

CONSTITUTION OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA, MERCED

PREAMBLE

We, the students of the University of California, Merced, as an independent body, do ordain and establish this Constitution in order to provide an efficient and equal representation for the expression of students' views, clarity of opinions, and interests in recognition of the rights of the students in this university community; to encourage effective student participation by providing services and coordinating activities; to support, promote and celebrate the diversity of culture, lifestyle, and beliefs for the breadth of ideas and perspectives they bring; to advance the development of leaders that will serve and make a difference in the present and future; and to promote the general educational welfare and enhancement of the academic benefits and opportunities offered for the continued success of the students of the University of California, Merced.

ARTICLE I – Name

The name of this organization shall be the Associated Students of University of California, Merced, hereafter referred to as ASUCM.

ARTICLE II – Membership

Any registered undergraduate student of the University of California, Merced may be a full voting member of the ASUCM. Subject to other applicable qualifications, all members shall be eligible to hold office in the ASUCM or any of its subordinate organizations.

ARTICLE III – Executive Officers

SECTION 1: Members

The Executive Officers of the ASUCM shall be: President, Internal Vice President, External Vice President, Treasurer, Secretary, Director of Academic Affairs, Director of Student Advocacy and Director of Student Activities.

SECTION 2: Terms

- A. The Executive Officers shall be elected individually in the spring semester and shall be installed before the end of the academic year. A single term shall not exceed one (1) academic year. Executive Officers shall be limited to three (3) consecutive terms of the same office held.
- B. Dates and procedures of elections shall be set forth in the ASUCM By-Laws.

SECTION 3: Academic Standing

- A. The Executive Officers shall have attained the academic standing of sophomore by the fall semester and must be in “good academic standing” as defined by the Registrar’s Office of the University of California, Merced.

SECTION 4: Universal Duties & Powers

- A. All Executive Officers shall be responsible for formulating and directing programs as established in the annual operating budget.
- B. All Executive Officers shall have the authority to appoint a staff to assist in the carrying out of the duties and responsibilities of the office held.

SECTION 5: Recall

- A. Executive Officers shall be subject to recall upon presentation of a petition to the Senate, signed by a minimum of five percent (5%), but no less than one-hundred (100) of the ASUCM members for the specified officer.
- B. All recall petitions must have a statement clearly justifying the recall attempt. The individual specified in the recall petition may challenge the validity of the petition if it is felt that the recall statement misrepresented the factual comments or events by filing a complaint with the Judicial Court. Judicial Court members may challenge and strike down the recall petition.
- C. Upon presentation of an approved petition, the Senate shall submit it to a vote of the undergraduate students no less than fifteen (15) working days from the date of presentation of the petition to the Senate for a special election.
- D. A two-thirds (2/3) vote to recall, with at least twenty percent (20%) of ASUCM members voting shall be required to recall an Executive Officer.

ARTICLE IV – Executive Powers

SECTION 1: President

The duties and powers of the President shall be:

- A. To serve as the chief representative of the ASUCM and Chair of the Executive Officers.
- B. To have the power of veto over legislative actions of the Senate. Such a veto can be overridden by a two-thirds (2/3) vote of Senators present during the semester in which the action takes place. The President must exercise the option of veto within

- five (5) working days of action by the Senate.
- C. To work in collaboration with the Treasurer to create the annual operating budget which they shall both present to the Senate for approval in the spring.
 - D. To give information relative to the state of the ASUCM and such measures as judged necessary and expedient, at an appropriate time each semester before the Senate.
 - E. To direct, by an Executive Order, actions which are urgent and necessary to maintain the functioning of the ASUCM 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 simple majority (50% + 1) vote of Senators present.
 - F. To appoint, in the event of vacancy of an Executive Officer or a Court Justice, a replacement with concurrent Senate approval by two-thirds (2/3) majority vote of Senators present within ten (10) working days of the vacancy.
 - G. To have the sole authority to create memorandums of understanding or other legally binding contracts on behalf of the ASUCM, subject only to ratification by a two-thirds (2/3) majority vote of Senators present.
 - H. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 2: Internal Vice-President

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

- A. To serve as the second ranking Executive Officer of the ASUCM as well as Vice-Chair of the Executive Officers.
- B. To serve as the President of the Senate and only vote to break a tie.
- C. To ensure the implementation of actions directed by the Senate.
- D. To assume, in the absence of the President, all the responsibilities and powers of the President until the President returns.
- E. To serve as president, in the event of the removal of the president, until the end of the term.
- F. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 3: External Vice-President

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

- A. To serve as the third ranking Executive Officer of the ASUCM.
- B. To serve as the bridge between ASUCM and matters involving other campuses, schools and students from outside the University of California, Merced.
- C. To be the ASUCM representative to global, national, state, and local student interests, such as the University of California Students' Association (UCSA), United States Student Association (USSA) and other such groups which may exist or be formed and of which the ASUCM is a member.
- D. To supervise the advocacy actions of the ASUCM, including appointment or nomination of students to positions within UC system-wide committees.
- E. To assist the President in ensuring that all ASUCM members understand the issues being advocated by the ASUCM.
- F. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 4: Treasurer

The duties and powers of the Treasurer shall be:

- A. To work in collaboration with the President to create the annual operating budget which they shall both present to the Senate for approval in the spring.
- B. To have a place on the agenda of every official ASUCM Senate Standing Committee on Budget and Finance or subcommittee meeting to fill as he/she sees fit.
- C. To ensure that student services, clubs and organizations stay within their budgets.
- D. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 5: Director of Academic Affairs

The duties and powers of the Director of Academic Affairs shall be:

- A. To represent the ASUCM to the Administration and Faculty on matters of academic policy.
- B. To have a place on the agenda of every official ASUCM Senate Standing Committee on Academic Affairs or subcommittee meeting to fill as he/she sees fit.

- C. To supervise ASUCM projects and operations involving academic matters on campus and to serve as the bridge between the ASUCM and sponsored activity groups dealing with academic matters.
- D. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 6: Secretary

The duties and powers of the Secretary shall be:

- A. To publicize ASUCM news, events, and general proceedings to the public and to produce correspondence representing the student government.
- B. To prepare agendas, to record minutes during official Executive Officers meetings and to publish minutes within three (3) business days.
- C. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 7: Director of Student Advocacy

The duties and powers of the Director of Student Advocacy shall be:

- A. To present the position of the ASUCM in discussions with the Administration concerning non-academic matters such as student rights, campus rules, and other areas of student conduct.
- B. To have a place on the agenda of every official ASUCM Senate Standing Committee on Student Advocacy or subcommittee meeting to fill as he/she sees fit.
- C. To educate the student body about students' rights, University of California at Merced and ASUCM policies, laws, regulations, and procedures.
- D. To promote awareness of the availability of advice and representation services offered by the ASUCM.
- E. To serve as the representative of the Student Advocacy Committee.
- F. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

SECTION 8: Director of Student Activities

The duties and powers of the Director of Student Activities shall be:

- A. To develop, organize, and execute ASUCM all-campus events, community service outreach, and cultural arts programs.
- B. To have a place on the agenda of every official ASUCM Senate Standing Committee on Student Activities or subcommittee meeting to fill as he/she sees fit.
- C. To coordinate communications between the ASUCM and all non-academic student clubs and organizations as the ASUCM representative to the Inter-Club Council.
- D. To carry out any other duties as set forth in this Constitution and/or the ASUCM By-Laws.

ARTICLE V – Legislative Powers

SECTION 1

The legislative power of the ASUCM shall be vested in a Senate, presided over by the Internal Vice President of the ASUCM.

SECTION 2

The Senate shall have sixteen (16) members and shall entitle, but not require if no qualified person runs, two seats from each school. Elections shall occur in the spring semester during the greater elections.

SECTION 3

The Senate shall be expanded by two (2) seats for each new school added to the University of California, Merced. Furthermore, two additional at large seats will be added for every five-thousand (5,000) members above twenty-five thousand (25,000), as determined by the registrar at the beginning of the fall semester.

SECTION 4

The Senate shall have the opportunity to approve or deny all appointments made by the President with a simple majority (50% + 1) vote of the members present within 10 working days of initial appointment.

SECTION 5

The Senate shall choose the following officers by simple majority (50% + 1) vote:

- A. President Pro Tempore: Presiding officer of the Senate in the absence of the Internal Vice President;
- B. Sergeant at Arms: Officer charged with the general safety during Senate meetings;

- C. Secretary: Officer charged with the duty of maintaining records of the Senate;
- D. Any other Senate officers as deemed necessary by two-thirds (2/3) majority vote of members present for fair and efficient proceedings;
- E. The Senate shall be the judge of elections, returns and qualifications of its membership.

SECTION 6

A majority of the Senate's constitutional membership (50% + 1) shall constitute a quorum to do business. The Senate may provide penalties to compel the attendance of absent members.

SECTION 7

The Senate shall meet at least once a week during each regular university semester, except at the times of school recess or legally established holidays. The Senate shall keep a journal of its meetings. The journal shall be made available to the public within three (3) business days.

SECTION 8

All programs for raising student government revenue shall originate in or be approved by the Senate by a simple majority (50% +1) vote. The Senate shall be responsible for approval of the budget by a two-thirds (2/3) majority vote of members present.

SECTION 9

- A. The Senate shall have the power to establish committees as it sees fit.
- B. The following standing committees shall be established in the Senate:
 - 1. Budget and Finance
 - 2. Academic Affairs
 - 3. Student Advocacy
 - 4. Student Activities

SECTION 10

All programs that initiate from the Senate shall go to the President for approval before they become student government law. If the President approves, the bill shall be signed into student government law. If the President does not approve, the President shall return the bill to the Senate with objections for reconsideration. Should the Senate put the President's consideration into the bill, the Senate may return the bill to the President for higher reconsideration. Should the Senate receive the returned bill from the President, the Senate may, by a (2/3) majority vote of members present, pass the measure again and make it student government law.

SECTION 11

The Senate shall have the power to:

- A. constitute tribunals inferior to the Court;
- B. make rules for the student government and regulations of the established budget;
- C. approve requests of the Associated Students from the Administration;
- D. promote the progress of inspirational endeavors useful in education for the general welfare of the ASUCM;
- E. enact impeachment proceedings against officers of the legislative and executive bodies of the ASUCM;
 - i. The Chief Justice shall preside over the impeachment proceedings of all elected executive officers.

SECTION 12

The most current available issue of Robert's Rules of Order shall be used as a guideline for Senate meetings.

ARTICLE VI – Judicial Powers

SECTION 1

The judicial power of the ASUCM shall be vested in one (1) court and in such inferior courts as the Senate may establish.

SECTION 2

The Court shall have one (1) Chief Justice and no more than six (6) Associate Justices. The Chief Justice and at least four (4) Associate Justices shall meet when required to do so.

SECTION 3

At no time shall any court have more than two (2) Justices who hold membership in the same recognized organization on campus, except honorary scholastic organizations.

SECTION 4

The Court shall have sole power to review all matters brought before the judiciary pertaining to the Associated Students, including expulsion from the ASUCM and any lesser measure.

SECTION 5

The Court shall have the power to interpret and review those student government laws which are enacted.

SECTION 6

The Chief Justice shall preside over impeachment proceedings of the Executive Officers of the ASUCM.

SECTION 7

All members of the Court shall attend weekly meetings to review legislation and conduct business.

SECTION 8

The Chief Justice shall establish meeting times for the Court.

SECTION 9

Any member of the Court absent from three (3) weekly meetings per semester shall be subject to removal from office.

SECTION 10

The most current available issue of Robert's Rules of Order shall be used as a guideline for courtroom procedures.

ARTICLE VII – Amendments

SECTION 1

This constitution may be amended by two-thirds (2/3) majority of ASUCM members voting in an all-campus election, providing:

- A. That the amendment was approved for the election by approval of the Senate by a three-fourths (3/4) majority of those voting, or;
- B. That fifteen percent (15%) of the registered members of the ASUCM sign a petition requesting the amendment and present it to the Court. After the signatures have been verified, the Elections Board will make provisions to place the amendment on the ballot at the next election.

SECTION 2

Initiative - Students may initiate legislation by filing a petition which would include the legislation and the signatures of five percent (5%) of ASUCM members for a direct initiative, and ten percent (10%) for an indirect initiative. After the signatures have been verified, the Elections Board will make provisions to place the measure on the ballot at the next election.

SECTION 3

Referendum - There will be two (2) types of referenda. One type may be initiated by the students, the other by the Senate.

- A. The Senate, by a two-thirds (2/3) vote of members present, may resolve to place proposed legislation on the ballot for approval by the majority of votes cast.
- B. Students may seek to have an act of the Senate, with the exception of the approval of presidential appointments, placed on the ballot by filing a petition with the signatures of fifteen percent (15%) of the registered members of the ASUCM. After the signatures have been verified, the Elections Board will make provisions to have the legislation placed on the ballot at the next election. Such a petition must be filed within four (4) weeks from the time a measure is acted upon.

SECTION 4

All proposals to be placed on the ballot must be submitted to the Court four (4) weeks prior to the next election.

This Constitution was ratified by the University of California, Merced Student Government Committee on Constitution and By-Laws on Tuesday, March 8, 2006 at 4:42am in the Office of Student Life in Merced, California.

Witness: Enrique Guzman

Amendment 1: Director of Communications and Public Affairs

- 1. Article IV: Executive Powers, Section 6; title Secretary shall be replaced with “Director of Communications and Public Affairs”.
- 2. Article IV: Executive Powers, Section 6; Line B shall be stricken from the constitution and replaced with “To hold certain that all minutes and agendas be published within (3) business days.”
- 3. Article IV: Executive Powers, Section 6; Line D shall be added stating “To update and hold control over all online content within the ASUCM official web domain.”
- 4. Article III: Executive Officers, Section 1; title Secretary shall be replaced with “Director of Communications and Public Affairs”.

Amendment 2: Senate Elections

As of April 23, 2015, fall elections no longer occur. All references to fall elections in the following amendment are no longer valid.

- 1. Article V: Legislative Powers, Section 2; Line A shall be restated “The Senate shall have sixteen (16) members and shall entitle, but not require if no qualified person runs, two seats from each school. Three-Fourths (3/4) of the Senate elections shall occur in the spring semester during the greater elections. The remaining one-fourth (1/4) shall occur within the first half of the following fall semester.”

2. Article V: Legislative Powers, Section 2; Line B shall be added and state “Dates and procedures of the following fall elections shall be set forth in the ASUCM By-Laws.”
3. Article V: Legislative Powers, Section 13; shall be added and state “The Senate members must be in “good academic and judicial standing” with the university as defined by the Registrar’s Office of the University of California, Merced.”
4. Article III: Executive Officers, Section 3: Academic Standing; shall be restated as “The Executive Officers shall have attained the academic standing of sophomore by the fall semester and must be in “good academic and judicial standing” as defined by the Registrar’s Office of the University of California, Merced.”