

ASUC BY-LAWS

Title X Graduate Assembly

ARTICLE I - GENERAL

1.1 Intent of this Title

The purpose of this Title is to clarify the position of the Graduate Assembly within the ASUC and its relationship with the Senate, and to facilitate cooperation between the Graduate Assembly and the other offices and divisions of the ASUC.

1.2. Definition of the Graduate Assembly

The Graduate Assembly is the student governmental body specifically established by the ASUC Constitution to “speak for the ASUC on matters concerning graduate [and professional] student matters.” The Graduate Assembly is recognized by the Administration of the University of California in this role.

1.3 Scope of ASUC By-Laws

All and only those sections of the ASUC By-laws contained in this Title apply to the Graduate Assembly. No sections of the By-laws in any other Title, even those explicitly referring to the Graduate Assembly, shall be understood to regulate the Graduate Assembly in any way unless such scope is specifically stated in this Title. References in the ASUC By-laws to “groups,” “student groups,” “student organizations,” “affiliated organization,” and other such terms do not apply to the Graduate Assembly. The ASUC By-laws shall not be construed as limiting the power of the Graduate Assembly to manage its own affairs.

1.4 Memoranda of Understanding

The function of the Graduate Assembly within the ASUC is further clarified by the Memorandum of Understanding Between the Senate and the Graduate Assembly adopted by both the Senate and the Graduate Assembly on May 13, 1998 (Attached hereto), or by any other Memorandum of Understanding which shall supersede it, except when such Memoranda of Understanding contradict the ASUC Constitution.

1.5 Graduate Assembly Charter

In all matters not specifically mentioned in the relevant portions of the ASUC Constitution, By-laws, and Memoranda of Understanding, the Graduate Assembly is governed by its Charter, By-laws, and Standing Rules.

1.6 Amendments to this Title

It is the intent of both the Graduate Assembly and the Senate that all matters concerning the status of the Graduate Assembly be decided on by consultation between the two bodies.

1.7 Amendments to other Titles

In pursuing other changes to the ASUC By-laws which would alter the rights or responsibilities of the Graduate Assembly, the Senate shall formally confer with the Graduate Assembly or its Officers before taking a position.

ARTICLE II - FINANCIAL

2.1 Graduate Assembly Funding from Student Fees

1. The Graduate Assembly shall receive funding each year from the ASUC of an amount equal to no less than $\frac{5}{7}$ ths (five-sevenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year.
2. In the 1998-99 Fiscal Year, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than $\frac{11}{14}$ ths (eleven-fourteenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay $\frac{1}{4}$ (one-fourth) of its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be one quarter multiplied by the percentage of graduate students in the UC Berkeley student body.
3. In the 1999-2000 Fiscal Year, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than $\frac{6}{7}$ ths (six-sevenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay $\frac{1}{2}$ (one-half) of its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be one half multiplied by the percentage of graduate students in the UC Berkeley student body.
4. In the 2000-2001 Fiscal Year, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than $\frac{13}{14}$ ths (thirteen-fourteenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay $\frac{3}{4}$ (three-fourths) of its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be three quarters multiplied by the percentage of graduate students in the UC Berkeley student body.
5. Thereafter, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate

Assembly Funds, such fraction to be the percentage of graduate students in the UC Berkeley student body.

6. The Graduate Assembly may withhold payment of the amounts for ASUC Elections, if it can conclusively show that Elections Council is not publicizing ASUC Elections to Graduate Students in an equitable manner.

2.2 Compliance with Spending and Funding Guidelines

The ASUC shall grant the stated funds to the Graduate Assembly contingent upon the Graduate Assembly's compliance with applicable spending and funding guidelines outlined in this Article.

2.3 Spending and Funding Guidelines

In matters of spending and funding, the Graduate Assembly shall be bound only by the spending and funding guidelines and restrictions contained in the Charter of the Graduate Assembly

The Graduate Assembly criteria for funding student groups shall adhere to the Smith v. Regents and the Rosenberger v. Virginia State and US Supreme Court Guidelines.

2.4 Oversight of Graduate Assembly Expenditures

The Director of the ASUC Office of Student Affairs shall be responsible for ensuring that Graduate Assembly expenditures are in accordance with appropriate and applicable University and ASUC regulations, and that Graduate Assembly expenditures do not violate local, state, or federal laws, or endanger the tax-exempt status of the organization.

2.5 Interpretation of the Term "ASUC Funds"

Where the term "ASUC funds" occurs in those portions of the ASUC Constitution and By-laws which govern the Graduate Assembly, and in the Charter of the Graduate Assembly, this term shall be interpreted to mean only those funds allocated annually to the Graduate Assembly by the ASUC, and not to any other funding obtained by the Graduate Assembly and deposited into the Graduate Assembly's ASUC account.

2.6 Authority Over Graduate Assembly Finances

The Graduate Assembly Finance Committee and Executive Committee, and ultimately the Graduate Assembly Delegates, have full authority to authorize Graduate Assembly expenditures and manage Graduate Assembly financial affairs.

2.7 Signature Authority for PSAs and Other Financial Documents

The Graduate Assembly Administrative Coordinator, as the Graduate Assembly's Finance Officer, has signature authority for all Graduate Assembly PSAs and other financial documents.

ARTICLE III - ADMINISTRATIVE

3.1 Services Provided to the Graduate Assembly

The ASUC Commercial Activities Auxiliary shall provide the Graduate Assembly with accounting services, building maintenance, insurance coverage, regular and accurate financial reports, and other services provided under the ASUC Commercial Activities Agreement. The ASUC shall provide the Graduate Assembly legal consultation.

ARTICLE IV - COMMUNICATION WITH SENATE

4.1 Forwarding of Graduate Assembly Motions

The Graduate Assembly shall forward a copy of all meeting announcements and agendas, and minutes to the Executive Vice President of the ASUC. The President of the Graduate Assembly shall also forward a copy of all motions and Resolutions passed in the Graduate Assembly, to the Executive Vice President of the ASUC, who shall announce their receipt in the Senate Minutes.

4.2 Graduate Assembly Right to Author ASUC Senate Bills

The Graduate Assembly may vote to send a bill to the ASUC Senate for consideration, in accordance with the ASUC Constitution. The Graduate Assembly will be considered the author of this bill, which will require no further sponsorship.

4.3 ASUC Senate Review of Graduate Assembly Resolutions

If the ASUC Senate considers that a Resolution passed by the Graduate Assembly affects all students, and not just graduate and professional students, it may take the Resolution up for consideration as a Main Motion in the ASUC Senate, in accordance with the ASUC Constitution. The Graduate Assembly will be considered the author of this bill.

4.4 Speaking Rights for Bills Originating as Graduate Assembly Resolutions

When the ASUC Senate takes up as a bill a Resolution passed by the Graduate Assembly, the Senate will grant a Graduate Assembly representative the right to speak as the bill's author on the floor of the Senate.

4.5 ASUC Senate Consultation with the Graduate Assembly

In cases in which the ASUC Senate plans to take a position on a matter judged by ASUC Officers or Graduate Assembly Officers to be of substantial interest to graduate or professional students, the ASUC Senate or the ASUC Executive Officers will formally consult with the Graduate Assembly or the Graduate Assembly Officers.

4.6 Senate Consideration of Graduate Assembly Positions

The Senate shall give full consideration to the mandates, statements, and positions issued by the Graduate Assembly before taking official positions on behalf of all students.

4.7 Inclusion of Graduate Assembly Dissenting Position in Formal ASUC Positions

The ASUC Senate is not required to accept the position of the Graduate Assembly. The ASUC Senate recognizes the right of the Graduate Assembly to have dissenting opinions. If the Graduate Assembly position differs from that of the ASUC Senate or Officers, the ASUC Senate shall record this position in the ASUC Senate Minutes.

4.8 Senate Representative

The Representative from the Graduate Assembly shall report to the Senate at least twice every month.

4.9 ASUC Elections

The Graduate Assembly shall not endorse or fund partisan activities related to ASUC elections, nor shall it endorse or fund campaigns for propositions in ASUC elections.

ARTICLE V - GRADUATE PARTICIPATION IN ASUC ELECTIONS

5.1 Undergraduate/Graduate Status Marked on Ballot

When necessary, the ASUC shall institute a process whereby the status (undergraduate or graduate) of a student is indicated by that student's ballot in ASUC elections.

5.2 Submission of Graduate Propositions

The Graduate Assembly shall have the right to vote to place propositions for consideration only by graduate and professional students on ASUC election ballots

Memorandum of Understanding Between the ASUC Senate and Graduate Assembly May 13, 1998

This Memorandum of Understanding, between the Senate and the Graduate Assembly, serves to clarify the relationship between the Senate and the Graduate Assembly and to clarify the position of the Graduate Assembly within the ASUC. This Memorandum of Understanding is entered into jointly by the ASUC Senate and Graduate Assembly, by a votes in both the Senate and a meeting of the Delegates of the Graduate Assembly, and is intended to end the conflicts between the respective bodies. This Memorandum of Understanding supersedes all prior Memoranda of Understanding (specifically the Memorandum dated February 10, 1989).

NOW THEREFORE, The ASUC Senate and the Graduate Assembly agree to the following:

1. Pursuant to the ASUC Constitution, 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.
2. Pursuant to the ASUC Constitution, 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.
3. Pursuant to the ASUC By-Laws, the Graduate Assembly is an autonomous unit as described in the ASUC Constitution and the Graduate Assembly Charter. The Graduate Assembly is entitled to manage its own affairs and funds, as provided for in the ASUC Constitution and By-Laws, Graduate Assembly Charter, By-Laws and Standing Rules , and agreements between the ASUC and the Regents of the University of California (the "University").
4. The Graduate Assembly shall be generally responsible for selecting the Graduate Members of the ASUC Store Operations Board, within the guidelines and time frame set out in the Charter of that Board. While that Charter requires the approval of the Senate for Graduate Assembly members, it is the intent of the Senate to accept the Graduate Assembly selections for the ASUC Store Operations Board.
5. Under the ASUC Commercial Activities Agreement, the Graduate Assembly, as a "constituent part" of the ASUC, may have additional services from the ASUC Commercial Activities Auxiliary provided to the Graduate Assembly, and exercise reasonable control over the same.

6. The ASUC Elections Council shall work with the Graduate Assembly to publicize the right of Graduate students to participate in ASUC Elections, including running for office and voting. The Elections Council Chair shall report on these activities to the Graduate Assembly, or its Executive Committee.
7. On any bill for ASUC funding in which the Senate determines that the program in question is of benefit to the UC Berkeley student body as a whole, the Senate may forward such bill to the Graduate Assembly for its consideration.
8. In the 1998-99 Fiscal Year, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than 11/14ths (eleven-fourteenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay ¼ (one-fourth) of its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be one quarter multiplied by the percentage of graduate students in the UC Berkeley student body.
9. In the 1999-2000 Fiscal Year, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than 6/7ths (six-sevenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay 1/2 (one-half) of its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be one half multiplied by the percentage of graduate students in the UC Berkeley student body.
10. In the 2000-2001 Fiscal Year, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than 13/14ths (thirteen-fourteenths) of the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay 3/4 (three-fourths) of its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be three quarters multiplied by the percentage of graduate students in the UC Berkeley student body.
11. Thereafter, the Graduate Assembly shall receive funding from the ASUC of an amount equal to no less than the total amount of ASUC discretionary fees (“mandatory student activity fees”) paid by graduate and professional students, including those enrolled in all graduate and professional schools and programs, including but not limited to those in the Schools of Law, Business, and the SF MBA Program, during the past academic year. The Graduate Assembly shall pay its contribution to the University of California Student Association from Graduate Assembly Funds, and pay a fraction of the cost of ASUC Elections which does not exceed \$30,000, from Graduate Assembly Funds, such fraction to be the percentage of graduate students in the UC Berkeley student body.
12. The Graduate Assembly may withhold payment of the amounts for ASUC Elections, if it can conclusively show that Elections Council is not publicizing ASUC Elections to Graduate Students in an equitable manner.

**Memorandum of Understanding between the
Associated Students of the University of California and the Graduate Assembly
May 2007**

This Memorandum of Understanding is entered into between the Associated Students of the University of California (“ASUC”) and the Graduate Assembly of the University of California, Berkeley (“GA”) to modify the relationship of the Graduate Assembly to the ASUC. This Memorandum supercedes and renders null all previous Memoranda of Understanding between the ASUC and the Graduate Assembly. This document becomes effective upon ratification by the GA delegates, the ASUC Senate, and approval of the student body.

NOW THEREFORE, in recognition of their mutual promises and the consideration made herein, the ASUC and the Graduate Assembly agree as follows:

I. Recognition and Status

- A. Pursuant to the ASUC Constitution, the Graduate Assembly recognizes the authority of the ASUC to speak for common interests of the student body as a whole at the University of California, Berkeley both inside and outside the campus.
- B. Pursuant to the ASUC Constitution, the ASUC recognizes the authority of the Graduate Assembly to speak for the specific interests of graduate and professional students at the University of California, Berkeley both inside and outside the campus.
- C. When the Graduate Assembly takes opposing positions on an issue, both organizations will respect the independent legitimacy of each position, and the ASUC position shall apply only to undergraduates. This applies to external bills only.
- D. When the Graduate Assembly seeks to speak for all students at the University of California, Berkeley, the President of the Graduate Assembly shall offer its position to the ASUC Senate as a main motion.
- E. The Graduate Assembly shall transmit or make available to the Executive Officers of the ASUC the agenda and minutes of all Graduate Assembly meetings as they become available by means of electronic mail.
- F. The ASUC shall transmit or make available to the Executive Officers of the Graduate Assembly the agenda and minutes of all Senate meetings, Executive Orders, presidential vetoes, and Judicial Council decisions as they become available, by electronic mail.

II. Finance

- A. The ASUC shall automatically appropriate to the Graduate Assembly each year the total amount of mandatory student fees paid by graduate and professional students to the ASUC minus the total amount of Graduate Student Return to Aid.
- B. The Senate shall not affect a modification in Graduate Assembly expenditures, divert revenue, or withhold funds except in times of Fiscal Emergency (a Section 5, Article VI of the ASUC Constitution), and shall respect total Graduate Assembly authority over its finances.
- C. In times of fiscal emergency and if the Association wishes to make changes in the financial arrangement involving the Graduate Assembly, a committee shall immediately convene composed of the following: the ASUC President, the GA President, the ASUC Executive Vice President, the ASUC Finance Officer (non-voting), the ASUC Finance Committee Chair, the GA Finance Chair, the GA Organization and Rules Chair, the ASUC Auxiliary Director (non-voting), and a non-voting member to be appointed by the GA at its discretion.

III. Representation

- A. The Graduate Assembly shall make and confirm all appointments designated for graduate and professional students to academic, campus, or Systemwide committees. The Senate shall not subject such appointments to confirmation or denial
- B. The Graduate Assembly shall nominate the graduate student members of the ASUC Store Operations Board. The Senate shall deem the nominees confirmed on receipt of the nomination.
- C. The Graduate Assembly shall be entitled to representation and the right to address the general body of the Academic Senate.

IV. Resources

The ASUC recognizes the Graduate Assembly's sole authority to occupy and use Anthony Hall. In extreme cases where Anthony Hall cannot be occupied, the ASUC will recognize the right of the Graduate Assembly to occupy and use some substitute space.

V. ASUC Elections

- A. The ASUC relinquishes all claims to Graduate Assembly payment for elections costs before the 2002-2003 academic year.
- B. For the 2002-2003 year, the Graduate Assembly is responsible for paying \$18,997, the remaining balance of election costs for the 2003 Spring ASUC election.
- C. For the 2003-2004 year, the Graduate Assembly is responsible for paying \$6,789, the remaining balance of the election costs for the 2004 Spring ASUC election.
- D. For the 2004-2005 year, the Graduate Assembly is responsible for paying \$8,944 or 18.75% of the cost for the 2005 Spring ASUC Election.
- E. A debt settlement timetable will be determined by the GA President and the ASUC President, and approved by the respective bodies, according to their Constitutions and By-laws, by the end of the Fall 2006 Semester.
- F. For future academic years, the Graduate Assembly will pay either 12% of total election costs or a percentage of election costs equal to the percentage of voters in the Spring ASUC election who are registered graduate students, whichever of the two is greater.
- G. Each year, the Graduate Assembly shall budget a sum sufficient to cover the base elections costs of the Graduate Assembly for that year based on the base election cost for the prior year. The Graduate Assembly shall be responsible for paying its share of the elections costs for an overall ASUC Election budget of up to \$75,000.
- H. If additional funding is required for ASUC Elections beyond \$75,000, then a committee composed of the ASUC President, the GA President, the Chair of the GA Finance Committee, and the Chair of the ASUC Finance Committee shall convene. Any agreement coming out of these meetings shall pend approval of the ASUC Senate.
- I. The ASUC Selection Committee for the Elections Council Chair shall be comprised of six members, one-third of which shall be graduate students. Preference will be given to graduate students serving in the ASUC Senate followed by GA Delegates. The remaining members of this committee shall be from the ASUC Senate. In addition, there shall be one position on the Council with the designation "Graduate Outreach Coordinator." The Graduate Outreach Coordinator must be a graduate student.

VI. Conflict Resolution

- A. 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, the right of nomination goes back to the ASUC President, with GA delegate or Executive Board approval.
- B. All powers not specifically mentioned here are retained by the ASUC Senate.

Updated: December 10, 2007 – Jillian E. Hagan

Verified: December 11, 2007 – Alex Kozak