

BY-LAWS
of the
ASSOCIATED STUDENTS, INC. GOVERNMENT

CAL POLY POMONA



2004-05 Rules & Policies Committee Chair

Charles Gruver

Vice Chair

Darren Ross

Members

Senator: Dave Johnson

Senator: Cathy Chan

Senator: Cicero Delfin

Ex-Officio

President: Jason W. Dyogi

Vice President: Michael Schafer

Senate President Pro Temp: Kenneth Evans

ASI Executive Director: Cora Culla

ASI Advisor: David E. Johnson

APPROVED BY ASI SENATE:

April 28, 2005

PASSED IN ADVISORY ASI ELECTIONS:

May 17 – 19, 2005

APPROVED BY UNIVERSITY PRESIDENT:

March 28, 2008

CONTENTS

RULE		Page
Foreword		Page 5
Preamble		Page 5
Article I	Name and Non-Profit Status	
Section 1	Name	Page 5
Section 2	Status	Page 5
Section 3	Motto	Page 5
Section 4	Statement of Values and Ethics Clause	Page 5
Article II	Seal and Colors	
Section 1	Seal	Page 5
Section 2	Colors	Page 5
Article III	Membership	
Section 1	Members	Page 6
Section 2	Honorary Life Members	Page 6
Section 3	ASI Officers as Honorary Life Members	Page 6
Section 4	Benefits of Honorary Life Members	Page 6
Article IV	Self Government	
Section 1	Right	Page 6
Section 2	Authority	Page 6
Article V	Jurisdiction	Page 6
Article VI	Oath of Office	
Section 1	Oath of Office	Page 7
Article VII	Student Bill Of Rights	Page 7
Article VIII	Council Bill Of Rights	
Section 1	Senatorial Vacancies	Page 7
Section 2	Council Recommendation to ASI Policies	Page 7
Section 3	Council Dispute Resolution	Page 8
Article IX	Executive Officers	
Section 1	ASI President	Page 8
Section 2	ASI Vice President	Page 8
Section 3	ASI Attorney General	Page 9
Section 4	ASI Treasurer	Page 9
Article X	Executive Cabinet	
Section 1	Composition	Page 10
Section 2	Secretary of External Affairs	Page 10
Section 3	Secretary of Internal Affairs	Page 10
Section 4	Secretary of Education	Page 10
Section 5	Secretary of Programs and Services	Page 11
Section 6	Appointment of Assistants	Page 11
Section 7	Function	Page 11
Section 8	Authority	Page 11
Section 9	Meetings	Page 11
Article XI	Executive Secretary's Administrative Responsibilities	
Section 1	Enforcement Responsibility	Page 11
Section 2	Budget Responsibility	Page 12
Section 3	Public Relations Responsibility	Page 12
Section 4	Liaison Responsibility	Page 12
Article XII	Fiduciary Duties Executive Secretaries	

Section 1	Fiduciary Duty	Page 12
Article XIII	Duties of the Board Chair	
Section 1	Duties of the Chair	Page 12
Article XIV	ASI Senate and Board of Directors	
Section 1	Membership	Page 13
Section 2	Authority	Page 13
Section 3	Senate President Pro-Tempore	Page 13
Section 4	Meetings	Page 13
Article XV	Rights of Senators and Executive Officers	
Section 1	Rights	Page 14
Article XVI	Senator's Responsibilities	
Section 1	Responsibilities	Page 14
Section 2	Interim Management	Page 14
Section 3	Delegating Functions	Page 14
Article XVII	Fiduciary Duties of Senators and Executive Officers	
Section 1	Fiduciary Duty	Page 15
Section 2	Duty of Care	Page 15
Section 3	Duty of Loyalty	Page 15
Section 4	Conflict of Interest	Page 15
Article XVIII	Role of Corporate Directors	
Section 1	Role	Page 15
Section 2	Personnel Policies and Procedures Manual	Page 16
Article XIX	Organization of ASI Senate Standing Committees	
Section 1	Committees and their legislative jurisdictions	Page 16
Section 2	General Oversight Responsibilities	Page 16
Section 3	Election and membership of committees	Page 16
Section 4	Ad hoc committees	Page 16
Section 5	Formation of committees	Page 16
Article XX	Oversight Responsibility of Committee(s)	
Section 1	Committee on Rules and Policies	Page 17
Section 2	Budget Committee	Page 17
Section 3	Facilities and Operations Committee	Page 17
Article XXI	Procedures of Committees	
Section 1	In general	Page 17
Section 2	Adoption of written rules	Page 18
Section 3	Regular meeting day	Page 18
Section 4	Committee records	Page 18
Article XXII	Duties of the Committee Chair	
Section 1	Duties of the Chair	Page 18
Article XXIII	Judiciary	
Section 1	ASI Judiciary	Page 18
Section 2	ASI Judiciary Jurisdiction	Page 18
Section 3	ASI Judicial Complaint	Page 19
Section 4	ASI Judicial Penalties	Page 19
Section 5	Appeals	Page 19
Section 6	Judicial Opinions	Page 19
Section 7	ASI Judiciary Governing Law	Page 19
Section 8	Filing	Page 19
Article XXIV	ASI Employees	
Section 1	Hiring	Page 19
Section 2	Personnel Review Committee	Page 19
Section 3	Executive Director	Page 20
Section 4	ASI Government Employees	Page 20
Article XXV	Advisor	
Section 1	Primary Advisor	Page 20
Section 2	Judicial Advisor	Page 20
Article XXVI	Associated Students, Inc Code(s)	
Section 1	Code	Page 20

Section 2	Purpose and Intent	Page 21
Section 3	Status of the Codes	Page 21
Section 4	Prima Facie Evidence	Page 21
Section 5	Maintenance	Page 21
Article XXVII	Budget Process and Financial Responsibility	
Section 1	Authorization Process	Page 21
Section 2	Financial Responsibility of Budgeted Agencies and Entities	Page 21
Section 3	The President's Budget Submission	Page 21
Section 4	ASI Senate Committee Consideration	Page 21
Section 5	ASI Senate Budget Deliberations	Page 21
Section 6	Approval of Budget	Page 22
Section 7	Fiscal Year	Page 22
Section 8	Scholarships	Page 22
Section 9	Authority	Page 22
Article XXVIII	Standard Procedures, Codes, Charter Provisions	
Section 1	ASI Student Government	Page 22
Section 2	Other ASI Budgeted Agencies and Senate Committees	Page 22
Section 3	Councils	Page 22
Article XXIX	Rules of Procedure	Page 22
Article XXX	Proxies	Page 22
Article XXXI	Quorum	Page 22
Article XXXII	Term of Office	
Section 1	Elected	Page 23
Section 2	Executive and Judicial officers	Page 23
Article XXXIII	Vacancies	
Section 1	ASI President	Page 23
Section 2	ASI Vice President	Page 23
Section 3	Line of Succession	Page 23
Section 4	Senate	Page 23
Article XXXIV	Officer Eligibility	
Section 1	Eligibility	Page 23
Article XXXV	Elections	
Section 1	Regular Elections	Page 23
Section 2	Elections Committee	Page 24
Article XXXVI	Officer Transition and Leadership Training	
Section 1	ASI Student Leadership Training	Page 24
Section 2	ASI Officer Transitioning Training	Page 24
Section 3	ASI Officer Record Responsibilities	Page 24
Article XXXVII	Bill, Resolution, Initiative, Referendum, Recall	
Section 1	Bill	Page 25
Section 2	Resolution	Page 25
Section 4	Referendum	Page 25
Section 5	Recall	Page 25
Section 6	Funding	Page 25
Article XXXVIII	Necessary and Proper Policies	
Section 1	Enforcement	Page 25
Article XXXIX	Open Meeting Law	
Section 1	Open meeting law	Page 26
Article XL	Amendments	
Section 1	Petition	Page 26
Section 2	Publication	Page 26
Section 3	Vote	Page 26
Section 4	Effective Date	Page 26
Section 5	Non-substantive change	Page 26
Article XLI	Notes	Page 26
Article XLII	Ratification	Page 27

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA, CALIFORNIA

FOREWORD

These By-Laws now and hereinafter attached to the Articles of Incorporation shall define and support said Articles and shall be binding on the Corporation.

PREAMBLE

We, the Associated Students of the California State Polytechnic University, Pomona, in order to: provide a fully and equally representative government; represent and advocate for the interests of students; create a student centered university; promote and enrich student academic, cultural, social, and physical welfare in an effort to enhance higher education; encourage the growth and development of new student clubs and organizations, while strengthening and supporting existing student clubs and organizations; provide an official channel for the free exchange of ideas and opinions among the administration, faculty, staff and the student body of this University; facilitate the programming of student activities, community service and outreach; strive to provide and maintain quality facilities programs and services within its jurisdiction to meet the needs of the student body; and provide opportunities for the development and training of mature and responsible leaders; do hereby adopt and establish these By-Laws of the Associated Students, Incorporated.

ARTICLE I – NAME AND NON-PROFIT STATUS

Section I – Name. The name of the organization under these By-Laws shall be the Associated Students, Incorporated of California State Polytechnic University, Pomona, a nonprofit organization incorporated under the laws of the State of California. For purposes of abbreviation, the same shall be referred to hereinafter as the ASI.

Section II – Status. This Corporation shall have all powers now or hereafter available to private non-profit corporations formed pursuant to Part I of Division 2 of Title 1 of the Corporations Code of the State of California, as amended, and the Articles of Incorporation.

Section III – Motto. The official motto of ASI is “Students Serving Students”.

Section IV – Statement of Values and Ethics Clause. ASI shall have a statement of values and ethics clause, as approved by the ASI Senate.

ARTICLE II – SEAL AND COLORS

Section I – Seal. The official seal of the ASI shall include the full name of the organization, which is “Associated Students, Inc., Cal Poly Pomona” and the abbreviated name of “ASI” incorporated into a graphic design format approved by the ASI Senate.

Section II – Colors. The official colors of the ASI shall be green and burgundy.

ARTICLE III – MEMBERSHIP

Section I – Members. All enrolled students, who have paid the prescribed ASI student body fee, or students who meet the statutory criteria for a California State University (CSU) fee waiver, shall be members of the ASI and shall be guaranteed all rights and privileges afforded thereof.

Section II – Honorary Life Members. Any person, or business entity may be nominated by the ASI President or ASI Senate and elected to ASI Honorary Life Membership by a two-thirds (2/3) vote of the seated Senate, in recognition and appreciation of and for unselfish exemplary service and invaluable contributions to the furtherance and realization of the mission of ASI.

Section III – ASI Officers as Honorary Life Members. ASI officials may be nominated by the ASI Senate or ASI President and elected to Honorary Life Membership of the ASI by two-thirds (2/3) vote of the seated Senate for superior performance and/or contributions to the ASI and/or Cal Poly Pomona. Mere completion of one’s responsibilities, as outlined in these By-Laws, shall not be evidence of superior performance and/or contributions.

Section IV – Benefits of Honorary Life Members. Honorary Life Members shall be afforded all the rights and privileges of regular members, with the exception of the right to participate in student elections or hold office, unless he/she is a currently enrolled student at Cal Poly Pomona.

ARTICLE IV – SELF GOVERNMENT

Section I – Right. The ASI shall have the right to govern itself in all student activities. The authority for self-government is delegated to the ASI by the President of the California State Polytechnic University, Pomona, pursuant to the California Education Code Section 89300 and California Administrative Code Section 42602, and subject to the regulations of the State of California, the California State University Board of Trustees, and the California State Polytechnic University, Pomona.

Section II – Authority. The executive authority of the ASI shall be vested in the ASI Executive Cabinet, hereinafter referred to as the Cabinet, the legislative authority shall be vested in the ASI Senate, hereinafter referred to as the Senate, and the judicial authority shall be vested in the ASI Judiciary, hereinafter referred to as the Judiciary.

ARTICLE V – JURISDICTION

The jurisdiction of the Associated Students, Inc. shall extend to any and all:

- (a) Boards, subboards, and committees created by or for the purpose of serving ASI goals, objectives, and mission;
- (b) ASI boards, subboards, and committees that are legislative and/or policy decision-making bodies with respect to ASI and Bronco Student Center student fee allocation and use, as outlined by the California Education Code (commencing with Section 89300), the University President, the California State University Board of Trustees, and the Chancellor of the California State University; and
- (c) ASI appointed student representatives serving on university-wide committees.

ARTICLE VI - OATH OF OFFICE

Section I – Oath of Office. Before a student officer enters into the execution of his/her Office, he/she shall take the following Oath or Affirmation: -- “I do solemnly swear (or affirm) that I will faithfully and in proper manner execute the Office upon which I now enter, and will to the best of my ability, preserve, protect and defend the values of ASI.”

ARTICLE VII – STUDENT BILL OF RIGHTS

ASI Government, its agencies and entities shall not adopt or pass any policy, which directly or indirectly:

- (a) Abridges the freedoms of speech, assembly, press, or religion of any individual;
- (b) Practices or sanctions the practice of discrimination including, but not limited to, discrimination according to race, color, national origin, sex, disability, age, sexual orientation, or veteran status, with the exception of social fraternities and sororities, which may discriminate on the basis of sex for membership purposes only;
- (c) Suspends or permanently removes a student from office or membership, without due process; Note: Due process shall include reasonable written notice, a hearing by and at least a majority vote of the hearing body.
- (d) Denies students within its jurisdiction the equal protection of its By-Laws, rules, regulations and procedures;
- (e) Allows for action to be taken in meetings without the established quorum on matters relating to finances, including, but not limited to, fees and dues; and
- (f) Without having at least the majority of the membership voting in that election.

ARTICLE VIII - COUNCIL BILL OF RIGHTS

Section I – Senatorial Vacancies. When vacancies happen in the ASI representation of any college/school or at large council, the council may, by 2/3 vote, appoint a replacement. This senator shall be a voting member of the ASI Senate.

- (a) Students of the college/school or at large council may, with a petition signed by thirty percent of those who voted in the last election for the senatorial position, hold a special election with the assistance of the ASI Elections Committee;
- (b) Students of the college/school or at large council have fifteen school days, after the appointment of the ASI senator by the council, to have the signed petition for the special election completed. Failure to comply with timeline shall result in the petition being void;
- (c) The signed petition shall be submitted to the office of the ASI Attorney General for verification.

Section II – Council Recommendation on ASI Policies. The recognized councils can collectively make recommendations to the ASI Senate, with respect to student government affairs. Whenever a majority of the recognized councils call for a time and place to make any recommendation(s), the recommendation(s) shall be valid when ratified by the three-fourths (3/4) vote of the councils.

- (a) The Councils must have a process or a manner by which all councils collectively make recommendations.
- (b) Recommendation(s) shall be reported to the Senate within thirty days after approval. The Senate is required to review and may reject any recommendation(s) by a two-thirds vote of the seated Senators.
- (c) If a vote to reject such a recommendation fails or if there is no vote to reject said recommendation, the recommendation shall take effect as a bill or resolution, as appropriate.

Section III – Council Dispute Resolution. Each Council must have a fair and equitable process for resolving disputes that members of the council may resort to.

ARTICLE IX – EXECUTIVE OFFICERS

Section I – ASI President. The ASI President is the ASI representative to the University administration, University committees, the Chancellor’s Office, the California State Student Association, the Board of Trustees, the State of California, and the general public. The ASI President shall be held accountable to the students for proper conduct and efficient administration of all ASI student affairs.

(a) The President is a member of the Executive Cabinet, as Chair, Personnel Review Committee, as Co-Chair, Athletics Board, and Music Board. The President is ex-officio on the Senate, Committee on Rules and Policies, Budget Committee, and Facilities and Operations Committee.

(b) **Administration.** The President is authorized to:

1. Execute all student government affairs or delegate responsibility of ASI students to his/her executive officers;
2. Create executive or special committees and establish the parameters governing their operations;
3. Establish the annual goals and objectives for the ASI corporation, in coordination with the ASI Executive Director, within sixty (60) days of assuming office. The President shall share the annual goals and objectives with the Senate;
4. Coordinate relations with other student associations and with the University Administration, in coordination with the ASI Advisor; and
5. Sign or veto all measures adopted by the Cabinet.

(c) **Senate.** The President is authorized to:

1. Recommend legislation to the Senate;
2. Implement all measures adopted by the Senate or ruled upon by the Judiciary;
3. Sign or veto all measures adopted by the Senate within five school days after passage. A measure must be vetoed in its entirety, in the form of written notice to the Senate. Failure to act within five days results in the measure being vetoed without the President’s signature.
4. Call for a special meeting of the Senate, as prescribed by these By-Laws; and
5. Upon receipt of an initiative, referendum or recall petition, call for a special election, and direct the Elections Chair to conduct said election.

(d) **Appointment.** The President is authorized to:

1. Appoint and hold accountable all ASI government officers, including executive board, and judicial officers, executive officer assistants, ASI student representatives to ASI and University committees, and the Elections Chair;
2. Appoint a designee to vote in his/her place on any boards/committees that the ASI President has a seat on; and
3. Remove all officers whom he/she appoints with a majority approval of the seated Senate or Cabinet, whichever confirmed the initial appointment, with the exception of Judicial officers, whose removal requires a two-thirds (2/3) vote of the seated Senate.

(e) **Reporting Relationship.** The ASI President must report to the ASI Senate all appointed student representatives on ASI and University committees at the next scheduled Senate meeting following the appointment.

Section II - ASI Vice President. The ASI Vice President is the second highest ranking ASI student government executive officer.

(a) The Vice President is a member of the Senate, as chair, Cabinet, as vice chair, Facilities and Operations Committee, Budget Committee, and Personnel Review Committee. In addition, the Vice President serves on the Committee on Rules and Policies, as ex officio, and as Chair of the Training Committee.

(b) The Vice President is authorized to:

1. Act in the place of the ASI President in his/her leave of absence, incapacity, or resignation;
 2. Assume such executive functions as may be delegated by the ASI President;
 3. Assist the ASI President in establishing the annual goals and objectives for all ASI employees , in coordination with the ASI Executive Director; and
 4. Initiate and coordinate recruiting efforts for the ASI.
- (c) **Senate.** The Vice President is authorized to:
1. Publish the agenda for each Senate meeting;
 2. Call special meetings of the Senate; and
 3. Act as liaison between the ASI Senate and ASI Cabinet.

Section III – ASI Attorney General. The ASI Attorney General is a member of the Committee on Rules and Policies, as Chair. In addition, the Attorney General is the Parliamentarian for the ASI Senate, Cabinet, and all committee meetings, including, the Budget Committee, Facilities and Operations Committee, and the Elections Committee, as ex officio.

- (a) The Attorney General is authorized to:
1. Ensure that the ASI Executive Secretaries are in compliance with and enforcing rules, codes, policies, and these By-Laws;
 2. Prosecute for the ASI all, if any, violations of ASI rules, codes, policies, and these By-Laws before the Judiciary;
 3. Ensure organization, agency, and entity-wide compliance with and consistent application of ASI rules, codes, policies and these By-Laws as well as applicable state and/or federal law.
 4. Review all By-Laws amendments and clubs and organizational charters for the ASI;
 5. Take disciplinary measures up to and including freezing of accounts to ensure such compliance, in consultation with the ASI Treasurer and ASI Executive Director/designee; and
 6. Review By-Laws to ensure that council or club by-laws do not conflict with the ASI By-Laws, and assign student clubs to council in coordination with the Office of Student Life.
- (b) **Assistant Attorney General.** The Attorney General is authorized to select the Assistant Attorney General with approval of the ASI President and confirmation by the ASI Senate.
1. The Attorney General will establish the duties, responsibilities, and goals of the Assistant Attorney General.

Section IV – ASI Treasurer. The ASI Treasurer is the student fiscal officer for any ASI organization that requests and receives ASI funding, and monitors all ASI budgetary matters.

- (a) The ASI Treasurer is a member of the Budget Committee, as chair, Committee on Rules and Policies, as vice chair, and Cabinet. In addition, the Treasurer is a member of the Senate, as ex officio.
- (b) The Treasurer is authorized to:
1. Monitor all ASI funds;
 2. Receive and process all budget requests;
 3. Plan and implement all ASI Annual Budgeting Workshops;
 4. Draft the ASI Annual Budget and have final authority on all recommendation(s) to the Senate on annual budget recommendation(s);
 5. Present the budget to the Senate;
 6. Present the ASI Senate approved budget to the ASI President and thereafter to the University Chief Fiscal Officer for approval;
 7. Ensure that the authorized Executive Secretary or designated officer submit budget recommendations to the ASI President, in a proper and timely manner, of the agencies and entities before it; and
 8. Assist with IRA Budgeting, as requested by the University.

- (c) **Assistant Treasurer.** The Treasurer is authorized to select the Assistant Treasurer with approval of the ASI President and confirmation by the ASI Senate.
1. The Treasurer will establish the duties, responsibilities, and goals of the Assistant Treasurer.

ARTICLE X – EXECUTIVE CABINET

Section I – Composition. The Cabinet shall be composed of the following executive student officers: the ASI President, Vice President, Attorney General, Treasurer, Secretary of External Affairs, Secretary of Internal Affairs, Secretary of Education, and Secretary of Programs and Services. In addition, the ASI Senate President Pro-Tempore, Executive Director, and University Advisor, will serve as ex-officio members.

Section II – Secretary of External Affairs. The Secretary of External Affairs is the secondary representative to the California State Student Association (CSSA) and the United States Student Association (USSA). The Secretary of External Affairs is the Chair of the ASI Lobby Corps Board and shall be responsible for selecting its members from a pool of qualified applicants. This board will consist of four other voting members who shall be Assistants to the Secretary.

(a) The Secretary of External Affairs is to:

1. Keep the ASI informed of any Federal and/or State legislation that affects California State Polytechnic University, Pomona, and/or its student body; and
2. Coordinate with the ASI President to inform the ASI Senate of news releases and other pertinent information from the Office of the Chancellor, California State University, the Office of the University President, California State Polytechnic University, Pomona, and the California State Student Association, including, but not limited to, proposed and newly established state laws.
3. Make efforts in areas including, but not limited to, student information, outreach, awareness drives, student rallies, and/or student congress.

Section III – Secretary of Internal Affairs. The Secretary of Internal Affairs shall be responsible for a variety of internal campus affairs of the ASI. The Secretary of Internal Affairs will coordinate all efforts to improve campus awareness in programs relating to on-campus student affairs. The Secretary of Internal Affairs is the Chair of the ASI Campus Affairs Board and shall be responsible for selecting its members from a pool of qualified applicants. This board will consist of four other voting members who shall be Assistants to the Secretary.

(a) The ASI Campus Affairs Board is authorized to:

1. Initiate the ASI Council Chairs' Meetings and contact with the schools and colleges.
2. Act as liaison with Student Health Services and to serve on the Student Health Advisory Committee;
3. Promote and inform the student body on current environmental and/or health issues;
4. Represent the ASI in all phases of intercollegiate athletics and on the Athletics Board, coordinate the efforts of the student members and related committees;
5. Make efforts in areas including, but not limited to, organizational and health/fitness fairs, students' awareness of campus issues, and student environmental/recycling programs.

Section IV – Secretary of Education. The Secretary of Education is liaison with, and maintains relations with, the Academic Senate and its standing committees. The Secretary of Education is the Chair of the ASI Education Enhancement Board and shall be responsible for selecting its members from a pool of qualified applicants. This board will consist of four other voting members who shall be Assistants to the Secretary.

- (a) The ASI Education Enhancement Board is authorized to:
1. Coordinate all student efforts in the academic community;
 2. Provide student leadership and involvement in all education and technology related programs of the ASI; and
 3. Inform the ASI and the campus community of news and pertinent information relating to the technological developments that affect the quality of education for students at Cal Poly Pomona; and
 4. Make efforts in areas including, but not limited to: collaborations with career fairs; outreach and retention workshops; student, faculty and staff relations; student exchange and/or study abroad programs.

Section V – Secretary of Programs and Services. The Secretary of Programs and Services is liaison with, and maintains relations with campus groups and organizations by establishing co-sponsorships and other collaborative endeavors. The Secretary of Programs and Services is the Chair of the ASI Bronco Events and Activities Team and shall be responsible for selecting its members from a pool of qualified applicants. This board will consist of a set number of members and positions as determined by the ASI Senate during annual budgeting. These voting members shall be Assistants to the Secretary.

- (a) The ASI Bronco Events and Activities Team is authorized to:
1. Coordinate all ASI programming activities, and
 2. Coordinate all efforts to improve relations among all campus ethnic and other under-represented organizations with the ASI, the campus administration, and the campus community as a whole; and
 3. Make efforts in areas including, but not limited to, assisting with diversity programs, concerts, films, indoor and outdoor recreation activities.

Section VI – Appointment of Assistants. Appointments to Executive Secretary Boards require a majority approval of the seated Cabinet.

Section VII – Function. The Cabinet shall advise and make recommendations to the ASI President on issues pertinent to students, within its designated role. Executive student officers shall assist the ASI President and execute the goals and objectives of the ASI, as delegated to them by the ASI President.

Section VIII – Authority. Executive officers shall have other duties and powers as may be permitted by these By-Laws and the Articles of Incorporation, subject to the California Education Code. These shall be prescribed through ASI Senate legislation and enforced through an ASI Presidential executive order.

Section IX – Meetings. The ASI President shall convene a Cabinet meeting at least every other week of the academic year, excluding holidays, and school break periods.

- (a) The Cabinet shall provide for its own rules and procedures.
- (b) Cabinet meetings shall be personal and confidential, unless otherwise required by the ASI President.

ARTICLE XI – EXECUTIVE SECRETARY’S ADMINISTRATIVE RESPONSIBILITIES

Section I – Enforcement Responsibility. A Secretary is authorized to:

- (a) Ensure compliance with these By-Laws and the relevant ASI policies under their jurisdiction;
- (b) Prosecute on behalf of ASI, with the assistance of the ASI Attorney General’s Office, all violations of ASI policies under their jurisdiction before the Judiciary;
- (c) Annually review and recommend to the ASI Senate, changes necessary to existing ASI rules and policies within their jurisdiction;
- (d) Provide student leadership on all student-oriented programs originating out of his/her office; and

- (e) File and maintain records and minutes of all ASI business for his/her office and forward these to the Administrative Assistant in the Student Government Office.

Section II – Budget Responsibility. A Secretary is authorized to:

- (a) Make ASI agency, entity, program, and activity budget recommendation(s) to the ASI Senate or Senate committees regarding the budget, and assist ASI-funded groups in the completion and presentation of their annual budget requests in accordance with ASI financial policies.

Section III – Public Relations Responsibility. A Secretary is authorized to:

- (a) Coordinate with ASI Marketing, the Poly Post, and the University Office of Public Affairs to promote and inform the student body about ASI and their related activities.

Section IV – Liaison Responsibility. A Secretary is authorized to:

- (b) Represent the ASI and act as its liaison with other related student or university organizations, boards, or committees.

ARTICLE XII – FIDUCIARY DUTIES OF EXECUTIVE SECRETARIES

Section I – Fiduciary Duty. All Executive Secretaries and Assistants shall execute in good faith, the duties prescribed by these By-Laws, and other ASI policies and codes.

- (a) These Executive Secretaries shall, in accordance with all relevant policy:
 1. Represent ASI in all relevant phases with conduct fitting an officer;
 2. Attend all meetings of the Cabinet, and any other council, committee, or board meeting to which he/she is assigned by the ASI President unless an excused absence precludes attendance;
 3. Represent ASI in a minimum of two (2) relevant committees, which include, but are not limited to, an ASI executive, standing, or ad-hoc committee, or a university-wide committee; and
 4. Attend one-on-one monthly meetings with the ASI President/designee.

The fiduciary duties of Executive Secretaries and Assistants, as far as applicable, are the same as those of Senators or Executive Officers because both groups are involved in decision making and hold similar positions of responsibility and accountability.

ARTICLE XIII - DUTIES OF THE BOARD CHAIR

Section I – Duties of the Chair. The Chair shall be responsible for properly and efficiently carrying out the business of the board.

- (a) The Chair shall coordinate with the ASI Executive Director/designee with regards to periodic reports on pertinent issues and matters under the board’s jurisdiction.
- (b) The Chair shall be responsible for reporting to the Cabinet all actions by the board. This means giving periodic board report(s), entering into such report(s) approved board minutes which shall be maintained as permanent records of ASI.
- (c) The Chair shall not unreasonably, unjustifiably, or unfairly delay action on a major financial, legal, or policy decision.
- (d) The ASI Judiciary shall rule upon all board chair violations.

ARTICLE XIV – ASI SENATE AND BOARD OF DIRECTORS

Section I – Membership. The Senate shall consist of one elected officer from each university recognized school or college; four (4) Senators At-Large who serve as senators to, and representatives of, each of the at-large councils (the above voting members shall hereinafter be referred to as “Senators”); and the ASI Vice President, as Chair and who shall vote in case of a tie. In addition, the Senate shall include the ASI President, Attorney General, Treasurer, Greek Council Representative, Multi-Cultural Council Representative, Inter-hall Council Representative, and an additional representative for every newly created at-large council, ASI Executive Director, University Advisor, Academic Senate representative, Staff Council representative, and a Cal Poly Pomona Alumni Association representative, as ex-officio members.

Section II – Authority. The legislative authority of the ASI shall be vested in the Senate. The Senate shall be authorized to determine general policies of the ASI. It shall have the power specifically, but not limited to:

- (a) **Senatorial Authority:** (1) Create and pass rules, regulations, and policies consistent with these By-Laws, the Articles of Incorporation, University policy, CSU policy, state and federal law;(2) create Senate special committees; (3) override a presidential veto by a two-thirds (2/3) vote of the seated Senate; (4) approval of the ASI and Bronco Student Center Annual Budgets as outlined by Article XVII, Section 3; (5) delegate the administration of student government activities and affairs of the ASI to the ASI President and other executive officers and the management and administration of the corporation to the ASI Executive Director, provided that such activities and affairs remain under the ultimate policy direction of the ASI Senate; (6) provide fiscal oversight and make appropriate decisions to protect the ASI’s financial interests.
- (b) **Appointment and Removal Authority.** The Senate shall have sole authority to ratify appointments made by the ASI President to the Judiciary, as well as, the positions of Assistant Treasurer, Assistant Attorney General, Elections Chair, Executive Secretaries, and the office of ASI Vice President in case of vacancy, with a majority vote of the seated Senate.
 1. The Senate can remove for due cause any officer ratified by the Senate with a majority vote of the seated Senate and the ASI President’s written recommendation. Without the ASI President’s written recommendation, removal is by two-thirds (2/3) vote of the seated senate.
 2. For the removal of a Judicial officer, removal is by two-thirds (2/3) of the seated Senate.
 3. No appointed or elected official shall be removed from office without due process.

Section III – Senate President Pro-Tempore. The Senate President Pro-Tempore shall serve as: (1) Chair of the Facilities and Operations Committee; and (2) Vice Chair of the Senate; and (3) ex-officio, non-voting member of the Cabinet, Education Enhancement Board, BEAT, Campus Affairs Board, and Lobby Corps; and (4) member of the Personnel Review Committee. He/she may appoint a senator designee to serve on his/her behalf.

- (a) He/she shall be a senator and shall be elected by a majority of the seated Senators.
 1. Discussion regarding the Senator Pro-Tempore position shall take place no later than the first Senate meeting of the fall quarter and shall continue until a Senator Pro-Tempore is elected by the third Senate meeting of the fall quarter.
 2. The ASI Vice President shall cast the deciding vote in the case of a tie.
 3. If a vacancy occurs in the office of Senate President Pro Tempore, the vacancy shall be filled by the seated Senators at the next regular meeting.

Section IV – Meetings. Regular meetings of the Senate shall be held at least every other week of the academic year, excluding holidays and break periods. Any regular meeting may be cancelled by two-

thirds (2/3) vote of the seated Senate. Special meetings may be called at the will of the ASI President, ASI Vice President, or by a petition of a majority of the seated Senators. Notice of special meetings must be posted and presented to each Senate member in accordance with the current California Open Meeting Law.

- (a) Meetings of the Senate shall be open and all persons permitted to attend unless an executive session is in progress. All persons shall be guaranteed the right of speaking before the Senate, subject to its procedural rules.
- (b) The Senate shall provide for its rules and procedures consistent with these By-Laws.

ARTICLE XV – RIGHTS OF SENATORS AND EXECUTIVE OFFICERS

Section I – Rights. A Senator and an executive officer must have certain rights to function properly in that position. A Senator and an executive officer of a corporation have a number of rights, including the rights of participation, inspection, compensation, and indemnification in compliance with applicable state and/or federal Corporation Code(s).

- (a) **Participation and Inspection.** Participation is the main right. This requires that Senators and executive officers be notified of Senate meetings and committee meetings so as to participate in them.
 - 1. If regular board meetings are established by board resolution, then no notice of these meetings is required.
- (b) Senators and executive officers must have access to the general corporate records and information to make financial, legal, or policy decisions.
 - 1. This right of inspection is to be reasonable.
 - 2. Information received in confidentiality carries with it a duty of responsibility that does not permit this information to be shared with any other third person(s).

ARTICLE XVI – SENATORS’ RESPONSIBILITIES

Section I – Responsibilities. Senators must act as a body in carrying out routine corporate business and assume responsibility for all policymaking decisions for all ASI student and corporate matters. The general areas of responsibility of the Senate include the following:

- 1. Authorization for major corporate policy decisions;
- 2. A protocol or process that provides for Senate representation and prior notification before the hiring of an ASI senior director; and
- 3. Authorization for major financial and legal decisions.

Section II – Interim Management. The Senate can elect a committee from among the Senators to handle the interim policy-making decisions between the Senate meetings, and must be within the parameters as permitted by the California Nonprofit Corporation Code.

Section III – Delegating Functions. The Senate can temporarily delegate some of its functions to an ASI committee or to corporate directors or executive officers.

- (a) The activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised by or under the policy direction of the board. The board may delegate the management of the activities of the corporation to any person or persons, or committee of ASI, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate policy direction of the board. In case any other language in these bylaws shall conflict with this provision, this provision shall take precedence.
- (b) To delegate a function does not relieve the board of its overall responsibility for policy direction of the affairs of the corporation, but only empowers person or persons, or committee of ASI, to make decisions relating to ordinary, daily corporate affairs within well-defined guidelines.

ARTICLE XVII – FIDUCIARY DUTIES OF SENATORS AND EXECUTIVE OFFICERS

Section I – Fiduciary Duty. The senators and officers are fiduciaries of the corporation, because their relationship with students and the corporation is one of trust and confidence. As fiduciaries, Senators and officers owe ethical and legal duties to the students and to the corporation. These fiduciary duties include the duty of care and the duty of loyalty.

Section II – Duty of Care. Senators and officers must exercise due care in performing their duties.

- (a) A senator or officer is expected to act in good faith, to exercise the care that an ordinarily prudent person would exercise in similar circumstances, and to act in what he or she considers to be in the best interests of students and the corporation.
- (b) **Duty to Make Informed and Reasonable Decisions.** Senators and officers are expected to be informed on student and corporate matters.
 - 1. To be informed, a senator or officer must do what is necessary to become informed and meet regularly with the ASI Executive Director/designee, attend presentations, ask for information from those who have it, read reports and review relevant materials.
 - 2. Senators can make decisions based on information furnished by competent officers or employees, professionals such as attorneys and accountants, or even a committee of the board.
 - 3. Senators and officers shall carefully study a situation and its alternatives.
 - 4. Senators and officers shall make reasonable decisions.
- (c) **Duty to Attend Meetings.** Senators shall attend all ASI Senate meetings unless an excused absence precludes attendance.
 - 1. Senators shall attend, in accordance with these By-Laws and established policy, all meetings of the council or committee to which he/she is elected unless an excused absence precludes attendance.
 - 2. On a vote in which a consensus is not achieved, each Senator's vote shall be entered into the minute. Each Senator has the right to submit an explanation of his or her vote in writing to the chair for the purpose of supplementing the minutes.
- (d) **Duty to be Available or Accessible.** Senators shall establish and maintain regularly scheduled senator service hours of no less than (2) hours per week, in addition to ASI meetings, to be set at the beginning of each academic quarter.

Section III – Duty of Loyalty. The duty of loyalty requires senators and officers to subordinate their personal interests to the welfare of the students and of the corporation.

- (a) Loyalty can be defined as faithfulness to one's obligations and duties.

Section IV – Conflict of Interest. A senator's and officer's fiduciary duty requires that they make a full disclosure of any potential conflicts of interest that might arise in any corporate transaction.

- (a) The senator or officer must sign a written agreement at the onset of his/her term expressly acknowledging this duty, and should such a conflict of interest arise, make a full disclosure of that interest and abstain from voting on the proposed transaction.

ARTICLE XVIII - ROLE OF CORPORATE DIRECTORS

Section I – Role. The ASI Executive Director is appointed by the Senate, in collaboration with the University President/designee.

- (a) ASI corporate directors carry out the duties articulated in these By-laws
- (b) ASI corporate directors act as agents of the corporation.

Section II – Personnel Polices and Procedures Manual. The ASI shall establish its own Personnel Polices and Procedures Manual, which shall define the rights and duties of corporate directors and other employees.

ARTICLE XIX – ORGANIZATION OF ASI SENATE STANDING COMMITTEES

Section I – Committees and their legislative jurisdictions. There shall be in the ASI Senate the following standing committees, each of which shall have the jurisdiction and related functions assigned by the provisions in these ASI By-Laws. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in these provisions in the ASI By-Laws shall be referred to those committees, as follows:

- (a) Budget Committee
- (b) Committee on Rules and Policies
- (c) Facilities and Operations Committee

Section II - General Oversight Responsibilities. The various standing committees shall have general oversight responsibilities as provided in these ASI By-Laws.

- (a) They shall assist the ASI Senate in its analysis, appraisal, and evaluation of: (1) the application, administration, execution, and effectiveness of ASI policies, (2) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation, and (3) and its formulation, consideration, and enactment of changes in ASI policies, any additional legislation that may be necessary or appropriate.
- (b) In order to determine whether policies and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of the ASI Senate and whether they should be continued, curtailed, or eliminated, each standing committee shall review and study these policies and programs on a continuing basis.
- (c) The requirement to study existing appropriations and recommend which, if any, should be discontinued, is the responsibility of all standing committees of the ASI Senate.

Section III – Election and Membership of Committees. The committee members shall be elected by the seated senators at the third regular Senate meeting, unless otherwise specified by these ASI By-Laws, from nominations submitted by the members.

- (a) **Term of Service.** Senators on the Budget Committee will serve for one quarter and may be re-elected. Thereafter, senators will be elected at the first meeting of each successive quarter. Every other senator, appointed student, and representative will serve for one year.

Section IV - Ad Hoc Committees. An ad hoc committee has all the authorization and duties of a standing committee except that it is established for a particular purpose.

- (a) This committee is not necessarily permanent.

Section V - Formation of Committees. The ASI Committees shall meet as provided below.

- (a) The Committee on Rules and Policies, Budget Committee and the Facilities and Operations Committee shall recommend all rules of policy and become active after the third regular Senate meeting of the session. Prior to the third regular Senate meeting, all budget requests will be heard by the Senate.
- (b) An ad hoc committee shall convene immediately, after it is deemed necessary.

ARTICLE XX - OVERSIGHT RESPONSIBILITY OF THE COMMITTEE(S)

Section I – Committee on Rules and Policies. The committee, which is a recommending body to the ASI Senate, shall recommend all rules of policy governing the ASI, and all authorization resolutions.

1. **Composition.** The Committee is composed of the ASI Attorney General, as Chair, Treasurer, as Vice Chair, and three (3) elected senators. In addition, the ASI Vice President, Senate President Pro-Tempore, Executive Director/designee, and University Advisor, are ex-officio.
2. **Legislative Review.** The Committee shall review and recommend all legislation, Senate Rules, and organizational and operational procedures and policies.
3. **Senatorial Compliance.** The Committee shall oversee senatorial compliance with the Senate Rules.

Section II – Budget Committee. The Committee, which is a recommending body to the ASI Senate, shall act upon all financial policies, and budget requests. The committee shall have fiscal oversight and budget hearing functions.

1. **Composition.** The Committee is composed of the ASI Treasurer, as Chair, Senate President Pro-Tempore, as Vice Chair, Vice President, and two (2) elected Senators. In addition, the ASI President, Attorney General, Executive Director/designee, and University Advisor/designee, are ex-officio.
2. **Authorization:** The Committee shall review and recommend on all authorization resolutions.
 - (a) The role as an authorizing committee is to enact legislation that serves as the basis for operating a program or activity of an agency or entity.
3. **Hearings.** The Committee is authorized and directed to hold hearings on the budget as a whole or in part.
4. **Termination or Modification.** The Committee is authorized to study on a continuing basis provisions of ASI policy providing spending authority and to report to the ASI Senate recommendations for terminating or modifying such provisions.
5. **Discretionary Spending.** The Committee is authorized to approve and disburse spending up to two-thousand five hundred (\$2,500) dollars.
 1. In addition, the committee is authorized to approve mid year augmentations.
6. **Compliance.** This Committee will ensure compliance with ASI financial policies and designated allocations of ASI funding consistent with the passage of student fee initiatives.

Section III - Facilities and Operations Committee. The committee, which is a recommending body to the ASI Senate, shall formulate all policy in regard to operational use, funding, oversight and operation of ASI facilities. It shall also serve to develop programs and services and provide a channel for student ideas in the administration of the facilities and operations.

- (a) **Composition.** The committee is composed of the ASI Senate President Pro-Tempore, as Chair, Vice President, as Vice Chair, two (2) elected Senators, three (3) students, appointed by the ASI President, one (1) Alumni Representative, appointed by the ASI President, one Staff Council representative, and one Academic Senate representative. In addition, the ASI President, Attorney General, Executive Director/designee, University Advisor, and University Representative, designated by the University President, are ex-officio.
- (b) **Bronco Student Center Budget:** The committee is responsible for the review and recommendation of the Bronco Student Center annual budget to the ASI Senate.

ARTICLE XXI - PROCEDURES OF COMMITTEES

Section I – In General. The Rules of the ASI Senate are the rules of its committees and subcommittees so far as applicable.

- (a) Each committee is a part of the ASI Senate and is subject to the authority and direction of the ASI Senate and to its rules, so far as applicable.
- (b) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.
- (c) Each committee shall submit to the ASI Senate no later than the third Senate meeting of each quarter, a report on the activities of that committee.

Section II – Adoption of Written Rules. Each standing committee may adopt written rules governing its procedures with majority approval by the seated ASI Senate. Such rules shall be consistent with these ASI By-Laws or Rules of the ASI Senate.

Section III – Regular Meeting Day. Each standing committee shall establish regular meeting days for the conduct of its business, which shall not be less frequent than monthly. All committee meetings shall be held on Friday, but if necessary, the committee chair may call additional meeting(s) within the parameters of the California Open Meeting Law. Each committee shall meet for the consideration of a bill or resolution pending before the committee.

Section IV – Committee Records. Each committee shall keep a complete record of all committee action and duly approved minutes which shall include:

- (a) A record of the votes on any question on which a record vote is demanded.
- (b) A file of duly approved and signed minutes shall be maintained as part of ASI’s permanent records by the ASI Student Government Administrative Assistant.

ARTICLE XXII - DUTIES OF THE COMMITTEE CHAIR

Section I – Duties of the Chair. The Chair shall be responsible for properly and efficiently carrying out the business of the committee.

- (a) The Chair shall coordinate with the ASI Executive Director/designee with respect to periodic reports on pertinent issues and matters under the committee’s supervisory jurisdiction.
- (b) The Chair shall be responsible for reporting to the Senate all actions by the committee. This means giving periodic committee report(s), entering into such report(s) approved committee minutes.
- (c) The Chair shall not unreasonably, unjustifiably, or unfairly delay action on a major financial, legal, or policy decision.
- (d) The ASI Judiciary shall rule upon all committee chair violations.

ARTICLE XXIII - JUDICIARY

The judicial authority of the ASI shall be vested in the Judiciary, which shall meet as needed.

Section I – ASI Judiciary. A Student Court shall be established, composed of a Chief Justice, who shall serve as Presiding Judge, and four Associate Justices – two appointed by the outgoing ASI President, as well as the Chief Justice, before termination of his/her office and two by the incoming ASI President, and an advisor appointed by the Vice President for Student Affairs

- (a) Should any appointments not be completed by the end of the outgoing ASI administration, the incoming ASI President shall make the appointments.

Section II – ASI Judiciary Jurisdiction. The Court’s jurisdiction shall extend to any action taken by any entity under the jurisdiction of the ASI, ASI By-laws, or ASI Policies.

Section III – ASI Judicial Complaint. Upon the submission of an official Judicial Complaint Form by a member of the ASI, the Court shall have the authority to review the complaint to ensure it has merit.

Section IV – ASI Judicial Penalties. The Court shall be authorized to impose proper and necessary penalties for agencies, entities, and individuals under the jurisdiction of ASI including, but not limited to:

- (a) **For agencies of the ASI:** Define recourse action for the plaintiff or defendant; recommend action to the proper authority; and define the proper legal wording, or action resulting from the same, of initiatives, referenda, and recall petitions.
- (b) **Entities:** Freeze ASI accounts; rescind funding and Bronco Student Center privileges for a reasonable period of time; and recommend disciplinary action to the University.
- (c) **Individuals:** Define recourse or proper course of action; recommend action to be removed from office; and suspend officer privileges for a reasonable period of time.

Section V – Appeals. An appeal is limited to issues of law covered in, and to legal interpretations developed by, the precedent court.

- (a) The Student Court shall have appellate jurisdiction over the ASI Elections Committee in elections disputes brought forth by a member of the ASI, and over the councils in disputes brought forth by the council or a member of the council.
- (b) The Student Court can affirm or reverse the decision of the Elections Committee or council, or upon finding significant and determining procedural errors, shall return the matter to the Elections Committee or council with directions to correct the procedural errors.

Section VI – Judicial Opinions. On all case decisions, the justices shall write a majority and, if applicable, a minority opinion, which must be made readily available to all who request it.

Section VII – ASI Judiciary Governing Law. In addition to the procedures outlined in these By-Laws, the Judiciary shall be guided and directed by the ASI Judiciary Rules of Procedures, established University policy, CSU policy, and state and federal law, and by the principles of common law.

Section VIII – Filing. Documents relevant to a case or potential case within the jurisdiction of the ASI Judiciary shall be maintained as permanent files by the ASI Government Administrative Assistant.

ARTICLE XXIV – ASI EMPLOYEES

Section I – Hiring. The ASI shall employ all persons deemed necessary to carry out and manage the business affairs of the corporation, including execution of policies approved by the ASI Senate and day-to-day operations of ASI facilities and staff offices.

Section II - Personnel Review Committee. The Personnel Review Committee (PRC), a University-wide committee established by the President of the University, shall recommend to the Senate, hiring and personnel policies, appointment procedures, and other policy matters involving personnel employed by ASI. It shall interview and recommend to the University and ASI Senate for its ratification, by a majority vote, the appointee for ASI Executive Director. The Committee and Senate shall be informed about the ASI Executive Director’s appointments for other ASI management positions.

- (a) This Committee shall review and take final action on salary recommendations from the ASI Executive Director, regarding the pool for merit and equity salary increases, for all ASI employees. It shall further take action on salary recommendations from the ASI President, in consultation with Vice President for Student Affairs and Vice President for Administrative Affairs regarding merit and equity salary increases for the ASI Executive Director, with approval from a majority vote of the ASI Senate during executive session. If the ASI Senate disagrees with the PRC’s recommendation, the matter will be referred back to the Personnel Review Committee for reconsideration and final approval by the University President/designee.

- (b) The ASI President and University President's designee shall serve as Co-Chairs and voting members of this committee. Voting members of the Personnel Review Committee shall also include the ASI Vice President, the Senate President Pro-Tempore, and a Facilities and Operations Committee member appointed by the ASI President, Vice President for Student Affairs/ designee, and Vice President for Administrative Affairs/ designee. The ASI Executive Director shall serve as ex-officio, non-voting member.

Section III - Executive Director. The ASI Executive Director shall serve as the chief administrator of the corporation and shall advise ASI on policy pertaining to fiscal matters, budget, personnel matters, risk management and compliance with University, CSU system-wide, state, and federal regulations and policies. He/she shall present a report at regularly scheduled ASI Senate Meetings (unless otherwise required by the ASI Senate) regarding the corporate and financial affairs of the ASI. He/she shall bear accountability to the ASI Senate.

- (a) The ASI Executive Director shall be ultimately responsible to the President of the University, through the usual lines of succession. He/she shall present regularly a reporting of ASI income and expenditures to the President of the University, and other appropriate University officials. He/she shall advise the appropriate ASI and University officials regarding the progress of all ASI corporate matters.
- (b) The ASI Executive Director shall appoint all ASI employees. He/she shall supervise and evaluate all employees responsible to him/her and shall recommend their promotion and salary adjustments accordingly.
- (c) When appropriate and necessary, the ASI Executive Director may appoint a designee.

Section IV – ASI Government Employees. The ASI President and ASI Vice President shall be responsible for hiring employees to work in the ASI Government Offices, in consultation with the ASI Executive Director.

ARTICLE XXV – ADVISOR

Section I - Primary Advisors. The primary advisor to ASI shall be the Vice President for Student Affairs, or his/her designee(s). The advisor shall attend all meetings of the Senate, Cabinet, Judiciary, and any other standing or special committees including, but not limited to, the Elections Committee, Budget Committee, Committee on Rules and Policies and Facilities and Operations Committee. The advisor shall advise the above-mentioned bodies in matters of ASI Policy, University Policy, California State Law, and other areas pertinent to ASI student government. Furthermore, he/she, upon the request of the Attorney General, shall also advise on matters of parliamentary procedures. Fiscal policy and corporate matters will be advised by the ASI Executive Director (see Article XXIV, Section 3).

Section II – Judicial Advisor. The Vice President of Student Affairs/designee shall serve as the advisor to the ASI Judiciary. He/she shall provide all necessary assistance and advice for the impartial execution of all judicial processes and duties and as requested by the ASI Chief Justice.

ARTICLE XXVI - ASSOCIATED STUDENTS, INC CODE(S)

Section I – Code. Associated Students, Inc shall establish its own Codes, updated only by duly approved amendments. These Codes shall contain a consolidation and codification of the general and permanent policies of the ASI arranged according to subject matter under title headings.

Section II – Purpose and Intent. Its purpose is to present the policies in a concise and usable form.

Section III – Status of the Codes. ASI Codes set out the current status of the policies, as amended, without repeating all the language of the amendatory acts except where necessary.

Section IV – Prima Facie Evidence. The Codes are declared to be prima facie evidence of the policies. Codes are to be legal evidence of the policies and the Judiciary will receive them as proof of those policies.

Section V –Maintenance. The Code will be maintained by the Committee Chair of each Senate standing committee, in coordination with the Administrative Assistant in the Student Government Office.

- (a) New editions are to be published every year, and must include all supplemental amendments.
- (b) The Codes are to be maintained and made available in electronic form.

ARTICLE XXVII - BUDGET PROCESS AND FINANCIAL RESPONSIBILITY

Section I – Authorization Process. The authorization process shall be a one-stage procedural system require for establishing and funding ASI agencies, entities, activities, and programs.

- (a) First, one-time enactment of authorizing legislation that creates or continues funding for an agency, entity, activity, or program for a fixed or indefinite period of time. It may also establish policies, conditions, and restrictions and deal with organizational and administrative matters.
- (b) Basic prohibition: no allocation without authorization legislation.
- (c) This prohibition may be waived, by unanimous consent or by two-thirds vote suspension of the rules, of the entire seated Senate.
- (d) This prohibition shall not apply to any fixed spending to be determined by a two-thirds vote of the entire seated Senate.

Section II – Financial Responsibility of Budgeted Agencies and Entities. All ASI budgeted agencies and entities shall be financially responsible to the President and the Senate.

- (a) Executive agencies are authorized to require ASI entities to present their budget request before it, in an open hearing, before submitting their recommendations to the President.
- (b) The Executive Secretary authorized or the designated officer shall sign and submit all budget requests to the ASI Treasurer.
- (c) Entities that fail to submit a budget by the published deadline shall forfeit their right to receive all or part of the final 30% of their current year’s allocations.

Section III – The President’s Budget Submission. The ASI President shall submit a comprehensive budget recommendation(s) to the ASI Senate in the winter quarter which outlines the administration’s policy and funding priorities and the economic outlook for the coming fiscal year.

- (a) This budget will be compiled by the ASI Treasurer from input by the various ASI executive agencies, and in consultation with the ASI Executive Director/designee.

Section IV – ASI Senate Committee Consideration. Each fiscal year, the ASI Senate committees, in the winter quarter, may hold hearings to consider the numerous measures authorizing the appropriation of funds and the President’s budget.

- (a) The Budget Committee will consider whether or not to reauthorize spending on any agency, entity, activity, or program.

Section V – ASI Senate Budget Deliberations. In the spring quarter, the ASI Senate shall begin consideration of the annual budget for the next fiscal year based on the authorized and allowable levels of spending in the committee authorization resolutions.

Section VI – Approval of Budget. The ASI budget and Bronco Student Center budget requires a two-thirds (2/3) approval vote by the seated Senate to be valid for purposes of submission to the University Chief Fiscal Officer.

- (a) By a two-thirds (2/3) vote of the seated Senate, a Senator can make an amendment to the recommended budget.

Section VII – Fiscal Year. The fiscal year of the ASI shall be from July 1 to June 30.

Section VII – Scholarships. ASI scholarships shall only be altered prior to the annual budget process.

- (a) The effective date of any scholarship shall be the start of the next official fiscal year.

Section IX – Authority. The ASI shall be guided in its fiscal policies by the authority outlined in Sections 89300, 89301, and 89302 of the California Education Code, and Sections 42403 and 42659 of the California Administrative Code, in addition to the fiscal regulations set forth by the California State Polytechnic University, Pomona, the California State University Board of Trustees, and the Office of the Chancellor.

ARTICLE XXVIII – STANDARD PROCEDURES, CODES, CHARTER PROVISIONS

Section I – ASI Student Government. In addition to any procedures already defined in these By-Laws, standard procedures, codes, or rules, that define special qualifications of officers and all aspects of authority and responsibility of all officers, boards, sub-boards, committees, shall be reviewed periodically by the ASI Attorney General and approved or re-approved by a majority vote of the Senate.

Section II – Other ASI Budgeted Agencies and Senate Committees. Any By-Laws, codes, policies, rules, or standard operating procedures approved or enacted by these bodies shall be in accordance with the ASI By-Laws and shall be reviewed periodically by the ASI Attorney General.

Section III – Councils. All councils shall establish their own By-Laws, which shall not conflict with these By-Laws or ASI policies.

ARTICLE XXIX – RULES OF PROCEDURE

The current edition of Robert’s Rules of Order shall be used in all regular and special meetings of the Cabinet, Senate, and all other committees and organizations of the ASI, except the Judiciary, which shall follow the ASI Judiciary Rules of Procedure.

ARTICLE XXX – PROXIES

There shall be no proxies accepted in the Cabinet, Senate, Judiciary, or any ASI auxiliary agency, including general meetings of the ASI, as required by the current California Open Meeting Law (commencing with Section 89305 of the California Education Code).

ARTICLE XXXI – QUORUM

A quorum in the Senate, Cabinet, Judiciary, or any of its sub entities, which shall consist of one-half (1/2) of the seated voting members, in addition to the Chair, is required in order to take action.

ARTICLE XXXII – TERM OF OFFICE

Section I – Elected. The term of office for elected officials shall extend from July 1 through June 30 of the fiscal year.

Section II – Executive and Judicial Officers. Executive and judicial officers shall be appointed by the ASI President, and must be ratified by a majority vote of the seated Senate within thirty (30) days after such officers have assumed office. The appointees shall serve in a term of office lasting until June 30 of the fiscal year for which they were appointed and confirmed by the ASI Senate.

ARTICLE XXXIII – VACANCIES

Section I - ASI President. In the event of a vacancy in the office of the ASI President, he/she shall be succeeded by the ASI Vice President for the unexpired term of office.

Section II – ASI Vice President. In the event of a vacancy in the office of the ASI Vice President, the ASI President shall fill that vacancy for the unexpired portion of the term of office by appointment of a member of the ASI (see Article III, Section 1), with a majority ratification of the seated Senate. The Senate shall be allowed to review all applications for the position before ratifying the appointment.

Section III – Line of Succession. In the event of simultaneous vacancies in the offices of the ASI President and ASI Vice President, the line of succession will be: the Senate President Pro-Tempore, ASI Attorney General, ASI Treasurer, or until the offices are filled by a special election. In the event of no succession to the office of ASI President, in the interim, the Cabinet shall select an acting ASI President who shall meet eligibility requirements.

Section IV – Senate. Please refer to Article VIII, Section 1 of these Bylaws.

ARTICLE XXXIV – OFFICER ELIGIBILITY

Section I – Eligibility. Eligibility for all candidates and incumbents for any elective or appointive office shall meet the California State University System and California State Polytechnic University Pomona regulations, as determined by the University President.

- (a) The general term officer shall mean both all elected and major appointed ASI Government officials. The general term executive officer shall mean any and all student representative(s) appointed to an official University Committee(s).
- (b) Elected officers may be elected to a maximum of two, one-year terms for the same office.
- (c) No elected officer may serve as an executive officer of another ASI governing entity.

ARTICLE XXXV – ELECTIONS

Section I – Regular Elections. The regular ASI elections shall be held annually in the Spring Quarter.

- (a) **Presidential/Vice Presidential Ticket.** A candidate for the office of ASI President and a candidate for the office of ASI Vice President shall compose a ticket and shall run together on that ticket. The ticket must obtain the petition signatures specified in the Election Code.
- (b) **Representative to the Senate:** Candidates for college Senators shall be elected only by the eligible voters in the college/school the candidate represents. Petition signatures of students majoring in the respective college or school the candidate seeks to represent must be obtained as specified in the ASI Elections Code. Each college/school senator must be a member of that

college while seeking that office and during his/her term of office. In addition, there shall be four (4) at-large senators to be elected by the student body. Four (4) at-large senators shall be designated as Senator for the Multi-Cultural Council, Senator for the Greek Council, Senator for Housing (representing the Inter-hall Council and University Village) and Senator for the Educational Interest Council, assigned by majority of the seated ASI Senate. At-large candidates must obtain the required petition signatures as specified in the Elections Code. No student may appear on the written ballot, or accept election, for more than one (1) office.

- (c) A plurality vote is necessary to elect a candidate to office in an ASI General Election. A winning candidate must achieve a total vote of at least 50% of the required number of petition signatures of the office in order to be declared elected in an ASI General Election. In the event of a tie vote in ASI General Elections, a run off election will be held.

Section II – Elections Committee. The Elections Committee shall be responsible for conducting all elections and determining election rules.

- (a) Rules of the elections committee are subject to review by the Attorney General and approved by the ASI Senate and must be consistent with these By-Laws.
- (b) The Elections Committee shall post a list of all candidates who meet qualifications as set down in the Elections Code.
- (c) The Elections Committee Advisor, who shall be the Vice President for Student Affairs or his/her designee, shall determine candidate eligibility according to CSU, University and ASI requirements.
- (d) The Elections Chair shall be appointed by the ASI President subject to approval by a majority vote of the seated Senate.
- (e) The Elections Chair and Committee shall give periodic progress reports to the Senate.

ARTICLE XXXVI - OFFICER TRANSITION AND LEADERSHIP TRAINING

Section I – ASI Student Leadership Training. The ASI shall plan conferences to be used as an orientation program for student leadership on campus each year.

Section II – ASI Officer Transition Training. Newly elected and appointed officers shall be trained ~~in~~ for their new offices by the current officers, advisors, and the Office of Student Life, immediately following the spring elections.

- (a) ASI training shall be mandated for all ASI elected and appointed officers.
- (b) **Transition Period.** Within the specified period following the Associated Students, Inc elections, the ASI officer shall contact the ASI officer-elect to initiate a minimum of two week transitional period to review duties, procedures and responsibilities of office.
 - 1. **Transition Topics.** Transition topics may include, but are not limited to, incomplete projects or projects to be initiated, information considered pertinent to the effective operation of the Associated Students, Inc, and working effectively with University personnel, student groups, and the campus community.

Section III – ASI Officer Record Responsibilities. Officers must keep, file, and maintain all records of minutes, issues, activities, and/or programs that fall within their scope of office, and were initiated, developed, and/or created by said person.

- (a) These records may be kept in the student officer's ASI handbook, which must be passed on to the succeeding officer, in coordination with the Administrative Assistant in the Student Government Office.

ARTICLE XXXVII – BILL, RESOLUTION, INITIATIVE, REFERENDUM, RECALL

Section I – Bill. A legislative proposal offered for its enactment. It shall not conflict with current state and/or federal law, ASI Bylaws, University Policy, and shall be binding upon any activity under the jurisdiction of the ASI. An affirmative majority vote of the seated Senate is required for passage.

Section II- Resolution. A formal expression of an opinion by the ASI. An affirmative majority vote of the seated Senate is required for passage.

Section III – Initiative. An initiative measure shall be submitted to the student body upon presentation to the ASI President and the ASI Advisor of a petition signed by thirty (30) percent of the number of those voting in the last ASI regular election. An initiative election shall be held within fifteen (15) school days after the presentation of the petition, or on a later date if agreed upon by those presenting said petition and the ASI President. The election shall be conducted in the same manner as a regular election. An affirmative two-thirds (2/3) of the ASI members voting in such an election shall be necessary for passage of initiative measures.

Section IV – Referendum. A referendum measure shall be submitted to the student body after the Senate, by two-thirds (2/3) vote of the seated Senate, votes to refer any matter to the members of the ASI for decision. Said action shall be submitted to a vote of the members of the ASI and will not take effect until an election is held and the vote certified. A referendum election shall be held within fifteen (15) school days after the Senate vote, or on a later date if agreed upon by those presenting said measure and the ASI President. The election shall be conducted in the same manner as a regular election. An affirmative two-thirds (2/3) of the ASI members voting in such an election shall be necessary for passage of referendum measures.

Section V – Recall. Any elected officer may be subject to recall, upon presentation to the ASI President and ASI Advisor designee of a petition signed by thirty (30) percent of the number of voters of the officer’s constituency in the previous ASI regular election or by a two-thirds (2/3) vote of the entire seated Senate. Said petition must contain a specific statement of reasons for removal to be legally considered.

- (a) A recall petition shall be referred to a vote of the members of the ASI within fifteen school days after the petition has been presented and signatures verified by the ASI Attorney General in consultation with the university.
- (b) A favorable vote of two-thirds of the members of the ASI voting in the elections shall constitute legal recall. The reasons for recall must be published in student newspaper and at the election polls.

Section VI – Funding. Sufficient funds shall be allocated by the ASI as necessary to provide for initiative, referendum, or recall election(s).

ARTICLE XXXVIII - NECESSARY AND PROPER POLICIES

Section I – Enforcement. ASI shall be authorized to formulate policies which are necessary and proper for the execution of the foregoing purpose and intent of these bylaws.

ARTICLE XXXIX - OPEN MEETING LAW

Section I – Open Meeting Law. For all purposes, the Gloria Romero Open Meetings Act or if replaced, its successor act, shall be the controlling law and shall take precedence over any other ASI government public meeting policy.

ARTICLE XL – AMENDMENTS

Section I – Petition. Any amendment(s) to these By-Laws may be proposed in writing by a petition signed by thirty (30) percent of the number of those voting in the previous ASI regular election and presented to the ASI President, or by a two-thirds (2/3) vote approving such an amendment(s) by the seated Senate.

Section II – Publication. Any proposed amendment(s) to these By-Laws shall be published in the student newspaper no less than two weeks prior to the election and shall be posted at the election polls, as well as reported to appropriate agencies.

Section III – Vote. Any amendment(s) to these By-Laws shall be made legal by two-thirds vote in favor of such amendments by those voting in a special or regular election held within eight weeks of the date of the presentation of the amendment to the ASI President, or of the date of approval by the Senate.

Section IV – Effective Date. An amendment(s) to these By-Laws shall become effective immediately upon ratification, or at a date specified in the amendment, following approval by the University President.

Section V - Non-substantive Change. Any non-substantive changes to these By-Laws, such as title changes and grammatical corrections, may be made with a two-thirds (2/3) vote of the seated Senate, and final approval of the University President.

ARTICLE XLI – NOTES

- (a) **Agency:** an administrative division of ASI government that has the capacity, condition, or state of acting or of exerting power on its behalf, including executive boards.
- (b) **Entity:** an organization that is independent, separate, or self-contained, that is under the jurisdiction of ASI, including Councils and Clubs.
- (c) **Authorization legislation:** establishes, continues, or modifies ASI programs/activities.
- (d) **Spending authority:** the authority to spend ASI revenue on a given program or activity.
- (e) **Board Senator – “Senator:”** ASI Senator
- (f) **Corporate Director:** ASI staff director
- (g) **Executive Officer:** ASI student executive officer
- (h) **Ex officio:** a member by virtue or because of who is nonvoting.
- (i) **Officers:** use to identify both corporate and executive officers.
- (j) **University Advisor:** designee of the University President
- (k) **Seated Senators:** refers to those Senators that presently occupy a senatorial office.
- (l) **Executive Order:** This is a written order issued by the ASI president, to an ASI executive officer, for the purpose of ordering such person to enforce the ASI By-Laws or other existing ASI written law.
- (m) **School Days:** Mondays thru Fridays, excluding holidays.

ARTICLE XLII – RATIFICATION

These By-Laws shall become effective upon approval of the University President and shall remain effective until amended according to procedures prescribed herein.

The ASI Senate approved these By-Laws on February 28th, 2008

Approved by Mr. Chris Wyrick, Student Body President, California State Polytechnic University, Pomona

2007-08 ASI President

Date

Approved by Dr. J. Michael Ortiz, President, California State Polytechnic University, Pomona

University President

Date

Revised by Chris Wyrick