



**ASSOCIATED STUDENTS  
OF THE  
UNIVERSITY OF CALIFORNIA SAN DIEGO**

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**CONSTITUTION**

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Adopted 2006-11-16

Amended as of 2007-02-01, 2008-05-14, 2009-04-08, 2009-04-16, 2013-10-23, 2014-03-14, 2014-11-25, 2015-02-09, 2015-02-19, 2015-2-25, 2015-04-22, 2015-04-27, 2016-03-08, 2020-3-11, 2021-02-03, 2023-04-26, 2024-03-06

**Table of Contents**

Preamble  
Article I | Establishment  
Article II-A | Executive Officers  
Article II-B | Cabinet  
Article III | Senate  
Article IV | Judicial Board  
Article V | Elections  
Article VI | Finance & Resources  
Article VII | Personnel Policies & Procedures  
Article VIII | Constitutional Procedure

## **Preamble**

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

# **ARTICLE I**

## **ESTABLISHMENT**

### **Section 1 | Name**

The name of this association, hereinafter referred to as “the Association”, shall be the Associated Students of the University of California, San Diego, hereinafter referred to as the “ASUCSD”.

### **Section 2 | Mission & Purpose**

The object of this Association shall be to exercise the rights and responsibilities of students to participate in the governance of the University; to manage, invest and maintain the assets of the Association; to create and execute programs which serve the collective interests of the undergraduate population; and to advocate for students within the University, the community, the state, and the nation.

### **Section 3 | Membership**

Any person enrolled as an undergraduate student at the University of California, San Diego shall be a member of the ASUCSD.

### **Section 4 | Positions**

- A. In order to assume or remain in any position in the Association, a person must:
  - a. Be a member of the ASUCSD and have paid the mandatory student fees.
  - b. Be in good academic standing.
  - c. Not be found in violation of sections of the Student Code of Conduct, as specified in the Standing Rules.
- B. A person may be determined ineligible to hold office pursuant to this section solely by the Judicial Board.

### **Section 5 | Distribution of Powers**

- A. The Association shall be organized into three divisions:
  - a. The Senate, which shall act as the legislative body.
  - b. The Cabinet, which shall act as the executive body.
  - c. The Judicial Board, which shall act as the judicial body.
- B. No person or group of persons in any of these divisions shall exercise power belonging to another branch, except as outlined in this Constitution.

### **Section 6 | Constitutional Supremacy & By-Laws**

The Association shall ultimately be governed by the Constitution, which shall supersede any other by-laws concerning the ASUCSD.

- A. In any and all cases where there is a conflict between what is stated in the Constitution and the By-Laws, the Constitution shall be followed.
- B. The Constitution shall dictate the ASUCSD in conjunction with the By-Laws, which includes:
  - a. The Standing Rules
  - b. The Special Rules of Order
  - c. The Election Code
  - d. Judicial Rules

## **ARTICLE II-A**

### **EXECUTIVE OFFICERS**

#### **Section 1 | The Executive Officers**

The Executive Officers of the ASUCSD shall work collectively to direct the ASUCSD's advocacy priorities, campus engagement, internal affairs, finances, and additional powers granted by this Constitution, and corresponding governing documents.

The following Executive Officers shall be elected annually:

- A. President
- B. Executive Vice President
- C. Vice President of External Affairs
- D. Vice President of Academic Affairs

The following Executive Officers shall be appointed at the start of the new council term:

- A. Chief Financial Officer
- B. Chief Communications Officer
- C. Chief Personnel Officer

#### **Section 2 | Vacancies**

- A. In the event of a vacancy occurring in any Executive Officer positions before the end of the normal term, the nomination for replacement shall be made in accordance with the Standing Rules. The Senate shall consider such nominations and shall, by a two-thirds vote, appoint a replacement.
  - a. A person filling a vacancy shall serve for the remainder of the regular term.
  - b. When an Executive Officer position is vacant, except for President, the highest ranked willing and eligible person on the order of acting succession shall assume acting office and shall exercise the powers and duties of that office, until such time as a replacement is selected or elected.
    - i. If a majority of the Senate objects to the tenure of the acting officer, the next highest ranked willing and eligible person shall assume acting office.
    - ii. If there are no willing and eligible successors who have not been objected to by the Senate, the President shall assume acting office.
  - c. When the position of the President is vacant, an Acting President shall exercise the powers and duties of the Presidency until such time as a replacement is selected or elected.
    - i. The Acting President shall be the highest ranking willing and eligible person in the acting order of succession
  - d. The Acting Order of Succession shall be, in descending order:
    - i. Executive Vice President
    - ii. Vice President of Academic Affairs
    - iii. Vice President of External Affairs
    - iv. Chief Financial Officer
    - v. Chief Personnel Officer
    - vi. Chief Communications Officer
    - vii. An Associate Vice President elected by the Assembly.
    - viii. A Senator elected by the Assembly.

#### **Section 3 | Duties & Powers of Executive Officers**

- A. The duties and powers of the President shall be to:
  - a. Serve as the Chief Executive Officer and representative of the ASUCSD.
  - b. Chair the Cabinet, hereinafter referred to as "Cabinet".
  - c. Oversee the implementation of the advocacy priorities of the ASUCSD, in conjunction with the needs of the student body, and as prescribed by the Senate.
  - d. Be an ex-officio member of all subordinate bodies, excluding the Judicial Board.

- e. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.
- B. The duties and powers of the Executive Vice President shall be to:
  - a. Serve as the second ranking member and Chief Operations Officer of the ASUCSD.
  - b. Serve as the chairperson and presiding officer of the Senate
  - c. Vote to break a tie vote of the Senate when the Senate is equally divided.
  - d. Call on the Senate Pro Tempore to serve as the chairperson and presiding officer of the Senate when necessary.
  - e. Manage internal and campus-wide committee appointments, excluding those of the Academic Senate.
  - f. Ensure that the duties and responsibilities of the Senate and its membership are fulfilled. g. Advise and oversee the development and implementation of Senator's projects and advocacy work, in conjunction with members of the Senate.
  - h. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.
- C. The duties and powers of the Vice President of External Affairs shall be to:
  - a. Represent the ASUCSD and act as a voting board member for the University of California Student Association (UCSA)
  - b. Supervise the lobbies and governmental lobbying actions of the ASUCSD, including appointment or nomination of students to positions within the lobbies and on UC system-wide committees.
  - c. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.
- D. The duties and powers of the Vice President of Academic Affairs shall be to:
  - a. Manage ASUCSD relations with the Academic Senate.
  - b. Appoint students to Academic Senate committees; to provide facilities and resources for the use of all Academic Senate committee appointments; and to replace or request replacement of appointments not performing their duties.
  - c. Supervise ASUCSD projects and operations involving academic matters on campus, as assigned by the Senate and the Bylaws, and to serve as a liaison between the Senate and organizations sponsored by the ASUCSD dealing with academic matters, except for those matters falling under the purview of the AVP of Student Advocacy.
  - d. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.
- E. The duties and powers of the Chief Financial Officer shall be to:
  - a. Oversee all financial matters of the Association, including the enforcement of all policies and procedures concerning expenditures.
  - b. Manage the Association's resources, including supplies, office space, and additional items.
  - c. Ensure the financial well-being of the Association.
  - d. Advise members of the Association regarding financial matters.
  - e. Facilitate the annual budget process.
  - f. Ensure that units of the Association stay within their budgets.
  - g. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.
- F. The duties and powers of the Chief Communications Officer shall be to:
  - a. Oversee all association-wide communications, marketing, and outreach efforts, in conjunction with AS Graphic Studios.
  - b. The Chief Communications Officer shall develop and implement policies to ensure that Senators fulfill their outreach duties.
  - c. The Chief Communications Officer shall coordinate all projects related to the Association's website and social media presence.
  - d. Manage the Association's participation in campus-wide events, publicity campaigns, and outreach efforts.
  - e. Develop and implement policies which facilitate communications, marketing, public relations, and branding for the Association consistent with the Standing Rules
  - f. The Chief Communications Officer shall advise the Association on publicity related matters, including public statements.
  - g. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.

- G. The duties and powers of the Chief Personnel Officer shall be to:
- a. Maintain neutrality in the execution of their duties.
  - b. Develop and implement association-wide strategies and operational policies to recruit, retain, and empower all personnel in order to maximize their engagement, fulfillment, potential and service to the student body. This shall include but not be limited to:
  - c. Oversee, develop, and facilitate policies and procedures pertaining to performance standards, performance evaluations, and probation.
  - d. Oversee, develop, and facilitate the onboarding and professional development processes of the Association.
  - e. In conjunction with the Chief Communications Officer, develop and facilitate proactive outreach and recruitment efforts for membership opportunities in the Association.
  - f. Ensure accountability, transparency, and ethical behavior of personnel and operations with respect to, but not limited to:
- H. Collecting regular reports from all ASUCSD official
- a. Maintaining a record to track personnel's compliance with mandatory duties such as outreach hours, mandated events, volunteering, attendance and any other related duties as outlined in this Constitution and By-Laws
  - b. Develop and coordinate standardized hiring procedures annually, as detailed in the Standing Rules.
  - c. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by Senate.

#### **Section 4 | Veto Authority**

- A. The Elected Executive Officers can veto any decisions made by the Senate by a  $\frac{2}{3}$  vote a. The Chief Financial Officer may only vote in a veto in case of a decision directly regarding the budget and pulling fund from Mandate Reserves, at which point the veto will require a  $\frac{3}{4}$  vote B. The Senate can move to override the Executive Officers' veto by a  $\frac{3}{4}$  vote.
- a. The Executive Officers may not veto any override by the Senate

# ARTICLE II-B

## CABINET

### Section 1 | Establishment

The Cabinet shall exist under the supervision of the Executive Officers to implement, execute, and facilitate the advocacy priorities of the ASUCSD. The Cabinet shall be comprised of:

- A. The Executive Officers
- B. The Associate Vice Presidents, hereinafter referred to as “AVP”
- C. Other such boards, commissions, committees, other agencies and organizations authorized by the Senate to execute the policies and programs of the Association therein established.

### Section 2 | Executive Officer Supervision

- A. The Executive Officers shall have the authority to appoint or dismiss members of the Cabinet that they supervise if deemed appropriate and necessary.
  - a. The AVPs shall have the authority to appoint or dismiss members of their staff that they supervise if deemed appropriate and necessary.
  - b. The Standing Rules shall prescribe a process in which those dismissed may appeal the decision.
- B. Unless otherwise transferred, the Executive Officers shall supervise the following offices:
  - a. The President shall oversee the:
    - i. AVP of College Affairs
    - ii. AVP of Food & Housing Resources
    - iii. AVP of Transportation & Transformation
    - iv. AVP of Equity, Diversity & Inclusion
    - v. AVP of Environmental Justice Affairs
    - vi. AVP of Health & Well-Being
  - b. The Vice President of External Affairs shall oversee the:
    - i. AVP of Local Affairs
    - ii. AVP of Civic Engagement
  - c. The Vice President of Academic Affairs shall oversee the:
    - i. AVP of Student Advocacy
  - d. The Chief Financial Officer shall oversee the:
    - i. AVP of Student Organizations
    - ii. AVP of Enterprises & Services
  - e. The Chief Communications Officer shall oversee the:
    - i. AVP of Concerts & Events
    - ii. AVP of Spirit & Athletics

### Section 3 | Appointments & Nomination

- A. The supervising Executive Officer shall have the authority to appoint or dismiss AVPs under their supervision.
  - a. Appointments for members of the Cabinet must be nominated to and approved by majority vote of the Senate, including AVPs, and Heads/Leads of Commissions, Auxiliaries, and Services.

### Section 4 | Duties & Powers of Associate Vice Presidents

- A. Collectively, the AVPs shall be responsible for developing, managing, and facilitating advocacy work, projects, and programs pertaining to their specific area of focus.
  - a. The specific duties and responsibilities of each AVP and their respective offices shall be detailed in the Standing Rules.
- B. The duties and powers of the AVPs shall be to:
  - a. Direct and manage their respective offices including the creation of office staff positions, office staff meetings, and additional logistics.
  - b. Establish the advocacy priorities of their respective office in conjunction with those established

- by the Senate and needs of the student body.
- c. Consistently communicate with and update their Executive Officer and the larger Association in regards to their office, its functions, and the larger campus climate.
  - d. Advise and collaborate with members of the Association regarding their specific area of focus.
  - e. Collaborate with the Chief Financial Officer to develop their office's annual budget proposal.

**Section 5 | Cabinet & Assembly Meetings**

- A. The President shall regularly convene and chair Cabinet and Assembly meetings.
  - a. Cabinet Meetings shall consist of the Cabinet.
  - b. Assembly meetings shall be joint sessions between the Senate, and the Cabinet
- B. The Standing Rules shall prescribe the frequency and time of Cabinet and Assembly meetings.



# ARTICLE III

## SENATE

### Section 1 | Establishment

The Senate shall serve as the legislative and representative body of the Association. The Senate shall develop the advocacy priorities of the Association to promote the welfare, needs, and interests of the student body.

### Section 2 | Senate Composition

- A. The following voting members of the Senate shall be elected annually at-large by the ASUCSD:
  - a. Five Campus-Wide Senators
  - b. Two Senator from each College
  - c. One Transfer Senator
  - d. Two Off Campus Senators
  - e. One Out-of-State Senator
  - f. One International Senator
- B. The following voting members of the Senate shall be appointed in the Fall Quarter by a committee prescribed by the Senate to a term of one academic year with the consent of the Senate:
  - a. Two First Year Senators
  - b. One Transfer Senator
- C. The Executive Officers shall be ex-officio members of the Senate
- D. Career Staff and Advisors shall be non-voting ex-officio members of the Senate who shall assist in the logistical process of Senate procedure, and provide context when needed.

### Section 3 | Vacancies

- A. In the event of a vacancy in the voting membership of the Senate, with the exception of College Senators, the Executive Vice President shall convene a hiring committee no later than seven business days following the vacancy.
  - a. The hiring committee shall be responsible for creating applications, soliciting applicants, outreach and marketing, interviewing candidates, and selecting a candidate for the vacancy.
  - b. Senator Hiring Committees shall, at the very minimum, be composed of:
    - i. The Executive Vice President, or designee, who shall serve as Chair of the committee.
    - ii. The Chief Personnel Officer, or designee.
    - iii. Three voting members of the Senate.
      - 1. If more than three voting members wish to participate in the Hiring Committee, the Executive Vice President may allow them to participate in the committee.
  - c. Upon selecting a candidate, the Chair of the committee shall submit the committee's nomination, decided by a majority vote, in compliance with standard hiring procedures.
- B. In the event of a vacancy of the Senate Pro Tempore, the Executive Vice President shall call for the Senate to nominate and elect the new Senate Pro Tempore.
- C. In the event of a vacancy in any voting membership from the College Councils, the respective College Council may appoint a replacement for the remainder of the term.

### Section 4 | Duties & Powers of Senators

- A. The duties and powers of the Senate shall be to:
  - a. Represent and advocate for the interests and opinions of UC San Diego students.
  - b. Consistently engage with the communities that they are charged with representing and advocating for.
    - i. The Chief Communications Officer shall collaborate with the Senate to establish a consistent mode of outreach for Senators to engage with the communities they advocate on behalf of.
  - c. Control all ASUCSD funds and appropriate those funds as they see fit in consultation with the Executive Officers.

- i. Locked-in financial items of ASUCSD funds, resulting from fee referenda, memorandums of understanding, or other legally binding contracts, are an exception to this authority.
- d. Supervise and maintain the properties and investments of the ASUCSD.
- e. Write and maintain the rules, policies, and procedures of the ASUCSD or any entity within it.
- f. Delegate and revoke the delegation of any of the aforementioned powers to other entities within the Association.
- g. Carry out any other duties as set forth in this Constitution, the By-Laws, or assigned by the Senate.

### **Section 5 | Senate Meetings**

- A. The Standing Rules shall prescribe a regularly occurring meeting time for the Senate to meet, as well as protocol for changes to meeting logistics.
- B. All meetings of the Senate shall be open to the public, except when dealing with matters of personnel, existing or anticipated litigation, license or permit determination, threat to public services or facilities, labor negotiations, investments, contracts, or real property negotiations.

### **Section 6 | Advocacy Agenda**

- A. The Senate, at the beginning of a new cohort, shall develop an Advocacy Agenda in accordance with the Standing Rules.
  - a. The Advocacy Agenda shall consist of a series of student concerns to be advocated for and addressed by the Association, as well as specific projects Executive Officers, the Cabinet, and the Senate shall commit to for the remainder of their term.
  - b. The Standing Rules shall prescribe the format, modality, and maintenance of the Advocacy Agenda.

### **Section 7 | Parliamentary Authority & Voting Procedure**

- A. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with this Constitution and any other rules the Association may adopt.
- B. Unless otherwise provided for in the Constitution or By-Laws, the Senate shall take action by majority vote.
  - a. A majority vote shall be defined as a simple majority of those voting "yes" or "no"
- C. Unless otherwise provided for in the Constitution or By-Laws, a two-thirds vote shall be defined as a two-thirds vote of those voting "yes" or "no"

# **ARTICLE IV**

## **JUDICIAL BOARD**

### **Section 1 | Establishment**

The judicial authority for the ASUCSD shall be vested in the Judicial Board and shall extend to all cases and controversies arising under this Constitution or any of the rules of the Association or its subordinate bodies.

The Judicial Board shall be composed of:

- A. One Chief Justice, who shall chair the Judicial Board.
  - a. The title of Chief Justice shall be granted to the first willing and highest level of seniority Associate Justice. If there is a tie in seniority, then the President shall make the nomination to the Senate for approval.
- B. Six Associate Justices.

### **Section 2 | Appointments & Nomination**

- A. The President shall be responsible for appointing candidates for Associate Justice and Chief Justice to the Senate for approval, by a majority vote.
- B. The term of a Judicial Board member shall begin upon approval by the Senate and end when the person ceases to be a member of the ASUCSD.
- C. Only members of the ASUCSD shall be eligible to serve as a member of the Judicial Board. D. No member of the Judicial Board shall also serve in the Cabinet or as a voting member in the Senate.

### **Section 3 | Judicial Rules**

- A. The Judicial Board shall establish, maintain, and propose changes to the Judicial Rules which shall govern the procedures and operations of the Judicial Board.
- B. All changes to the Judicial Rules or Judicial Board must be approved by a majority of the Senate and Judicial Board.

# ARTICLE V

## ELECTIONS

### Section 1 | Establishment

The ASUCSD shall be entitled to an equitable, fair, unbiased, and accessible election open to all members. The Association shall be responsible for organizing an independent Elections Committee that shall oversee the election process.

### Section 2 | Elections Code

- A. The Senate shall establish the rules and procedures of the election, hereinafter referred to as the "Election Code"
- B. The Election Code shall exist to provide a democratic, fair, and open electoral process and to:
  - a. Provide equal access to any and all with the inclination, qualification, and dedication to serve.
  - b. Promote an efficient and high-turnout election that promotes positive response among the student body
  - c. Prevent foul play that distort the process of having a free and fair election
- C. The Election Code may not be amended or suspended during the time period between when the first candidate has filed for office and the certification of the results for that election

### Section 3 | Emergencies

- A. In the case of a campus-wide emergency, a committee may be formed that consists of:
  - a. The Executive Officers
  - b. AS Elections Manager
- B. If a member of the committee is a candidate, that member must recuse themselves from the committee.
- C. The committee will have the authority, by a majority vote, to temporarily implement new policies and change existing ones, that may or may not be consistent with existing policies, in regards to campus wide AS Elections that are consistent with the spirit of the Election Code.
- D. The AS Senate must be notified by email a minimum of three hours in advance of any meeting of the committee in which a decision shall be voted on.
  - a. Senators who are not candidates themselves shall be permitted to attend said meeting and vote on proposed changes.
  - b. Any changes to election policies shall be made public to candidates by the AS Elections Manager.

### Section 4 | Fee Referenda

- A. To establish, increase, reduce, or eliminate any campus-based student fee through the process of a student fee referendum, the Senate must, by a two-thirds vote, place a fee referendum on the ballot for the student body to vote on.
- B. If the change in campus-based student fee would affect both undergraduate and graduate & professional students, the Senate, by a two-thirds vote, and the Graduate & Professional Student Association must both agree to place a fee referendum on a ballot for undergraduate, graduate, and professional students to vote on.
- C. Before placing a facility-fee referendum on the ballot, the involved student government(s) must approve a facility board charter conforming to the following requirements:
  - a. The sole purpose of the facility board must be to oversee the facility, with jurisdiction including annual review and approval of the operating budget, space allocation, rent assessments, custodial standards, capital improvements, maintenance and renovation, purchase of equipment, and hours of operation.
  - b. Students as a proportion of facility board voting members must be no less than student fees as a proportion of total facility funding, excluding generated revenue.
  - c. If more than half of facility funding (excluding generated revenue) will come from student fees, then the facility board must be chaired by a student, and the student members of the facility board shall be involved in the selection and regular review of key administrative personnel for

the facility. If a facility board already exists for the facility, it must be reconstituted to conform to the above requirements.

- D. For a referendum that establishes or increases a campus-based student fee, the following information must be included in the ballot language:
- a. The purpose of the fee. For facility fees, the services and amenities that will be provided in the new facility must be listed, as well as the planned location and approximate gross square footage of the facility. For activity fees, the type(s) of activities supported by the fee must be listed as specifically as possible, as well as which campus department(s) will receive and allocate the funds.
  - b. The body that will oversee the fee. For facility fees, a facility board (described earlier) must be designated, and a reference to the facility board charter included. For activity fees, the involved student government(s) shall have oversight of the fee, and must annually review and approve the operating budget.
  - c. For facility fees, the dollar amount per quarter for debt repayment, and the dollar amount per quarter for maintenance and operation. The debt-retirement period must be specified in years or months.
  - d. The total dollar amount per quarter of the fee. For facility fees, this is equal to the sum of the amounts described above for debt repayment and for maintenance and operation.
  - e. When the fee will begin to be collected.
- E. For a referendum that establishes or increases a campus-based student fee, the following sentences must appear in the ballot language:
- a. "This fee will be included in the determination of financial aid."
  - b. "Annual budget reports will be made public and provided to all UCSD student governments."
  - c. "Modifications to this fee may not be made without a subsequent student referendum held in accordance with the appropriate student governmental and University policies, unless other means are explicitly provided in this ballot language."
- F. For a referendum that establishes or increases a facility fee, the following sentences must appear in the ballot language:
- a. "No additional debt may be levied against this fee, nor may an increase of the debt-retirement period be made, without a subsequent student referendum held in accordance with the appropriate student governmental and University policies."
  - b. "After the debt-retirement period specified herein, the debt-repayment portion of the fee, also specified herein, shall not be collected."
  - c. "A Building Advisory Committee (BAC) shall oversee the planning, design, and construction of the facility, shall have students as a proportion of voting members no less than student fees as a proportion of total facility funding, and shall have a student co-chair elected by the student membership of the BAC."
  - d. "Other funds that become available after the referendum may be applied to the reduction of this fee by decision of the facility board."
- G. For any fee referendum to be approved, a majority of votes cast in the fee referendum election must approve the change in the campus-based student fee. Additionally, the number of students casting ballots must equal or exceed 20% of the registered students affected by the fee at the time the election is held.
- H. If the fee referendum is approved in the election and approved and implemented by the administration, the language of the referendum is binding on the Senate unless it conflicts with this Constitution. In this way, the students may lock-in portions of a campus-based student fee to certain financial areas by placing language to that effect in the referendum question.

## **Section 5 | Review Referenda**

- A. The ASUCSD may review an action of the Senate in the following manner:
- a. A petition must be submitted to the President with the signatures of at least ten percent of the members of the ASUCSD. This petition must clearly state which action of the Senate is being petitioned for review by the ASUCSD, and the petition must be submitted within twenty-one academic days of the action of the Senate. Each signature on the petition must include a printed

- name, a signature, and the last four digits of the student's UCSD PID number.
- b. Upon receipt of a valid petition, the President shall call a campus-wide special election within thirty academic days where the members of the ASUCSD shall vote on the question of whether to uphold the decision of the Senate, unless an election is already scheduled to take place within fifty academic days, in which case the question shall instead appear on that ballot. The Senate shall establish the rules and procedures of the election, provided, however, that voting must take place for at least five academic days.
  - c. During the interval between the submission of the petition and the election, all related actions and any associated expenditure of funds shall be suspended.
  - d. The number of students casting ballots must equal or exceed 10% of the registered students affected by the petition at the time the election is held. If a simple majority of those casting ballots disapprove of the action of the Senate, the action of the Senate is reversed, and the members of the Senate shall make a good faith effort to honor the result of the referendum for at least one academic year. If a decision of the Senate has been reversed, the Senate may not take any action for one academic year that would have the same effect as the action that was reversed.

# ARTICLE VI

## FINANCE & RESOURCES

### Section 1 | Establishment

The Association shall serve as responsible stewards of the Student Activity Fee and additional fees that fund the operations, programs, and activities of the Association. The Senate shall have the ultimate authority over the ASUCSD budget, including the budgets of all Association units and the funding of sponsored organizations. The Chief Financial Officer shall oversee the administration of the ASUCSD budget in accordance with their duties and powers.

### Section 2 | Annual Budget

- A. The Chief Financial Officer shall prepare and submit an Annual Budget to the Senate for consideration by the Senate
  - a. The timeline for the annual budget process shall be outlined in the Standing Rules. b. The Annual Budget may be submitted later than the date(s) prescribed by the Standing Rules if the Executive Officers, by a majority vote, agree to delay due to campus-wide emergencies, or major concerns.
    - i. The Salary Budget, which is to be passed no later than Week 10 of Spring Quarter, shall be considered the bare minimum budget and shall contain the salaries of career staff, and fee referenda-locked allocations.
- B. Senate meetings during which the Annual Budget is presented and considered shall be joint sessions.
  - a. During these meetings, with the exception of voting members of the Senate, members of the Assembly shall serve as non-voting ex-officio members of the Senate.
  - b. During the Annual Budget meetings, the Roberts Rules of Order may be suspended and modified to consider the Annual Budget section by section, rather than an entire item.

### Section 3 | Mandate Reserve

- A. The Mandate Reserve shall serve as a savings and emergency fund against any unforeseen costs in the future.
  - a. This account shall roll over annually and not be returned to the General Unallocated Account
  - b. The Mandate Reserve shall not dip below five percent of the total yearly income of the Association.
  - c. Five percent of the expendable fund income (funds after mandatory referendum and return to aid shall be put automatically into Mandate Reserves each year.
- B. The Mandate Reserve may be used to fund the following:
  - a. Permanent equipment (furniture, technology, etc.).
  - b. One-time costs for Enterprises or Student Services.
  - c. One-time costs for new initiatives or pilot programs.
  - d. One time funding for budget shortfalls that will significantly impact the basic funding obligations of the ASUCSD.
  - e. In the event of a budget shortfall created by unforeseen funding expenses or financial obligations.
- C. The Association may spend from the Mandate Reserve by a majority vote of the Senate. a. This vote requires that at least three-fourths of voting members of the Senate are present. b. Any unused money is automatically returned to the Reserve if the allocated amount is not fully spent.

### Section 4 | Income

- A. The Chief Financial Officer shall be responsible for coordinating with the University to verify the Association's income annually.
- B. Campus Activity Fee Income
  - a. Every member of the ASUCSD shall pay the Campus Activity Fee
  - b. All income from the Campus Activity shall be placed into a General Unallocated Account. The

Senate may, by a majority vote, approve allocations from this account.

C. Income for Association Units

- a. Income from any AS Office, Service, or Enterprise shall be placed into an Income Unallocated Account. The Senate may, by a majority vote, approve allocation from this account.

**Section 5 | Freezing of Accounts**

- A. If any entity within the Association, or receiving ASUCSD funding overspends, or misappropriates any allocations, or for any other purpose in violation of this Constitution and the By-Laws the Chief Financial Officer, the President, or the Senate, by a majority vote, may freeze the account.
  - a. If the President or Chief Financial Officer freezes an account, they must report to the Senate at the next Senate meeting. The Senate may overrule the decision to freeze the account by a majority vote.
- B. An account may be unfrozen by the Chief Financial Officer, the President, or the Senate.
  - a. The account may be unfrozen pending repayment by the registered student organizations.
  - b. principal members or an agreed upon settlement between the Chief Financial Officer and the registered student organization.

**Section 6 | Commitment of ASUCSD Funds**

6.1 | Policy of Ethical Spending

- A. The Special Committee on Human-Rights Advisory is hereby established (hereinafter referred to as SCOHRA) as a special committee of the Office of Equity, Diversity and Inclusion.
- B. The ASUCSD Chief Financial Officer is the representative of the ASUCSD elected officials with respect to financial and business responsibilities.
- C. All proposals to engage in contractual relationships require advance approval by the ASUCSD Chief Financial Officer.
- D. No representative of ASUCSD may commit ASUCSD funds to any company on the PES list set forth by SCOHRA (Special Committee on Human-Rights Advisory), to be made available to all Senate members.
  - a. The Office of Student Organizations is exempt from this restriction provided that they abide by an approved vendor list, the determination of which is not made by ASUCSD.
- E. The SCOHRA shall review each office's purchases at the end of the month through financial records and expense reports provided by the CFO or Director of Student Governments, Auxiliaries & Services.
- F. No ASUCSD funds shall be used to purchase products or services of any corporation identified by the PES List as being complicit in the violation of international human rights. Policies and guidelines on this subject shall be set by the Special Committee on Human Rights Advisory (SCOHRA) in the Policy of Ethical Spending (PES).
  - a. Any policy change to the PES shall be reported to the Senate, which shall have the power to overturn or amend the policy by a two-thirds vote.
  - b. Any policy change to the PES shall be communicated to all ASUCSD bodies affected by their adopted senators or their Associate Vice President.
  - c. Units and committees impacted by the implementation of this boycott or divestment shall receive guidance on a timeline of a buffer period and alternatives from the Special Committee on Human Rights Advisory (SCOHRA). Adopted Senators shall facilitate and disseminate policy directives from the committee. Entities with existing contracts with the companies listed are not required to sever said contracts, but will not be permitted to renew them.
  - d. Companies on the boycott list that are added to the "pressure target" category of BDS are up to SCOHRA. At the meeting of each month, they shall determine logistics and feasibility, and if any recommendations are approved by SCOHRA, they shall be presented to the Senate, where the Senate can overturn the addition by a 2/3rds vote. All other companies in other categories are non-negotiable.



- e. This clause shall not apply to university contracts that are imposed upon ASUCSD that the association cannot detract from.

#### 6.2 | PES List

- A. The PES list shall be a running list that is made accessible to all ASUCSD units by SCOHRA.
- B. The list may include several tiers of coverage to ensure effective targeting of the policy.
- C. The list may be amended only by a majority vote of the Special Committee on Human-Rights Advisory (SCOHRA), which can be overturned by the Senate through a two thirds vote.
- D. No vote shall be required to establish the list. Article VI, Section 6, Subsection 6.2, Paragraph D shall be removed on September 1, 2024.

# ARTICLE VII

## PERSONNEL POLICIES & PROCEDURES

### Section 1 | Establishment

The ASUCSD shall be entitled to participate in all units within the Association and have the right to an equitable and fair hiring process. The Association shall offer the ASUCSD an unbiased, equitable, and open application process, as well as hold the personnel of the Association accountable.

### Section 2 | Eligibility of Personnel

- A. All personnel of the Association shall abide by the following regulations in order to maintain their position:
  - a. Be in compliance with the Student Code of Conduct.
  - b. Be in good academic standing.
- B. Members of the Assembly (Executive Officers, Senators, and Associate Vice Presidents) shall hold only one position.
  - a. Senators may apply to participate in a unit of the Association, including the AVP offices, as a staff member.
  - b. The Executive Officers shall only hold their office and shall not hold a Cabinet position in College Councils.
- C. No voting member of the Senate shall hold more than one voting position

### Section 2 | Hiring Procedures & Appointments

- A. The Chief Personnel Officer shall prepare and submit to the Senate annually for approval the standardized hiring procedures to be adopted by the Association.
  - a. The timeline for this process shall be outlined in the Standing Rules.
- B. Unless otherwise specified in this Constitution and the By-Laws, all hiring units may appoint candidates to a position without Senate approval.
  - a. The Standing Rules shall prescribe a procedure for the Chief Personnel Officer to ensure hires made without Senate approval are conducted equitable and in compliance with standard hiring protocol.

### Section 3 | Compensation Policies

- A. Members within the Association may be provided monetary compensation upon approval by the Senate in the Annual Budget.
  - a. All positions with monetary compensation must be approved by the Senate, including positions within but not limited to the Cabinet, the Senate, Commissions, Auxiliaries, Services, and all other applicable bodies.
- B. The Standing Rules shall provide a detailed outline of the levels of stipends permitted to be granted to members of the Association, upon Senate approval.

### Section 4 | Performance Standards & Evaluations

- A. Performance standards shall be defined as the acceptable level of performance, as it pertains to requirements, expectations, and core competencies, based on the Constitution, By-Laws, and the needs of the student body.
  - a. The Chief Personnel Officer shall be responsible for developing, proposing, and regularly facilitating the performance standards and evaluations processes.
    - i. The process of performance standards and evaluations shall be outlined in the Standing Rules.
- B. Performance Standards shall be treated as legislation and subject to Senate approval, by a majority vote.
  - a. Any amendment to a performance standard shall be presented to the Senate for approval, by a majority vote.

## **Section 5 | Impeachment & Removal**

- A. The Senate may, by a two-thirds vote, impeach Executive Officers, members of the Cabinet, voting members of the Senate, and members of the Judicial Board on one or more of the following grounds:
  - a. Misuse of funds.
  - b. Unsatisfactory attendance and performance.
  - c. Failure to perform duties and responsibilities.
  - d. Improper or unethical use of position.
  - e. Willful violation of the Association's rules, policies, or procedures.
- B. Upon impeachment, the Judicial Board shall convene to confirm the removal of the member. If the Judicial Board finds the member responsible for any of the charges - and assuming all procedures for removal from office were appropriately followed - the Judicial Board may confirm the members removal from office.

# **ARTICLE VIII**

## **CONSTITUTIONAL PROCEDURES**

### **Section 1. Proposing Amendments**

The Senate may, by a three-fourths vote of the entire voting membership, propose amendments to this Constitution.

### **Section 2. Ratification of Amendments**

Amendments to this Constitution shall be ratified upon approval of two-thirds of the College Councils or a majority vote of the ASUCSD. Amendments must be ratified within one academic year of the date the amendment was propose.