

**CONSTITUTION AND BY-LAWS
OF THE ASSOCIATED STUDENTS
OF
THE CALIFORNIA MARITIME ACADEMY**

PREAMBLE

We, the students of the California Maritime Academy, do provide by this Constitution a representative student government conceived on the principle of meaningful student participation in all areas of campus student life, and through this Association that we may, both independently and in collaboration with other campus constituencies, contribute to the quality of campus instructional programs, protect freedom of expression and assembly in all their forms, provide campus services and coordinate social activities for students, and advocate the student perspective in the governance of the institution, do hereby ordain and establish this Constitution.

ARTICLE I – NAME, PURPOSE, MEMBERSHIP, AND POSITIONS

SECTION 1: NAME, COLORS, AND EMBLEM

- A. The name of this Association shall be the “Associated Students of the California Maritime Academy,” herein called the Association. The abbreviation of the name of the Association shall be the “ASCMA.”
- B. The official colors of the ASCMA are blue and gold.
- C. The official ASCMA emblem is the “Keelhaulers,” represented by a pirate head backed by crossed scabbards.

SECTION 2: PURPOSE AND AUTHORITY

The primary purpose of the ASCMA is to sponsor, promote, and conduct essential activities closely related to but not normally included as a part of the instructional program of the California Maritime Academy, subject to the regulations of the State of California and policies and standing orders of the Board of Trustees of the California State University. With the specific objective of serving the needs of CMA students, the ASCMA exists to:

- 1. Develop student leadership skills through participation in self-governance,
- 2. Enhance the quality of campus life for students and the entire CMA community, and
- 3. Provide a forum for representing the interests of the entire student body.

The authority of the Association shall be vested in its Executive Officers and in the Associated Students Council, hereafter referred to as the A.S. Council.

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SECTION 3: MEMBERSHIP

Registered, fee-paying students at the California Maritime Academy shall be members of the Association. All members shall hold equal rights in the Association and its subordinate organizations, except otherwise provided in this Constitution. Subject to other applicable qualifications, all members shall be eligible to hold office in the Association or in any of its subordinate organizations.

SECTION 4: ELIGIBILITY FOR ELECTED AND APPOINTED POSITIONS

In order to assume or remain in an elected, appointed, or confirmed position in the Association, a person must be a currently registered student at the California Maritime Academy, unless the position is explicitly designated as non-student. This provision does not apply to the winter or summer recess, provided that the person intends to be a registered student in the next semester.

In addition to regular membership in the Association, a student must also meet the following academic requirements in order to be eligible for elected office or appointed or confirmed positions in the ASCMA.

- A. Any student elected or appointed to A.S. Council or any A.S. Board or Committee shall be in good academic standing and have no less than a 2.5 cumulative grade point average with no semester grade point average below a 2.0 during term of office. If one should fall below either, the Executive Team will make recommendations of either removal or probationary status.
- B. During the term of office, students elected or appointed to A.S. Council or any A.S. Board or Committee shall be enrolled in no less than seven academic credits and maintain no less than a 2.5 cumulative grade point average with no semester grade point average below a 2.0 during term of office. If one should fall below either, the Executive Team will make recommendations of either removal or probationary status.
- C. Incumbents may not be on academic or disciplinary probation.

(1st October 2012)

SECTION 5: NON-DISCRIMINATORY POLICY

ASCMA does not discriminate on the grounds of age, disability, gender, sexual orientation, marital status, national origin, nationality, race, or religion. The A.S. Council or any other organization subject to its jurisdiction shall not adopt any policy or pass any statute or other law which directly or indirectly abridges the freedom of speech, assembly, press, religion or basic right of any individual; nor shall any of the same organizations practice or sanction the practices of any discrimination according to age, disability, gender, sexual orientation, marital status, national origin, nationality, race, or religion. Furthermore, the A.S. Council shall not approve funding for any activity or group that discriminates on the basis of age, disability, gender, sexual orientation, marital status, national origin, nationality, race, or religion.

ARTICLE II – EXECUTIVE OFFICERS

SECTION 1: GENERAL QUALIFICATIONS, TERM OF OFFICE, VACANCIES

- A. The Executive Officers of the Association shall be a President, Executive Vice President, and Vice President of Finance. They shall be elected during the spring semester, and their term of office shall be for one year, beginning immediately upon being sworn into office.
- B. In the event of a vacancy occurring in any executive officer position before the end of the normal term, the nomination for replacement shall be made in accordance with the ASCMA By-Laws. The A.S. Council shall consider such nominations, and shall, by a two-thirds (2/3) vote of the entire A.S. Council, approve a replacement.
 - 1. The replacement's term shall be for the remainder of the academic year, or until replaced by a newly elected student
 - 2. If the vacancy occurs at least 14 calendar days prior to the fall regular freshmen election, the position shall be included in that election. The person elected shall take office immediately upon certification of election results of the A.S. Council.

(1st October 2012)

SECTION 2: PRESIDENT

The President shall not serve more than two full terms. The President must be at least Junior Class Standing. *The President shall receive a monthly stipend of \$300.00 starting May 1st after taking office through the last day of April one year later. Stipend payments from May to August will be subject to final approval by the Associated Students Executive Director.* The duties and powers of the President shall be:

- A. To serve as the chief representative of and spokesperson for the Association, and to monitor the health and well being of the Association and the student body which it represents.
- B. To have authority to call meetings of the Association and A.S. Council, and to preside at such meetings.
- C. To have the power of veto over legislative actions of the A.S. Council. Such veto may be overridden by a two-thirds (2/3) vote of the entire A.S. Council, during the

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semester in which the action takes place. The President must exercise the option of veto within seven (7) days of legislative action by the A.S. Council.

- D. To appoint members to all A.S. committees and A.S. Boards, and other representative bodies as defined in this Constitution and ASCMA By-Laws.
- E. To direct, by Executive Order, the taking of actions, which are urgent and necessary to maintain the functioning of the ASCMA until the A.S. Council, can meet. Any Executive Order automatically expires at the third regular A.S. Council meeting following issuance of the order, or upon termination by the A.S. Council by a majority of those voting, a quorum being present to do business.
- F. To present the position of the ASCMA in matters involving other campuses, schools, and students outside the California Maritime Academy.
- G. To be the official ASCMA representative to the California State Student Association and such other student associations in which membership is held.
- H. To present the position of the Association in discussions with the Academy, its administrative officers, and faculty concerning student rights, campus regulations, and other areas of institutional policy.
- I. To carry out any other duties as set forth in this Constitution, ASCMA By-Laws, or assigned by the A.S. Council.

(28 February 2007) (1st October 2012)

SECTION 3: EXECUTIVE VICE PRESIDENT

The Executive Vice President shall have or reasonably expect to have at least Junior Class standing. *The Executive Vice President shall receive a monthly stipend of \$250 starting May 1st after taking office through the last day of April one year later. Stipend payments from May to August will be subject to final approval by the Associated Students Executive Director.* The duties and powers of the Executive Vice President shall be:

- A. To serve as the second ranking representative of the Association, and perform the duties of the President in the President's absence.
- B. To serve as chairperson of the Elections Committee.
- C. To assume the duties of the President in the event of the resignation, recall, or temporary or permanent disability of the President, until such time as a replacement is selected or elected.

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- D. To determine the need for and the assignment of office and storage space and/ or equipment to student clubs and organizations recognized by the ASCMA, subject to ASCMA By-Laws.
- E. To plan the annual A.S. Leadership ~~Institute~~ Learning Retreat.
- F. To carry out any other duties as set forth in this Constitution, ASCMA By-Laws, or assigned by the A.S. Council.

(28 February 2007) (1st October 2012)

SECTION 4: VICE PRESIDENT OF FINANCE

The Vice President of Finance shall have or reasonably expect to have at least Sophomore Class standing. *The Vice President of Finance shall receive a monthly stipend of \$250 starting May 1st after taking office through the last day of April one year later. Stipend payments from May to August will be subject to final approval by the Associated Students Executive Director.* The duties and powers of the Vice President of Finance shall be:

- A. To serve as the third ranking representative of the Association, and perform the duties of the President in the President's and Executive Vice President's absence.
- B. To ensure that the fiscal actions directed by the A.S. Council are carried out.
- C. To oversee preparation of the annual A.S. budget and present detailed reports of the financial condition of the Association to the A.S. Council.
- D. To recommend financial policy and guidelines for the Association.
- E. To review and approve prior to disbursement all expenditures of the Association.
- F. To maintain an accurate listing of property, equipment, and other assets of the Association.
- G. To carry out any other duties as set forth in the Constitution, ASCMA By-Laws, or assigned by the A.S. Council.

(11 April 2012) (1st October 2012)

SECTION 5: RECALL OR REMOVAL OF EXECUTIVE OFFICERS

- A. Any executive officer of the ASCMA may be subject to recall by presentation to the A.S Council of a petition signed by at least one hundred (100) students and containing a specific statement of the reasons for the proposed removal.

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- B. *An Executive officer shall automatically be removed from office if the Executive officer has failed to attend three (3) of the regular A.S. Council meetings. Regular A.S. Council meetings which occurred while not a member, or meetings for which the Executive officer can present to the President of the California Maritime Academy, or duly appointed designee, a valid written medical excuse explaining the reason(s) for non-attendance, shall not be included in calculating the attendance requirement.*
- C. At the next regular meeting of the A.S. Council, recall election shall be set in accordance with ASCMA By-Laws pertaining to elections. At that meeting the officer identified for recall shall be allowed to speak to the recall issues and to offer defense.
- D. If two-thirds (2/3) of the votes cast at the recall election approve, the office shall be removed from office.

(28 February 2007)

ARTICLE III - A.S. COUNCIL

SECTION 1: PURPOSE

All legislative and final administrative authority of the Association shall be vested in and exercised by the A.S. Council, for the promotion of the welfare and interest of the students of the California Maritime Academy, subject to the limitations enumerated in this Constitution and the ASCMA By-Laws.

SECTION 2: MEMBERSHIP

- A. The A.S. Council shall be composed of the following membership:
 - 1. Voting Members: A.S. President, Executive Vice President, Vice President of Finance, and two (2) Representatives from each class, elected in accordance with this Constitution and the ASCMA By-Laws.
 - 2. Ex-Officio Members: Corps Commander (or duly appointed representative), Chairperson of the Academic Senate (or duly appointed representative), Student Programming Director (or duly appointed representative), and staff to the A.S. Executive Officers. These members shall have full rights, except that of voting.
- B. All elected or appointed members of the A.S. Council shall serve a term of one year beginning immediately after being appointed or shall fill or complete an unexpired term.

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- C. Any vacancy in an elected or appointed office of the A.S. Council shall be filled by either a special election or appointment as deemed appropriate by the A.S. Council. Such appointments shall serve until the next general or special election, at which time a successor shall be elected to fill the unexpired term. All appointments shall be confirmed by an affirmative vote of two-thirds (2/3) of the members of the A.S. Council.
- D. The A.S. Council shall have an Executive Committee composed of the President, Executive Vice President, Vice President of Finance, and up to two (2) additional members appointed by the A.S. Council from its membership.
 - 1. The Executive Committee shall be chaired by the A.S. President.
 - 2. The Executive Committee shall be subject to the direction of the A.S. Council in the administration of the Council's affairs.
 - 3. The Executive Committee will act on Association matters and fulfill the official powers of the A.S. council during any recess or secured period. When such action is taken by the Executive Committee, minutes reporting all actions shall be distributed to the full A.S. council at the next regularly scheduled A.S. Council meeting.

(1st October 2012)

SECTION 3: REMOVAL & REPLACEMENT OF CLASS REPRESENTATIVES

- E. A Class Representative shall automatically be removed from office if the Representative has failed to attend three (3) of the regular A.S. Council meetings. Regular A.S. Council meetings which occurred while not a member, or meetings for which the Representative can present to the Executive Vice President a valid written medical excuse explaining the reason(s) for non-attendance, shall not be included in calculating the attendance requirement.
- F. Any Class Representative may be subject to recall by presentation to the A.S. Council of a petition signed by at least one-half of the students in the class and containing a specific statement of the reasons for the proposed removal.
 - 1. At the next regular meeting of the A.S. Council, the date(s) of the recall election shall be set in accordance with the ASCMA By-Laws. At that meeting, the Class Representative identified for recall shall be allowed to speak to the recall issues and to offer a defense.
 - 2. If two-thirds (2/3) of the votes cast at the recall election approve, the Class Representative shall be removed from office. Only students represented by that Class Representative might cast votes for or against the recall.

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- G. A.S. Council By-Laws shall specify the procedure for nomination and confirmation of a student to fill a vacant office seat until a student is elected to fill that seat.
 - 1. The person elected shall take office immediately upon certification of election results by the A.S. Council.
 - 2. If a Class Representative is removed from office, that officer is not eligible to fill the vacated seat within the semester.

SECTION 4: MEETINGS AND QUORUMS:

- A. A majority of the entire A.S. Council shall constitute a quorum.
- B. The A.S. Council shall hold a special meeting at the call of the President or the Executive Vice President, or at the written request of any two (2) Executive Officers.
- C. *The A.S. Council must meet quarterly.*

(20 January 2004)

SECTION 5: INITIATIVE AND REFERENDUM

- A. Upon the presentation to the A.S. Council of a petition signed by at least two hundred (200) students, or by a majority vote of the entire A.S. Council, any question may be submitted to a vote of the students of the California Maritime Academy. The voting dates(s) shall be set in accordance with the ASCMA By-Laws.
- B. Concurrence of a simple majority of those students voting for or against shall be necessary to pass such questions. Upon passage, such matters may be amended or repealed by a subsequent majority vote by the students of the California Maritime Academy.
- C. In the case of two or more conflicting initiatives or referenda passed concurrently, all non-conflicting parts shall be enacted and the conflicting parts, which are part of the measure receiving the highest number of votes, shall be enacted.

(1st October 2012)

SECTION 6: ASCMA APPOINTMENTS

- A. All appointments to positions referred to in this Constitution must be approved by a two-thirds (2/3) vote of the entire A.S. Council, unless otherwise stated. If the A.S. Council votes on and fails to approve the appointment of an individual, that person shall immediately cease holding the position voted on.

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- B. Executive officers shall advise the A.S. Council of appointments and request votes of approval in a timely fashion. If an executive officer fails to notify the A.S. Council of an appointment within two (2) regular A.S. Council meetings after appointment, the appointee cannot continue in the position until appointment notice is properly given.

ARTICLE IV - A.S. BOARDS AND COMMITTEES

SECTION 1: AUTHORITY AND GOVERNANCE

- A. The A.S. Council shall be empowered to charter governing boards and committees to carry out the Association's affairs. The charters of such bodies, defined in the ASCMA By-Laws, may be revoked or modified at any time by a two-thirds (2/3) vote of the A.S. Council.
- B. The following standing governing boards and committees shall be composed of a majority of members who are CMA students appointed for that purpose, subject to A.S. Council confirmation:
 - 1. Elections Committee (chaired by Executive Vice President)
 - 2. Publication Board (i.e. Binnacle and other student publications)
 - 3. Campus Recreation and Programming (ACE/ARC) Board (chaired by a Student Director)
 - 4. Student Center Board (chaired by Executive Vice President)

(1st October 2012)

SECTION 2: A.S. COUNCIL OVERSIGHT

- A. The A.S. Council shall define in the ASCMA By-Laws the scope and authority of each board and committee it creates.
- B. Boards shall have the delegated authority to transfer allocated funds between existing line items without first seeking approval of the A.S. Council.
- C. No member of the Association shall hold a voting membership on more than one standing governing board. This provision shall not apply to Executive Officers or their designees.
- D. Any standing governing board that has not met for one (1) year or more shall have its charter reviewed by the A.S. Council before that Board may operate.

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- E. Each standing governing board must submit to an annual review before the A.S. Council.

ARTICLE V - FISCAL MATTERS

SECTION 1: A.S. COUNCIL FISCAL AUTHORITY

- A. The A.S. Council exercises fiscal oversight over the ASCMA funds, and is responsible for approving the Association's budget each year.
- B. The A.S. Council may recommend changes in student fees paid to the Association, subject to a referendum of the students of the California Maritime Academy and approval by a majority of the students voting in an election for that purpose. Such recommendations are advisory to the President of the California Maritime Academy.
- C. All financial appropriations not specified in the approved budget and exceeding \$5,000.00 or revenue reductions require a two-thirds (2/3) vote of the A.S. Council for approval.

(1st October 2012)

SECTION 2: A.S. FINANCE BOARD

- A. The A.S. Finance Board shall be chaired by the Vice President of Finance and composed of four additional students at large (one from each class). The A.S. President and Executive Vice President shall serve as non-voting ex-officio members.
- B. The A.S. Finance Board shall meet at the call of the Chair or any two (2) members thereof. Four members constitute a quorum.
- C. Functions and Powers:
 - 1. The A.S. Finance Board shall conduct budget hearings to receive, review, and modify the discretionary portions of the Association's annual operating budget, and thereafter forward to the A.S. Council its recommendations.
 - 2. All new and continuing appropriations of funds for Association activities, all modifications to annual appropriations for activities under the jurisdiction of the A.S. Council, and all budget changes requiring A.S. Council approval shall first be presented to the A.S. Finance Board for its consideration, and shall then be forwarded to the A.S. Council for final action.

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3. The A.S. Finance Board shall not recommend and the A.S. Council shall not approve funding for any activity or group that discriminates on the basis of race, color, religion, marital status, national origin, sex, age, sexual orientation, or disability.

SECTION 3: BALANCED BUDGET REQUIREMENT

The budget for the Association must be in balance such that expenditures for the fiscal year do not exceed revenue for that fiscal year.

SECTION 4: FISCAL EMERGENCY

- A. If at any time the Executive Officers, A.S. Council, or Finance Board have reason to believe that expenditures for the fiscal year will exceed revenue for that fiscal year, such person or persons may request a budgetary freeze.
- B. Such a freeze, if enacted by a two-thirds (2/3) vote of the A.S. Council, shall remain in effect until the A.S. Council has taken action to balance the budget of the Association.

SECTION 5: ASSOCIATION CONTINGENCY FUND

- A. The Finance Board shall recommend the amount allocated the A.S. Contingency Fund during the annual budget process.
- B. At the beginning of the fiscal year, the A.S. contingency Fund shall consist of no less than fifteen (15) percent of the total amount of the funds allocated to the Association.

ARTICLE VI – MEETINGS

SECTION 1: OPEN MEETINGS REQUIREMENT

- A. All meetings of the A.S. Council and its boards, committees, and other organizations shall be open and public, except as provided in this article.
- B. The A.S. Council and its governing boards may hold closed sessions only if two-thirds (2/3) of their membership approve. Such closed sessions may be held for the discussion of consideration of only the following:
 1. Matters involving litigation, when discussing in open session concerning those matters would adversely affect the interests of the Association.
 2. The acquisition or disposition of property, if discussion of these matters in open session could adversely affect the ability of the ASCMA to acquire or dispose of

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the property on the terms and conditions it deems to be in the best interest of the Association.

3. Matters concerning the appointment, employment, performance, compensation, or dismissal of Association employees, excluding elected and appointed officers.
 4. Deliberation on a case in order to arrive at a judgment.
 5. Matters relating to labor-relating negotiations.
 6. Matters involving investments, when discussion in open session could have negative impact on the Association's financial situation.
- C. Closed sessions shall be held in compliance with the following:
1. The agenda for closed sessions shall be approved in open session and no further items shall be considered in closed session.
 2. At the conclusion of the closed session, the Council shall reconvene into open session prior to adjournment and shall make any disclosures as required by State and Federal law.

SECTION 2: PUBLIC NOTICE

- A. The A.S. Council shall not take action on any main motion unless and until that motion has been publicly posted for at least 48 hours.
- B. The A.S. Council shall not take action on any resolution, amendment to these Constitution and By-Laws, unless and until that item has been publicly posted for at least one week.
- C. Notice of the agenda for each regular meeting must be given to all A.S. Executive Officers and all members of the respective body filing a request for it at least 48 hours prior to the meeting.
- D. The call and notice of a special meeting shall be posted and given at least forty-eight (48) hours in advance and shall specify the business to be transacted. No other business shall be considered at these meetings.

(1st October 2012)

SECTION 3: VOTING BY PROXY AND ELECTRONICALLY

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- A. No member of the A.S. Council or standing governing board or committee may vote by proxy on any ASCMA matter.
- B. In the event that an electronic vote need be taken on any issue, voting members of the A.S. Council or standing governing board or committee may vote electronically. An e-mail vote, from the voters' student email account, must be submitted to all members of the Executive Committee as well as a carbon copy to the Executive Director of the Associated Students.

(1st October 2012)

SECTION 4: RULES OF ORDER

All meetings of the Association shall be conducted according to parliamentary procedure set forth in the latest edition of Robert's Rules of Order Revised.

ARTICLE VII – OATH OF OFFICE

SECTION 1: OATH

All new Executive Officers and Class Representatives must affirm the following oath as they take office.

I, (state your name), as duly elected (Executive Officer/ Class Representative) of the Associated Students of the California Maritime Academy, do solemnly swear (or affirm) to faithfully fulfill the duties of this office as provided in the Constitution and By-Laws of the Association. I will strive to create representative student government, protect academic freedom, and defend student rights. I pledge my best efforts to maintain cooperative relations between the A.S. Council and CMA community, and establish as my primary goal support for the academic mission of the California Maritime Academy; I so affirm.

(1st October 2012)

SECTION 2: ADMINISTRATION OF THE OATH

The oath of office shall be administered to the incoming A.S. President by the outgoing A.S. President or ranking Executive Officer or A.S. Council member. After the new A.S. President is sworn in, that person shall administer the oath of the newly elected Executive Officers and members of the A.S. Council.

ARTICLE VIII – ASCMA BY- LAWS

Constitution and By-Laws of the Associated
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SECTION 1: PURPOSE

The ASCMA By-Laws shall supplement this Constitution by establishing such boards, councils, committees, and subordinate organizations, as the A.S. Council deems necessary. The By-Laws shall enumerate powers, duties, and rules pertaining to these official organizations. The By-Laws shall also layout procedures governing the functions of activities described in the Constitution, and may assign additional duties to Executive Officers, Class Representatives, and appointees.

SECTION 2: AMENDMENTS

A two-thirds (2/3) vote of the entire A.S. Council shall be necessary to ratify, modify, or suspend portions of the By-Laws. All such actions shall be conducted at open meetings.

ARTICLE IX – AMENDMENTS AND INTERPRETATIONS

SECTION 1: AMENDMENTS

- A. An amendment to this constitution may be proposed by either a two-thirds (2/3) vote of the entire Council, or by a petition signed by at least two hundred (200) students and presented to the A.S. Council, which shall then call a vote of the general student body.
- B. A favorable vote of two-thirds (2/3) of the votes cast for and against the amendment shall be necessary for adoption of the amendment; if adopted, the amendment shall take effect on the date specified in the amendment, or if no date is specified, immediately upon confirmation of election results by the A.S. Council.
- C. Whenever this Constitution is amended, an annotation of the date the amendment was voted on shall be placed at the end of each amended section.
- D. If two (2) or more conflicting amendments shall be passed simultaneously, all non-conflicting parts shall be enacted and the conflicting part or conflicting parts of the measure receiving the highest number of votes, so far as it receives a majority of the votes cast, shall be enacted, otherwise it shall go to a vote of the A.S. Council where a two-thirds vote of the entire A.S. Council shall be required.

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SECTION 2: INTERPRETATION

The President of the California Maritime Academy shall decide all questions of interpretation of this Constitution.

(1st October 2012)

ARTICLE X – ASSOCIATION MANAGEMENT

SECTION 1: PURPOSE

To assure on a continuing basis the effective operation of the Association, including its fiscal responsibility and compliance with this Constitution and the ASCMA By-Laws, *the President of the California Maritime Academy*, or duly appointed designee, shall serve as Executive Director of the Association.

(11 April 2012)

Affirmation

**Affirmed by a vote of the students of the California Maritime Academy on
October 1st, 2012.**

ASCMA Executive President & CEO

Executive Director

President, California Maritime Academy