

# ASUC BY-LAWS

## Title III Financial By-Laws

### ARTICLE I – PURPOSE

- 1.1 As this Title is intended to prevent financial irresponsibility, which could jeopardize the mission of the ASUC, **this Title shall not be waived or suspended by the Senate.**

### ARTICLE II - SPENDING RESTRICTIONS

#### 2.1 A.S.U.C. Spending Restrictions

Pursuant to Section 8, Article VI of the ASUC Constitution, all financial restrictions enumerated in this section may be waived or modified by the Finance Committee for specific operational units or groups; however, the Senate retains final authority. No waiver shall be granted **more than five regular ASUC Senate meetings after** the event and/or purchase date except in the case of reimbursement as provided in Title III, Article 2.1(3), 2.1(4), and 2.1(5); or by two-thirds vote of the Senate.

No A.S.U.C. funds may be used to:

1. Purchase food and beverages;
2. Pay registration fees for Intramural teams;
3. Purchase or reimburse a group for flyers (advertising) that do not display the words “Sponsored by the ASUC” or “ASUC”;
4. Purchase or reimburse a group for flyers (advertising) that do not indicate the degree of wheelchair accessibility to the event described by the flyer;
5. Purchase or reimburse a group for stationary that does not display the logo of the A.S.U.C.; or
6. Travel outside the Bay Area, defined as the nine counties of---1) Alameda, 2) Contra Costa, 3) Marin, 4) Napa, 5) San Francisco, 6) San Mateo, 7) Santa Clara, 8) Solano, and 9) Sonoma;
7. Pay for any costs related to local events that fall outside the geographic boundaries of Ashby, to the south, MLK to the west, Cedar to the north, and the hills of the east
8. Pay for any costs not related to the mission of the ASUC or the organization in question, including prizes for individuals.
9. Purchase alcoholic beverages or illegal substances; or
10. Fund off-campus political activities - such as local, state, or national political campaigns, candidates, or ballot initiatives.
  - a. This shall not preclude the ASUC from providing monies for educational initiatives or to publicize positions taken by the Senate.

- (1) Neither educational initiatives nor publicized positions may ask the public to adopt a specific position.

## 2.2 Salary/Stipend Restrictions

1. No funds shall be transferred between salary/stipend and non-personnel line items without the approval of the Finance Committee.
2. Each Executive Office shall allocate no more than fifteen percent (15%) of their total office budget in stipends annually, including line-items that fall within the office's jurisdiction, but not including the Executive Officer's stipend. Each Executive Officer shall be allocated no more than four thousand dollars (\$4,000) or five percent (5%) of the total office budget, whichever amount is higher. These percentages can be increased by two percent (2%) if the recipient demonstrates financial need through official university documentation. Regulations regarding financial privacy must be followed during this process.
3. No ASUC student government position external to the Executive Offices shall receive a stipend greater than one thousand, five hundred dollars (\$1,500) a year.
4. Upon appointment, ASUC student government personnel who receive a stipend are to be notified of their obligations and status of their stipends. ASUC student government personnel who receive a stipend are required to submit a written report detailing their involvements to the Senate each semester. Such reports will be reviewed by the Senate Finance Committee. The Senate has full oversight and authority to add, remove and amend stipends.
  - a. Reports must be submitted to the Senate via email.
  - b. Reports must be submitted prior to the second-to-last Senate Finance Committee meeting of each semester.
  - c. In the case no report is received, no stipend may be disbursed for that semester.
  - d. Stipend reports are to be discussed during Finance Committee.
  - e. The stipend allocation is to be determined by the Senate Finance Committee and may be amended prior to disbursement.
  - f. The Senate Finance Committee will, by majority vote of the entire Committee, approve the stipend for disbursement.
  - g. The amount of the approved stipend will be included in the Finance Committee minutes and read into the Senate minutes.
  - h. If no record of approval is read into the Senate minutes, no stipend may be disbursed.
5. ASUC student government personnel who receive a stipend will be awarded one-half (1/2) of their allocation at the end of each semester after the submission and subsequent review of their written report. Reports shall be submitted to the Finance Committee Chair by the end of the twelfth (12th) week of classes. The reports shall be due by five o'clock (5 p.m.) in the evening on the Friday of the twelfth (12th) week of classes.
6. No ASUC Program shall pay any stipend for any position unless that position is specified in the previous Spring Budget as a line-item, and the payment is for the exact amount specified. The Senate may, by a two-thirds (2/3) vote, approve exceptions to this section provided that no program accrues more than three thousand dollars (\$3,000) worth of exceptions in a given fiscal year.
7. SISGs shall allocate no more than fifteen percent (15%) of their total budget in stipends annually. This restriction may be waived or modified by the Finance Committee for individual groups, and be subject to the same treatment as all other Senate Waivers.

8. Officials receiving a stipend cannot be allocated more than a prorated amount of the budgeted line item for their position. Such proration shall be determined by the percentage of Senate meetings remaining in the school year at the time of their appointment.

### **ARTICLE III - FINANCE COMMITTEE POLICIES**

- 3.1** Any student group requesting funding must present a budget, a properly authorized Constitution, and verification of OSL registration to the Finance Committee.

#### **3.2 Fraternities and Sororities**

1. The ASUC may fund fraternities and sororities that are members of the campus Inter-Fraternity Council, Panhellenic Council, National Pan-Hellenic Council, or Multi-Cultural Greek Council for the organization of events that focus on: community service and philanthropy; scholarship and educational enhancement; leadership development; professional and career development; and/or health and safety, including alcohol education.
2. Greek Opportunity Fund shall be the sole source of funding for fraternities and sororities. Fraternities and sororities who receive funding from the Greek Opportunity Fund shall not receive funding from the Senate Contingency Fund at any point during the year, unless that fraternity or sorority is recognized as a Student-Initiated Service Group.
3. All events funded through the Greek Opportunity Fund must be open to the entire campus community and publicized widely as ASUC-sponsored events.
4. All bills requesting funding from the Greek Opportunity Fund shall be referred to the Standing Committee on Finance. The Standing Committee shall include the organization's effort to publicize its event to the campus community as a major part of its review.
5. Fraternities and sororities must be in good standing with their respective council in order to receive funding from the Greek Opportunity Fund.
6. No allocation from the Greek Opportunity Fund shall exceed \$1,500 per allocation, or 7% of total amount budgeted so far for this fund for that fiscal year per allocation, whichever is higher.
7. Fraternities and sororities that are recognized as Student-Initiated Service Groups and that receive funding to organize events shall not receive more than \$1,500 in total allocation from the Greek Opportunity Fund and the Senate Contingency Fund for a single event.

#### **3.3 Co-Ops and Residence Halls**

1. The ASUC shall not fund co-ops or Residence Halls except for the organization of community service activities and/or philanthropic events. These activities must be open to and publicized to the campus community.
2. The Finance Committee shall review all for funding of these activities.

#### **3.4 Student Union Fee Waiver**

1. Student Union fee waiver can only be granted to an ASUC sponsored group, an ASUC affiliated group (including, but not limited to the Executive Offices, Senate, Graduate Assembly, and ASUC SUPERB), or an ASUC sponsored event. An event shall be automatically considered ASUC-sponsored if it is granted a fee waiver.

2. "Facility Use" fee waivers shall be granted by a majority vote of the finance committee (in accordance with Article VI, Section 8 of the ASUC Constitution).
3. No fee or charge waiver shall be granted post event date.
4. No fee or charge waiver shall be granted without the requesting party submitting a "reservation form" to the finance committee.
5. All fee waivers must be submitted to the Senate or the finance committee at least two-weeks prior to the event being considered.
6. All student groups sponsored by the ASUC, regardless of classification as Student Activity Group (SAG), Student-Initiated Service Group (SISG), or Publication Group (PUB) shall be limited to the following:
  - a. No more than 25% of current ASUC funding shall be waived to purchase food and beverages as a 1<sup>st</sup> year ASUC sponsored group.
  - b. No more than 20% of current ASUC funding shall be waived to purchase food and beverages as a 2<sup>nd</sup> year ASUC sponsored group.
  - c. No more than 15% of current ASUC funding shall be waived to purchase food and beverages as a 3<sup>rd</sup> year ASUC sponsored group.
  - d. No more than 10% of current ASUC funding shall be waived to purchase food and beverages as a 4<sup>th</sup> year or more ASUC sponsored group.
7. Only the ASUC Senate may issue fee waivers.
8. All ASUC sponsored events shall be limited to no more than 10% of current ASUC funding in waiving the purchase of food and beverages.
9. All ASUC sponsored groups, ASUC affiliated groups, and ASUC sponsored events shall be limited to one thousand dollars (\$1,000) in waiving the purchase of food and beverages.
10. Only the ASUC Senate may issue fee waivers.

### **3.5 Contingency Funding**

1. No allocation from the ASUC Contingency Fund for Activity Groups shall exceed \$1500 per allocation, or 5% of the total amount budgeted so far for the Contingency Fund for that fiscal year per allocation, whichever is higher.
2. No allocation from the ASUC Contingency Fund for Student Initiated Service Groups shall exceed \$1500 per allocation, or 5% of the total amount budgeted so far for the Contingency Fund for that fiscal year per allocation, whichever is higher.
3. No allocation from the ASUC Contingency Fund for Publication shall exceed \$1,500 per allocation, or 5% of the total amount budgeted so far for the Contingency Fund for that fiscal year per allocation, whichever is higher.
4. Any joint project by the ASUC and a student group need not adhere to the monetary limits in Section 2.4.1, 2.4.2, or 2.4.3.

5. No allocation from the ASUC Contingency Fund for an event, barring a crippling disaster, as determined by the Finance Officer, shall exceed \$2500 per allocation per Legislative Session, or 7.5% of the total amount budgeted so far for the Contingency Fund for that fiscal year per allocation, whichever is higher.
6. No allocation from the ASUC Contingency Fund may be made to any Executive office or Executive Office project unless said Executive Office submits to the ASUC Senate a written budget detailing the Office's annual budget and applicable project expenditures
  - a. The written budget shall be defined as a line-by-line spreadsheet detailing all stipended positions and project allocations, as well as all previous disbursements, current at the time of submission of the request for additional funding.
7. No allocation from the ASUC Contingency Fund may be made to any Advocacy Agenda Committee or any Advocacy Agenda Committee project unless said Committee submits to the ASUC Senate a written budget detailing the Committees' and applicable project's annual expenditures.
  - a. The written budget shall be defined as a line-by-line spreadsheet detailing all stipended positions and project allocations, as well as all previous disbursements, current at the time of submission of the request for additional funding.
8. No allocation from the ASUC Contingency Fund for a student group or event shall be used to pay for costs for any event or purchase date more than five regular Senate meetings prior to the date that the allocation is considered, unless waived by a two-thirds vote of the entire Senate.
9. Any event allocated money from the Senate Contingency Fund and the Greek Opportunity Fund shall have one month from the date of passage of the allocation or the event, whichever is later, to spend the totality of the allocation. Any amount not spent shall revert to the Senate Contingency Fund, and any amount not spent from the Greek Opportunity Fund shall revert to the Greek Opportunity Fund.

### **3.6 Bills**

1. All financial bills need to include the following pieces of information regarding the student group/event seeking funding as whereas clauses:

The number of years the student group as been sponsored by the ASUC.

The type of sponsorship the student group is recognized under.

If they applied for spring budgeting the year before.

If so, how much they received for spring budgeting and how much of their spring budgeting allocation they plan on using towards this event.

## **ARTICLE IV - FUNDING GUIDELINES**

### **4.1 Student group allowable expenses:**

When considering allocations for student groups and other unit(s), the ASUC shall consider the following items:

1. Telephone bill, postage, office overhead, photocopying/printing, guest speaker fees, office equipment, or marketing.

**4.2 Activity Groups shall be eligible for funding in following amounts:**

1. Any amount requested up to a limit of \$200 in the first year that they receive funding from the ASUC.
2. No more than \$400 in the second year that they receive funding from the ASUC.
3. No more than \$600 in the third year that they receive funding from the ASUC.
4. At the discretion of the Senate from the fourth year on.
5. Groups that do not receive funding from the ASUC for two years will be considered first year groups (as under Subsection 1 above) when they reapply for ASUC funding.
6. Groups that receive first year funding from the ASUC Contingency Fund after the Tenth Week of classes in the Spring Semester shall be considered as first year groups under this article for the following year.
7. The actual amount of funding to be determined by the ASUC after examining factors including, but not limited to, number of members, scope of influence, level of activity, etc.

**4.3 Publication Groups shall be eligible for funding in the following amounts:**

1. Any amount requested up to a limit of \$700 in the first year that they receive funding from the ASUC.
2. No more than \$900 in the second year that they receive funding from the ASUC.
3. No more than \$1,100 in the third year that they receive funding from the ASUC.
4. At the discretion of the ASUC from the fourth year on.
5. Groups that do not receive funding from the ASUC for two years will be considered first year groups, as under Subsection 1 above, when they reapply for ASUC funding.
6. The actual amount of funding to be determined by the ASUC after examining factors including, but not limited to, number of members, scope of influence, level of activity, etc.

**4.4 Student Initiated Service Groups**

1. SISGs shall be eligible for funding at the discretion of the Senate.

**ARTICLE V - STUDENT GROUP FUNDING**

**5.1 Eligibility For Funding**

A Student Group must comply with the following requirements to be eligible for funding:

1. The group must be composed primarily of registered students of the Berkeley campus;
2. The group must request SAS to submit to OSA a current Constitution which has been approved by the University;
3. The group must submit a budget, using OSA's forms, to the Senate and the Finance Officer;

4. The group must be sponsored by the ASUC Sponsorship and funding may be obtained concurrently;
5. The group must not spend any of their ASUC funds to pay for activities and/or publications in support or against any ASUC candidates and propositions;
6. All elected and appointed officers of the group must be registered UC Berkeley students;
7. Only registered UC Berkeley students shall have access to funds contributed by the ASUC;
8. Only registered UC Berkeley students can vote to form and/or alter the group constitution; or
9. The student group's activities cannot jeopardize ASUC's non-profit status.

## **5.2 Requirements to Maintain Funding**

Failure to comply with any of the following requirements will prevent any expenditure of funds by a group, including reimbursements and rentals (but excluding telephone), until the situation is rectified:

1. Those individuals authorized to sign for budgeted expenditures must be registered students and will be asked to present proof of registration.
2. Those individuals authorized to sign for budgeted expenditures must attend an OSA budget workshop once a year;
3. All groups must be registered each semester with the University, and must have SAS send to OSA a University approved "Registration of a Student Organization" form;
4. OSA shall have on file the current address and telephone information of all activity groups. Also, OSA shall have on file the name, address and telephone numbers of each group's chairperson(s) and the members authorized to approve expenditures from the group's budget;
5. A mid-year progress report shall be required of all activity groups during the beginning of the Spring Semester.
6. Groups shall be financially responsible for any damage or defacement of ASUC property (this can also result in eviction from ASUC allocated space);
7. Groups must abide by ASUC policies and procedures.
8. Groups may not advertise directly or indirectly for any vendor who is in direct competition with any part of the business side of the ASUC.

## **5.3 General Rules and Procedures**

1. Expenditures and Reimbursements
  - a. OSA Financial Advisor shall approve activity group expenditures and reimbursements provided they are:
    - i. Related to the activities of the group as stated in the group's budget;
    - ii. Within approved line items of the group's budget.

- b. Groups may appeal negative decisions of the OSA staff to the Finance Committee.
  - c. Groups may make expenditures on items not listed in their budget with the approval of the Finance Committee.
2. Budget Transfers Inside a Group's Budget
- a. Activity groups may transfer the following amounts among approved line items in their budgets:
    - i. Up to 20% of their budget with the approval of OSA's Financial Advisor;
    - ii. Up to 40% of their budget with the approval of the Finance Officer;
    - iii. More than 40% or \$500 of their budget with the approval of the Finance Committee.
  - b. Groups whose overall budget is \$200 or less may make transfers of any amount with the approval of OSA's Financial Advisor.
3. Budget Transfers Between Separate Groups
- Separate activity groups may transfer the following amounts to or from each other:
- a. Up to \$100 with the approval of OSA's Financial Advisor;
  - b. More than \$100 with the approval of the Finance Committee.
4. Office Space Allocation
- Activity groups receiving funding from the A.S.U.C. may apply to the Executive Vice-President for office space in Eshleman Hall. The procedures for this process are described in Title V.

#### **5.4 Activity Group Spending Restrictions**

- 1. In addition to Article 2.0, activity groups may not use ASUC funds to:
  - a. Rent a typewriter or other office machines;
  - b. Pay salaries, stipends, or work study positions.

### **ARTICLE VI - FISCAL YEAR**

#### **6.1 Fiscal Year**

The ASUC fiscal year shall be from July 1 to June 30 of the following calendar year.

#### **6.2 Funding Roll Over**

Any ASUC funds allocated to a student group or other line item that have not been spent by the end of the fiscal year are forfeit, and returned to the ASUC Contingency Fund.

#### **6.3 Commercial Activities Monies**

5% of all commercial profits must be invested into the ASUC Long Term Fund.

#### **6.4 Senate Retention of Fiscal Authority**

When the Senate is not in Regular Session, any decision that would require the approval of the Senate shall be postponed until the Senate can meet.

### **ARTICLE VII – ASUC CONTRACTS**

#### **7.1 General ASUC and Student Government Contracts**

No ASUC unit or group may enter into a contract holding liabilities that exceed the balance of their ASUC account. This clause can be waived by a two-thirds majority of the Senate if alternative funding sources are identified and frozen to cover all potential liabilities.

1. Executive Office and Senate Contracts: Contracts containing liabilities in excess of \$2,000 must be approved by the Senate Finance Committee and reviewed by the ASUC Counsel.
2. Graduate Assembly Contracts: All Graduate Assembly contracts must be approved by the Director of the Office of Student Affairs.
3. Student Group Contracts: All student group contracts must be approved by the Director of the Office of Student Affairs and in cases of liabilities in excess of \$2,000, must be reviewed by the ASUC's Counsel.
4. Once a contract is approved, the amount of the highest potential liability shall be frozen in the ASUC unit or sponsored student group's account. It shall be unfrozen once all potential liabilities are covered and the contract is fulfilled.

#### **7.2 ASUC Commercial Activities Contracts:**

1. All commercial activities contracts shall be negotiated and managed by the ASUC Auxiliary pursuant to the ASUC Commercial Activities Agreement.

### **ARTICLE VIII – COMMERCIAL ACTIVITIES MONEYS**

#### **8.1 Commercial Activities Moneys**

All funds that are received by the ASUC as commercial profits from the ASUC Auxiliary are to be considered as Commercial Activities Monies. The account in which the ASUC stores the Commercial Activities Monies shall be known as the Commercial Revenue Holding Fund.

1. To ensure the financial future of the ASUC, the following percentages of any money entering the Commercial Revenue Holding Fund must be transferred to these accounts at minimum.
  - a. 15% to the ASUC Long Term Investment Fund
  - b. 60% to the ASUC Capital Improvements Budget
2. In order for funds to be transferred from the ASUC Commercial Revenue Fund to any other ASUC account, a motion to do so must be approved by the majority of Financial Committee.
3. No funds can be allocated from the ASUC Commercial Revenue Fund without the approval of the majority of Financial Committee

## ARTICLE IX—AUDIT COMMITTEE

### 9.1 Audit Committee

1. The Association shall have an audit committee consisting of at least 5 voting members and may include nonvoting advisors.
2. Persons who are employees or officers of the ASUC or ASUC Auxiliary or who receive, directly or indirectly, any consulting, advisory, or other compensatory fees from the ASUC or ASUC Auxiliary may not serve on the audit committee.
3. The audit committee shall perform the following duties: (a) Assisting the ASUC and ASUC Auxiliary in choosing an independent auditor and recommending termination of the auditor, if necessary; (b) negotiating the auditor's compensation; (c) conferring with the auditor regarding the ASUC's financial affairs; and (d) reviewing and accepting or rejecting the audit.
4. Members of the audit committee shall not receive compensation for their service on the audit committee in excess of that paid to senators for their service in the senate.
5. Members of the Finance Committee may not make up a majority of the members of the audit committee. The chair of the audit committee may not be a member of the Finance committee.

Updated: August 11, 2009 – Diny Huang

Verified: August 13, 2009 – Michael Sinanian