

Associated Students of Porterville College

Constitution of the Associated Students of Porterville College

Submitted to the President of the Porterville College

by the
Associated Students of Porterville College

Ratification – August 12, 2016

Associated Students of Porterville College

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Constitution of ASPC of Porterville College

Article I. Preamble

We, the students of Porterville College, establish this Constitution of the Associated Students of Porterville College to organize as a self-governing body to serve as advocates and assume the powers and cooperative responsibility delegated to us by the President of Porterville College and the Board of Trustees of Kern Community College District. The Student Body is composed of unique and diverse individuals and groups of individuals united by common needs and interests.

Associated Students of Porterville College is established in order to ensure fair and equal treatment for all students; to provide a voice for the Student Body in the development of College policy and in the use of College Funds; to encourage academic and social involvement; to further cooperation and communication between students, faculty, classified staff, administration, and the community; to create and maintain adequate scholastic, social, cultural, and political activities in the furtherance of student welfare; and to promote the general academic achievement and life-long success of all students at Porterville College.

Article II. Name

The Associated Students shall be known as Associated Students of Porterville College, herein referred to as “ASPC.”

Article III. Associated Students of Porterville College (ASPC)

Section 1. Mission

Associated Students of Porterville College promotes activities which contribute to the development of human relations, leadership abilities and meeting the recreational and social needs of students. We are the “voice” of the students!

Section 2. Authority

ASPC and its Officers recognize that the authority and powers of ASPC are derived from the President of Porterville College. As a result, ASPC serves in an advisory capacity and operates under the oversight of, and at the discretion of, the President of Porterville College and designees.

Section 3. Governing Body

- A. ASPC shall be jointly governed by the following three (3) branches:
 1. The Executive Branch, herein referred to as the “Executive”;
 2. The Legislative Branch, herein referred to as the “Senate”; and
 3. The Judicial Branch, herein referred to as the “Judicial Review Board”.

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Section 4. Fiscal Authority

ASPC shall follow all Kern County Community District and Porterville College fiscal policies and procedures when expending and collecting Associated Students funds. Any and all ASPC funds expended or allocated must have the approval and confirmation from the ASPC Advisor. ASPC Officers or subsidiary employees do not have authority to enter into contracts or to make purchases themselves or on behalf of ASPC or Porterville College, but may seek to do so by working through the ASPC Advisor.

Article IV. Membership

Section 1. Associated Students Members

- A. Any individual who is registered in at least a half unit at Porterville College is entitled to representation by ASPC. Active Members of ASPC are Porterville College students who pay the ASB fee assessed each semester. Active Members are entitled to certain benefits that other student body is not entitled to, such as certain discounts and a set number of free prints accessed via the supervised ASPC office.
- B. The “Student Body” is referred to as the collective of Porterville College’s students.
- C. Active Members are entitled to
 - a. Admission to ASPC sponsored events and services, free or at a reduced rate;
 - b. The right to hold office, both elected and appointed, as long as the student is in good standing with Porterville College:
 - i. Academic Standing (i.e. not on Academic Probation or Disqualification per KCCD Board Policy);
 - ii. Registration Holds (i.e. not prevented from registering with the College per KCCD Board Policy);
 - iii. Student Conduct (i.e. not in violation of standards of appropriate behavior as defined by KCCD Board Policy);
 - iv. Financial Obligations (i.e. funds due to the College Business Office); and
 - v. The ASPC Codes.
 - c. Vote(s) in all Student Body elections;
 - d. Membership in registered student organizations at Porterville College, in accordance with the membership rules prescribed by the constitutions of said organizations;
 - e. Any other privileges which shall be prescribed by ASPC each semester.

Section 2. Discrimination Clause

No member will be denied membership on the basis of national origin, religion, age, sex, gender identity, race, color, medical condition, ancestry, sexual orientation, marital status, physical, psychological, or learning disability, or because is perceived to have one or more of the foregoing characteristics.

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Section 3. Term of Office

- A. The term of all Officers shall begin on May 1st and end by April 31st of the following year, which shall herein be referred to as the “Current Term”.
- B. The term of any appointed or specially elected Officers shall end at the close of The Current Term.
- C. No person may hold more than one (1) office simultaneously.
- D. No person may run for more than one (1) office at each election.
- E. No person may hold the same office for more than four (4) instructional semesters (fall and spring).

Section 4. Eligibility to Hold Office

- 1. All members of ASPC, at the time of their election or appointment and throughout their terms, shall meet the general qualifications as follows:
 - a. Must maintain a cumulative Porterville College grade point average of at least 2.00 for the duration of The Current Term and
 - b. Must maintain a minimum credit load of six (6) units per fall and spring instructional semesters for the duration of The Current Term.
- 2. Failure to be in good standing with Porterville College or to meet the minimum eligibility requirements for office at any point in the Officer’s Current Term may result in immediate removal from office by the ASPC Advisor or Porterville College Administration.
- 3. The elected and appointed members of ASPC collectively shall be referred to as “ASPC Officers.”

Section 5. Officer Compensation

Any increase in compensation will take effect after the next intervening general election, which shall be subject to approval by the ASPC Advisor.

Section 6. Oath of Office

Before entering into office, all members of ASPC shall take the following oath or affirmation: “I, states name, do solemnly swear (or affirm) that I will support the Constitution of the Associated Students of Porterville College; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office into which I am about to enter.”

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Section 7. Advisor

The Advisor to ASPC, who shall be appointed by the College President or designee, shall not be a member of any ASPC Student Body and shall act in an advisory capacity without a vote in the Senate.

The Advisor (or the College President or designee) shall review and approve actions by ASPC or its officers and members. The Advisor may work with all ASPC Officers to address performance related concerns as part of the learning experience that is student participatory governance. ASPC has the right to appeal all decisions made by the ASPC Advisor, to the College President or designee. Ultimate review and approval of the actions and omissions of ASPC and each of its subsidiaries remains with the President of Porterville College and the designee. The ASPC Advisor is used interchangeably to mean the Faculty Advisor, Director of Student Programs, and/or Vice President of Student Services.

Article V. Executive Branch

Section 1. Authority

The executive power of ASPC shall be vested in the Executive Board. The Executive Officers of ASPC shall be charged with implementing all Resolutions and Codes which are passed by the Senate.

Section 2. Executive Cabinet

- A. The Executive Board of ASPC of Porterville College shall be composed of the following:
1. President
 2. Vice President, ex-officio
 3. Director of Student Organizations
 4. Director of Student Activities
 5. Director of External Legislative Affairs
 6. Director of Finance
 7. Parliamentarian, ex-officio
 8. KCCD Student Trustee, ex-officio
 9. Secretary, ex-officio
 10. ASPC Advisor, ex-officio

Section 3. Powers of the Executive Board

- A. Executive Officers shall have the power to:
- A. Provide support to programs from the faculty, administration, classified staff, or community if those programs are aligned with the expressed interests of the Senate; and
 - B. Host or support activities that have not been approved by the Senate, if the activities are aligned with the expressed interests of the Associated Students of Porterville College.

Section 4. Duties of the Executive Board

- A. It shall be the duty of the Executive Officers to:
1. Implement activities, plans, and programs that have been mandated by the Senate;
 2. Coordinate the efforts of ASPC Officers in order to maintain a functioning and effective Associated Students;

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3. Strive to keep ASPC Senators and the Student Body informed of issues relevant to ASPC;
4. Engage with faculty, administration, classified staff, and the community in order to coordinate their efforts with the efforts of ASPC;
5. Be the public face of ASPC, representing the will of the Student Body in dealings with faculty, administration, classified staff, and the community.

Section 5. Regulations

- A. Executive Officers may not spend any ASPC funds that the Senate has not already allocated and all funds must be confirmed and approved by the ASPC Advisor before initiating.
- B. Executive Officers must obey this Constitution, ASPC Codes, and Resolutions in all actions they take as ASPC Officers.
- C. Executive Officers must comply with District and Porterville College policies, procedures, and any applicable laws in all actions taken.
- D. Improper use of Associated Students funds or irresponsible behavior as an ASPC Officer may result in censure by the Judicial Review Board and/or in punishment by the PC Administration, following an investigation conducted by these bodies.

Section 6. The Office of the President

- A. The powers and duties of the President:
 1. Shall be the Chief Executive Officer for ASPC;
 2. Shall act as the Chair of the Executive Cabinet;
 3. Shall have the power to appoint all Executive Officers, upon confirmation and approval from the Senate and the ASPC Advisor;
 4. Shall appoint student members to all College and District committees with the approval of the Senate;
 5. Shall have the authority to veto Senate legislation;
 6. Shall submit a proposed annual budget to the Senate;
 7. May serve as an ex-officio member of all ASPC Departments;
 8. Shall have the authority to make agreements with the approval of the Senate and the ASPC Advisor; and
 9. Shall perform all other duties as outlined in the Codes.

Section 7. The Office of the Director of Student Organizations

- A. The powers and duties of the Director of Student Organizations:
 1. Shall be the Director for the Department on Student Organizations;
 2. Shall be the Chair of the Inter-Club Council;
 3. Shall be responsible for preparing and posting agendas for meetings of the Department; and
 4. Shall perform all other duties as outlined in the Codes.

Section 8. The Office of the Director of Student Activities

- A. The powers and duties of the Director of Student Activities:
 1. Shall be the Director for the Department on Student Activities;
 2. Shall be responsible for preparing and posting agendas for meetings of the Department; and

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3. Shall perform all other duties as outlined in the Codes.

Section 9. The Office of the Director of Legislative Affairs

A. The powers and duties of the Director of Legislative Affairs:

1. Shall be the Director for the Department of Legislative Affairs;
2. Shall be responsible for preparing and posting agendas for meetings of the Department; and
3. Shall perform all other duties as outlined in the Codes.

Section 10. The Office of the Director of Finance

A. The powers and duties of the Director of Finance:

1. Shall be the Director for the Department on Finance;
2. Shall be responsible for preparing and posting agendas for meetings of the Department; and
3. Shall perform all other duties as outlined in the Codes.

Section 11. The Office of the KCCD Student Trustee

A. When a Porterville College student is selected to serve, in addition to being a resident of the district, they shall be enrolled at Porterville College and shall be under the recall by the students enrolled in the community colleges of the district in accordance with procedures prescribed by the governing board. The Student Trustee shall be required to be enrolled in at least six (6) units and maintain the minimum standards of scholarship for community college students, as prescribed by the community college district, throughout the appointment.

B. The powers and duties of the KCCD Student Trustee

1. Shall voice the opinion of the Student Body to the KCCD Board of Trustees;
2. Shall have knowledge of college governance, the community college environment, and parliamentary procedure;
3. Shall sit on the Executive Cabinet; and
4. Shall perform all other duties as outlined in the Codes.

Article VI. The Legislative Branch

Section 1. Authority

The legislative power of ASPC shall be vested in the Senate. All actions taken by the Senate are empowered and limited by the policies of Porterville College and ASPC.

Section 2. Membership

A. The Legislative Officers shall be as follows:

1. Vice President
2. Speaker Pro-Tempore
3. Senators

B. The Parliamentarian and ASPC Advisor shall be a non-voting member of the Senate to maintain parliamentary procedures and order.

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Section 3. Powers of the Senate

A. The Senate shall have the power to:

1. Establish an annual budget and make appropriations from Associated Students funds as approved by the ASPC Advisor;
2. Determine general policies and agreements of ASPC;
3. Make appointments where applicable;
4. Override the President's veto by two-thirds (2/3) affirmative vote of its total membership;
5. Override decisions of the Judicial Review Board by two-thirds (2/3) affirmative vote of its total membership, except in cases of constitutional interpretation;
6. Create and dissolve Senate committees, with the exception of those that are constitutionally mandated;
7. Draft and amend the ASPC Codes;

B. The Senate shall not do the following:

1. Rescind contracts, once signed.
2. Disapprove the salaries and contracts of classified and professional staff.
3. Create laws that presume binding authority beyond the jurisdiction of ASPC.

C. No Associated Students Body besides the Senate shall have the powers listed above. Only the Senate can produce legislation, allocate funds, and create committees or departments.

Section 4. Duties of the Senate

A. The Senate shall have the following duties:

1. To work to effectively represent the Student Body in the Participatory Governance process;
2. To allocate funds for ASPC business and events;
3. To hear and discuss issues and concerns that are relevant to the Student Body; and
4. To receive oral reports on participatory governance and ASPC committees and departments.

B. The Senate shall be able to produce, deliberate on, and approve the following types of legislation, so long as the legislation does not conflict with College, District, State, or Federal regulations and/or policies:

1. Resolutions, which require a simple majority vote (50% + 1) to pass, address legislation for the general welfare of ASPC and do not conflict with the ASPC Constitution or any of its Codes.
2. Bills, which require a two-thirds (2/3) majority vote to pass, alter, or nullify, establish formal policy in areas not explained or covered by this Constitution.

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Section 5. The Office of the Vice President

A. The powers and duties of the ASPC Vice President:

1. Shall chair meetings of the Senate;
2. Shall be responsible for preparing and posting agendas for meetings of the Senate;
3. May pass the responsibility of chairing the Senate meetings to another Senator temporarily to allow the Vice President to deliberate or propose legislation in accordance with Roberts Rule of Order. If no Senator agrees to accept the chair in these instances, the Vice President must retain the chair;
4. Shall have the authority to call a meeting of any ASPC body, with the approval of the ASPC Advisor;
5. Shall represent the Senate in accordance with the majority will of the Senate;
6. Shall cast a vote in the case of a tie or in those instances when not serving in the capacity of the chair of a meeting;
7. To act as a liaison between the Senate and the Executive Branch;
8. May serve as an ex-officio member of all Senate committees; and
9. Shall perform all other duties as outlined in the Codes.

Section 6. The Office of the Speaker Pro-Tempore

A. The Senate shall elect from its own membership one individual to serve as the Speaker Pro-Tempore.

B. The powers and duties of the ASPC Speaker Pro-Tempore:

1. Shall perform the duties of the Vice President at such time as the Vice President is unable or unwilling to perform them;
2. Shall chair the Senate Standing Committee on Academic Affairs;
3. In the event of a vacancy in the office of Vice President, the Speaker Pro-Tempore shall have the first opportunity to accept or decline the office of Vice President;
4. The Speaker Pro-Tempore shall have the first opportunity to accept or decline the responsibility the chair of Senate meetings at such time as the Vice President chooses to pass this responsibility. The Speaker Pro-Tempore does not have to accept the chair; and
5. Shall perform all other duties as outlined in the Codes.

Section 7. The Office of the Senators

A. The powers and duties of a Senator:

1. Shall be the voice of the general student population;
2. To act as a liaison between the constituents and ASPC;
3. Shall determine the effective use of ASPC funds and the overall budget;
4. Shall have the right to propose legislation to the Senate;
5. Shall be voting members of those ASPC committees to which they are appointed;
6. Shall be an active member of those Participatory Governance committees to which they are appointed;
7. Shall be a voting member of the Senate; and
8. Shall perform all other duties as outlined in the Codes.

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Section 8. Body of the Senate Meetings

A. The Vice President shall be the Chair of the Senate. The Chair shall vote only when it affects the outcome.

1. If absent, the Vice President may designate any voting member of the Senate to be a substitute chair for the duration of the meeting.

2. If no substitute chair is designated, the default substitute shall be the Speaker Pro-Tempore.

B. The Senate shall meet at least once every other week during the instructional semesters, not including non-instructional weeks of a semester, Spring Break, or the week of Final Exams.

C. Special meetings of the Senate shall be called by the Vice President upon the written request of any twenty-five percent (25%) of the voting members of the Senate.

D. A quorum to do any business of the Senate is two-thirds (2/3) vote of the total membership of the Senate.

Section 9. Standing Committees

A. The Senate shall have a system of Standing Committees.

B. Creation and management of the Senate Standing Committees shall be outlined in the ASPC Codes.

C. A Standing Committee shall be created by a two-thirds (2/3) vote in the Senate, and its purpose shall be set forth in the Codes at that time.

D. A Standing Committee may be dissolved by a two-thirds (2/3) vote in the Senate or as prescribed by the legislation.

E. Each Standing Committee must have a Code, which describes the committee's purpose, power, limitations, and possibly membership. Any formal action taken by a Standing Committee must be reported to the Senate at the next meeting of that body.

F. The Chair of each Standing Committee shall be appointed, with the approval of the Senate.

G. The constitutional mandated Senate Standing Committees shall be as follows:

1. Academic Affairs
2. Governmental Operations

H. No fewer than three (3) Senators shall serve on each committee.

I. The Chair shall vote only when it affects the outcome of the vote.

Section 10. Ad-hoc Committees

A. The Senate may create Ad-hoc Committees at any time with a Resolution, which will explain the purpose of the Committee.

B. Ad-hoc Committees shall have no power, but shall be a forum for discussion of issues relevant to ASPC business.

C. Ad-hoc Committees shall be automatically dissolved at the end of the Current Term.

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Section 11. Apportionment of Senator Seats

A. The Senate shall be composed of no more than twelve (12) Senators-at-large, who shall be elected to a term of one Current Term.

B. Senate may set the apportionment, names, and designation of Senators, with approval of the ASPC Advisor, every year before the General Elections in the spring instructional semester.

Article VII. Judicial Review Board

Section 1. Authority

The Judicial Review Board shall be vested with all judicial powers of ASPC. All decisions made by the Judicial Review Board are empowered and limited by the policies of Kern Community College District and Porterville College, and subject to the review and approval of the College President or designee.

Membership

A. The Judicial Review Board shall be composed of the following Officers:

1. The Parliamentarian, who shall be the Chair of the Judicial Review Board.

i. If absent, the Parliamentarian may designate any voting member of the Judicial Review Board to be a substitute chair for the duration of the meeting.

ii. If no substitute chair is designated, the Board shall elect a temporary chair from its voting membership for the duration of the meeting.

2. Four (4) Justices with voting privileges shall be appointed by the ASPC President, upon confirmation and approval from the Senate and the ASPC Advisor.

3. The ASPC Advisor will serve as an ex-officio member as well as be aware of all matters relating to the Judicial Review Board.

Section 2. Powers of the Judicial Review Board

A. The Judicial Review Board shall have the power to:

1. Determine the constitutionality of ASPC actions or legislation in consultation with the ASPC Advisor;

2. Approve, reject, or revoke the constitutions of registered Student Organizations based on their adherence to the policies of ASPC and its Codes;

3. Investigate any contested election and render a decision thereon following petition by any member of the Student Body;

4. Investigate grievances between ASPC Officers and recommend proper courses of action in response to those grievances;

5. Investigate potential violations of the Constitution and its Codes and determine proper courses of action in response to these violations.

6. Censure or impeach any ASPC Officers whose actions are in violation of this Constitution or its Codes, with the approval of the ASPC Advisor.

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Section 3. Duties of the Judicial Review Board

A. The Judicial Review Board shall have the following duties:

1. To ensure that all actions taken and legislation produced by the ASPC and its subsidiaries are in accordance with the Constitution and its Codes;
2. To interpret the Constitution and its Codes;
3. To resolve any conflicts between documents and/or actions approved by the ASPC;
4. To enforce the requirements of the Constitution and its Codes and determine proper action in case of violations;
5. To follow the applicable provisions of KCCD with respect to Porterville College disciplinary proceedings; and
6. Shall perform all other duties as outlined in the Codes.

Section 4. The Office of the Parliamentarian

A. The powers and duties of the Parliamentarian:

1. Shall be the Chair of the Judicial Review Board;
 2. Shall not be a voting member of the Senate;
 3. Shall vote only when it affects the outcome of a Judicial Review Board decision;
 4. Shall be charged with enforcing the Constitution and Codes and any laws for ASPC;
- and
5. Shall perform all other duties as outlined in the Codes.

Section 5. The Office of the Justice

A. The powers and duties of the Justice:

1. Shall be charged with enforcing the Constitution and Codes and any laws for ASPC;
- and
2. Shall perform all other duties as outlined in the Codes.

Section 6. Interpretation of ASPC Documents

A. The Judicial Review Board shall be responsible for interpreting the Constitution and its Codes. Any member of the Student Body may request that the Judicial Review Board investigate the constitutionality of a particular document or action.

B. Decisions made by the Judicial Review Board in the interpretation of the Constitution shall be made in consultation with the ASPC Advisor, and must receive written approval by the ASPC Advisor in order to take effect.

C. Judicial Review Board interpretations of the Constitution and its Codes, which are approved by the ASPC Advisor, may not be overturned by the Senate.

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Section 7. Sanctions

A. Before any ASPC Officer is reviewed by the Judicial Review Board, the concerns must be brought to the attention of the ASPC Advisor who will in turn initiate a review and conference of said Officer.

B. The Judicial Review Board, with the approval of the ASPC Advisor, may only issue sanctions or decisions that have been explicitly prescribed by the provisions of this Constitution or its Codes.

C. Any sanctions issued by the Judicial Review Board may be overturned by a two-thirds (2/3) vote in the Senate.

D. Sanctions of Censure:

1. Shall be a public record of an Officer's failure to fulfill the requirements of said office;
2. Shall be recorded in the minutes of the meeting during which the Censure was issued;

and

3. Shall not result in any loss of privileges, powers, or financial compensation.

E. Sanctions of Impeachment:

1. Shall remove the impeached individual from said office, thus halting all privileges, powers, and financial compensation drawn from that office;

2. Shall be recorded in the minutes of the meeting during which the Impeachment was issued; and

3. Shall not result in any penalties beyond removal from office.

F. The following actions shall be grounds for censure and/or impeachment:

1. Failure to maintain the minimum eligibility requirements for office outlined in this Constitution and its Codes;

2. Substantial neglect of duties and responsibilities, as established in this Constitution and its Codes;

3. Violations of this Constitution, the ASPC Codes, or Senate legislation and policies;

4. Conviction of malfeasance or failure to discharge the powers and duties of the respective office; and

5. Absence from any four (4) or more official ASPC meetings without a valid written excuse.

- i. Two (2) unexcused tardies are equivalent to one (1) absence.

- ii. The validity of an excuse shall be determined immediately following roll call on the date of the absence by the Chair.

Section 7. Censuring

A. In order to issue a censure, the Judicial Review Board must:

1. Inform the Senate and the Student Body of the Judicial Review Board's intent to censure at least two (2) weeks prior to the hearing;

2. Provide the defendant with the opportunity to defend at the hearing;

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3. Receive sufficient documented or testimonial evidence to establish the responsibility of the defendant;
4. Hear the testimony of all members of the Student Body who attend the meeting of the Judicial Review Board and wish to speak; and
5. Follow the prescriptions of this Constitution and any relevant Codes in determining the proper course of action.

Section 8. Impeachment Hearings

A. The Senate shall have the power of impeachment and to try all impeachments.

B. In order to issue an impeachment, the Judicial Review Board must:

1. Inform the Senate and the Student Body of the Judicial Review Board's intent to censure and/or impeach at least two (2) weeks prior to the hearing;
2. Provide the defendant with the opportunity to defend at the hearing;
3. Receive sufficient documented or testimonial evidence to establish the responsibility of the defendant;
4. Hear the testimony of all members of the Student Body who attend the meeting of the Senate and wish to speak;
5. Follow the prescriptions of this Constitution and any relevant Codes in determining the proper course of action.

C. Any ASPC Officer may be removed from office by a three-fourths (3/4) vote of the total voting membership of the Senate and with the written approval of the ASPC Advisor.

D. No Officer shall be removed from office before they are given an opportunity to address the Senate in an open meeting.

E. The Parliamentarian shall preside over impeachments of Legislative or Executive Officers.

F. The Vice President shall preside over impeachments of Judicial Officers.

G. Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit within ASPC with approval from the ASPC Advisor.

Article VIII. Transaction of Business

Section 1. Location of Business

The principal location for the transaction of ASPC business shall Student Center at Porterville College. ASPC Officers have the option to appear remotely by any means of telephonic or other communication through which the participants may simultaneously hear each other during the conference. Under special circumstances, meetings may be held in other locations, if prior notice is given in accordance with the Ralph M. Brown Act.

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Section 2. Associated Students Meetings

- A. All official meetings of ASPC must be conducted in the presence of the ASPC Advisor.
- B. All official meetings shall be held in accordance with the Ralph M. Brown Act and KCCD policies.
 - 1. Agendas for regular meetings shall be posted seventy-two (72) hours prior to the start of the meeting.
 - 2. Agendas for special meetings shall be posted twenty-four (24) hours prior to the start of the meeting.
 - 3. Agendas for emergency meetings shall be posted one (1) hour prior to the start of the meeting.
 - 4. All meetings shall be open to the general public.
- C. Quorum must be established for all official meetings.
- D. Any meeting of the ASPC Body shall be called upon by the Chair or at the request of at least twenty-five percent (25%) of the total voting members of that Body.
- E. Absentee voting shall not be permitted during official meetings.

Section 3. Parliamentary Procedure

- A. ASPC shall conduct its affairs and official meetings in according to the parliamentary law as set forth in the most current edition of Robert's Rules of Order, Newly
- B. Robert's Rules of Order shall be observed where this Constitution, its Codes, the Ralph M. Brown Act, or other legislation does not explicitly set forth procedure.

Article IX. Elections, Appointments, and Vacancies

Section 1. Elections

- A. All Associated Students elections shall be administered by an Elections Committee, chaired by the ASPC Advisor.
- B. The details of Associated Students Elections shall be found in the ASPC Codes.
- C. A general Student Body election shall be conducted in Spring Semester of each year. An election will be held no fewer than six (6) instructional weeks or more than ten (10) instructional weeks prior to the close of the Spring Semester.
- E. The following shall be positions which may be filled by the general Student Body election:
 - 1. President
 - 2. Vice President

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3. Director of Student Organizations
4. Senators

Section 2. Appointments

A. The Senate may appoint qualifying members of the Student Body to fill any positions which were not filled by the general Student Body election.

B. The following positions can be appointed by the President with approval from the ASPC Advisor, and confirmation from the Senate:

1. Director of Student Activities;
2. Director of Legislative Affairs;
3. Director of Finance;
4. Parliamentarian;
5. Judicial Review Board Justices; and
6. All Subsidiary Officers of ASPC;
7. Any other positions prescribed by the Codes.

Section 3. Vacancies within ASPC

A. Presidential Vacancy

1. In the event of a vacancy in the Office of President, the President shall be succeeded by the Vice President for the remainder of the Current Term. The Senate shall establish the further lawful succession order within the Codes.

B. Vice Presidential Vacancy

1. In the event of a vacancy in the Office of Vice President, the Vice President shall be succeeded by the Speaker Pro-Tempore for the remainder of the Current Term. The Senate shall establish the further lawful succession order within the Codes.

C. Vacancy of Both President and Vice President

1. In the event of simultaneous vacancies in the Offices of President and Vice President, the Speaker Pro-Tempore becomes the President and the Senate shall elect a President Pro Tem who will fill the Vice President position by a majority vote of those members present at the next regular or special meeting. The President Pro Tem shall hold office until a new President is elected in a special Student Body election during the Fall or Spring Semester, which shall be held no sooner than fourteen (14) instructional days and no later than thirty (30) instructional days following the certification of the vacancy. In the event that the Senate does not have enough members to cast a vote (more than six senators), the Executive Board shall elect the President Pro Tem by a majority vote.

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D. Officer Vacancies

1. If an Office is vacant, the ASPC Advisor must solicit and accept applications for no fewer than two (2) instructional weeks. Submitted Legislative applications must be reviewed by the Vice President, while the submitted Executive or Judicial applications must be reviewed by the President. All recommendations must be approved by the ASPC Advisor and made available to the Senate for appointment. The Senate shall appoint individuals to fill the vacancies for the remainder of the Current Term by majority approval of its total voting membership.

E. Temporary Appointments

1. If an Executive or Judicial Office is vacant, the President, with the approval of the ASPC Advisor, may make a temporary appointment to the vacant position. Applications need not be solicited for a temporary appointment. Temporary appointments shall last no more than twenty (20) instructional days.

Article X. Recall and Initiative

Section 1. Recall

A. Recall legislation gives the Student Body the power to remove any currently elected member of the SGA from office.

B. The procedure for such legislation is as follows:

1. Upon submission of a petition carrying the signatures and Student Identification Numbers of fifty (50) members of the Student Body to the Judicial Review Board, a special election shall be called to recall any elected ASPC Officer.

2. Upon receipt of such petition, the Judicial Review Board shall submit the petition to the ASPC Advisor for verification within ten (10) instructional days.

3. Upon receipt of the verified petition from the ASPC Advisor, such recall legislation shall be submitted to the Student Body at an election within twenty (20) instructional days.

4. More than half of the number of students who voted in the previous election of the Officer to be recalled is required to pass a recall legislation.

Section 2. Initiative

A. Initiative legislation gives the Student Body the power to enact a resolution or bill to be implemented by the Officers of ASPC.

B. The procedure for initiative legislation is as follows:

1. Upon submission of a petition carrying the signatures and Student Identification Numbers of fifty (50) members of the Student Body to the Judicial Review Board and upon verification of those Student Identification by the ASPC Advisor, the initiative legislation shall be submitted to the Senate for review.

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2. Such legislation shall also be submitted to the Judicial Review Board within ten (10) instructional days. The Judicial Review Board shall make the final declaration of legality in consultation with the ASPC Advisor within ten (10) instructional days.

3. If declared a constitutional amendment, such initiative legislation shall require the written approval of the President of Porterville College, or designee, prior to the amendment being submitted to the Student Body for approval by majority vote during an election.

4. More than half of the number of students who voted in the previous election is required to pass an initiative legislation.

Article XI. Associated Students Documents

Section 1. Proposal of Constitutional Amendments and Code Changes

A. Constitutional Amendments or changes to ASPC Code may be proposed either through initiative legislation or by the Senate.

B. Constitutional Amendments from the Senate shall require a (2/3) affirmative vote of the total voting membership of the Senate in order to be proposed.

C. Constitutional Amendments or changes to ASPC Code proposed through initiative legislation must be accompanied by a petition bearing signatures and Student Identification Numbers of Fifty (50) members of the Student Body before the ASPC Advisor may place them upon the ballot for approval by the Student Body.

D. Any proposed amendments to this Constitution shall require the written approval of the President of Porterville College, or designee, prior to the amendment being submitted to the Student Body for approval by majority vote during an election.

Section 2. Constitutional Amendments

A. This Constitution may be amended at any special or regular election during the Fall and Spring instructional semesters by a majority of the total votes cast, following an extensive campus information campaign. All members of the Student Body shall be eligible to vote.

B. A special election shall be held in no fewer than fifteen (15) or more than thirty (30) instructional days following the College President's approval of the proposed amendment(s).

1. All proposed amendments shall be submitted to the Senate and the ASPC Advisor for inclusion on the ballot for the special election.

2. If the general Student Body election is scheduled to take place no fewer than fifteen (15) or more than forty-five (45) instructional days following receipt of the proposed amendment(s), the Senate may choose to place the amendments on the ballot for the general election rather than hold a special election.

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B. There shall be an enabling clause presented at the time of ratification which shall specify the date(s) when the ratified amendments shall become effective.

Section 3. ASPC Codes

A. The ASPC Handbook of Codes shall govern ASPC and herein be referred to as the “ASH.”

B. The ASPC Codes:

1. Shall be adopted by the Senate to clarify or further interpret articles and sections of this Constitution;

2. May outline and establish formal practices, policies, or agreements not covered by the Constitution;

3. Shall be considered as having been adopted when approved by a two-thirds (2/3) majority of the total voting membership of the Senate; and

4. Shall be considered in effect upon adjournment of the meeting in which they are adopted as indicated by the adopted Code.

C. ASPC shall hold all the ASPC Codes in a book entitled, “Associated Student Handbook (“ASH”)

Section 4. Supremacy

A. Certain ASPC documents and actions shall take precedence over other ASPC documents and actions. The hierarchy of Associated Students documents is as follows:

1. ASPC Constitution shall supersede all other documents;
2. Associated Students Handbook (ASH);
3. ASPC Code of Conduct Handbook;
4. ASPC Elections Handbook;
5. Resolutions, bills, and all other actions or agreements.

B. All ASPC documents and actions are subject to the ultimate authority of the President of Porterville College, the Kern Community College District, Local, State, and Federal Law, and the Constitution of the United States of America.

Article XII. Ratification

This Constitution shall be ratified by a majority affirmative vote of the ballots cast in the General Student Body Spring 2015 Election. Ratification of this Constitution shall make all previous Constitutions and its Codes null and void. Upon ratification, this Constitution will take effect immediately.

Associated Students of Porterville College

Drafted: August 12, 2016

Approved by the
President of Porterville College: _____

Dr. Rose Carlson, Date