or rehearings shall not be suspended. The integrity of counsel-client privilege shall not be denied.

#### SECTION 4: SANCTIONS

Excessive fines shall not be imposed, nor cruel and unusual punishments inflicted. No Bill of Attainder or ex-post facto Law shall be passed.

#### SECTION 5: FREEDOM OF INFORMATION

All official ASUC documents, records, and other written and recorded information, with the exception of that involving personnel, litigation, or pending investment matters, shall be made accessible to the public upon request. The ASUC must furnish copies of requested information to interested students without undue delay, and may not charge above cost for doing so.

#### SECTION 6: RIGHTS NOT ENUMERATED

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

### **ARTICLE XII - CONFLICT OF INTEREST**

#### SECTION 1: MULTIPLE POSITIONS

No person may simultaneously hold more than one of the following positions: Executive Officer, Senator, member of the Judicial Council, or GA Executive Officer.

#### SECTION 2: PAYMENTS RECEIVED

- A. No person holding one of the positions mentioned in Section 1 may be otherwise employed by the ASUC, nor may s/he receive payment under a Personal Services Agreement for services rendered while holding such a position, unless the Senate, by a two-thirds (2/3) vote of the entire Senate, makes a specific exception.
- B. No officer or signatory of an ASUC-sponsored organization may receive payment under a Personal Services Agreement from that organization without the specific approval of a two-thirds (2/3) vote of the entire ASUC Senate.

### **ARTICLE XIII - AMENDMENTS AND INTERPRETATIONS**

#### SECTION 1: AMENDMENTS

- A. An amendment to this Constitution may be proposed by either a two-thirds (2/3) vote of the entire Senate, or by a petition signed by ten percent (10%) of the student body and presented to the Senate, which shall

then call a vote in accordance with Article VII.

- B. A favorable vote of sixty percent (60%) of the votes cast for and against the amendment shall be necessary for adoption of the amendment; if adopted, the amendment shall take effect on the date specified in the amendment, or if no date is specified, immediately upon confirmation of election results by the Senate.
- C. Whenever this Constitution is amended, an annotation of the date the amendment was voted on shall be placed at the end of each amended section.
- D. If two (2) or more conflicting amendments shall be passed simultaneously, all nonconflicting parts shall be enacted and the conflicting part or conflicting parts of the measure receiving the highest number of votes shall be enacted.

## SECTION 2: INTERPRETATION

All questions of interpretation of this Constitution, except for Section 6 of Article IV, shall be decided by the Judicial Council, which may be advised by a member of the faculty of the School of Law, or of the Political Science Department or a closely related department, or a practicing attorney. Any advisor shall be designated by a majority of the members of the Judicial Council.

## ARTICLE XIV - DISSOLUTION

The assets of the ASUC constitute a continuing trust for the benefit of the students at the Berkeley campus of the University of California. In the event of the dissolution of the Association for whatever reason, the assets, after payment or adequate provision for payment of all outstanding debts and obligations of the Association and return to the University of all student fees received but not expended, shall be transferred to a non-profit fund, foundation, or corporation which is organized and operated exclusively for educational and/or charitable purposes for which the ASUC is established.

Updated: August 11, 2009 – Diny Huang  
Verified: August 13, 2009 – Michael Sinanian