



Senate Resolution No. 2015/2016-011

A Bill to Allow Virtual Attendance of Senate Meetings

Primary Sponsor

Sina Rashidi (Senator)

Cosponsors

Madison Gordon (Former ASUC Senator) Brit Hussman (SQUELCH! Compliance Director)
Jordan Schaer (SQUELCH! Policy Coordinator) Jason Tang (Student Action Senator)

WHEREAS, Senators are full time students of the University of California; and

WHEREAS, Technology has advanced sufficiently that in other sectors, virtual attendance of meetings is commonplace; and

WHEREAS, It is entirely possible that a senator cannot travel back to Berkeley without causing the senator undue financial, emotional, and mental duress but is available to attend a meeting from afar; and

WHEREAS, Such undue duress could be easily alleviated provided the proper technology including an adequate web camera, speakers, and a computer monitor; and

WHEREAS, these are all things that are already within the possession of the ASUC or otherwise readily obtainable, and

THEREFORE BE IT RESOLVED that the Associated Students of the University of California amend ASUCBL 1203 Senate Attendance to read as follows:

ASUCBL 1203: Senate Attendance

Section 1: Establishment

- 1.1 This Bylaw is established in accordance with the attendance requirements found in Section 3, Article III-A of the Constitution. The Constitution defines the removal thresholds for Senate meeting absences and Senate standing committee absences. In accordance with the Constitution, Senate meeting absences and Senate standing committee absences are counted separately.
- 1.2 Attendance at a meeting shall be defined as meeting all of the following criteria:
 - 1.2.1 Presence at the first attendance roll call which shall be taken immediately after the meeting is called to order.
 - 1.2.2 Presence at the last attendance roll call which shall be taken immediately before the meeting adjourns.
 - 1.2.3 For Senate meetings, presence at the attendance roll call taken immediately before the consent calendar is adopted.
 - 1.2.4 Presence (defined as a recorded 'aye', 'no', or abstention) at least two-thirds of roll call votes during the meeting, excluding those specified in §§1.2.(1-3).
 - 1.2.5 Presence within five minutes of a call for quorum
- 1.3 No absence shall be counted unless the meeting time had been agreed to by a unanimous vote of the Senators on that body and the meeting had been legally called and noticed. Furthermore, the Constitution exempts any absences at special meetings or meetings which occurred while a person was not a Senator (except for senator-elects and the Senate Leadership Institute).
- 1.4 Absences for meetings shall be officially counted once the minutes for the meeting in question are approved, but a preemptive quo warrant petition may be filed upon the occurrence of the final absence.
- 1.5 Pursuant to Section 3-C, Article III-A of the Constitution, Senators shall be required to complete certain mandatory activities for the betterment of the Association. Senators shall be assessed standing committee absences or fractions thereof for failing to complete these activities. ASUCBL 1205: Senator Mandatory Duties shall govern this process. The Chief Accountability Officer shall compile all absence reports pursuant to

ASUCBL 1205 into the ledger of Senators' absence.

- 1.6 Pursuant to Section 3-D, Article III-A of the Constitution, Senators shall be required to attend the Senate Leadership Institute. Senators shall be assessed both standing committee absences and senate meeting absences for failing to attend the Senate Leadership Institute. ASUCBL 1204: Senate Leadership Institute shall govern this process. The Chief Accountability Officer shall compile all absence reports pursuant to ASUCBL 1204 into the ledger of Senators' absence.

Section 2: Excusal of Absences

- 2.1 Absence shall be excused pursuant to Section 3-F, Article III-A of the Constitution.
- 2.2 The verifying officials for all absence excuses and documentation shall be Chief Accountability Officer, Executive Vice President, committee chair (if applicable), and mandatory duty coordinator (if applicable).
- 2.3 Absence requests and documentation must be submitted to the verifying officials' ASUC electronic mail addresses.
 - 2.3.1 The request or documentation must be sent to the Chief Accountability Officer's official ASUC email address to be valid. The Chief Accountability Officer shall forward all absence excuses requests, documentation, and follow up communications to the other verifying officials if the Senator fails to carbon copy them.
 - 2.3.1 An agent of the Senator may submit a request or documentation only if the Senator is incapacitated from doing so themself.
- 2.4 Senators may request that absences be excused by electronic mail to the Chief Accountability Officer and other verifying officials **no later than forty-eight hours before the scheduled start time of the meeting** for the reasons contained in Section 3-F(1), Section 3-F(2), and Section 3-F(3) of Article III-A of the Constitution. Documentation for such absences must be provided with the request.
- 2.5 Senators may request that absences be excused by electronic mail to the Chief Accountability Officer and other verifying officials **no later than forty-eight hours after the actual end time of the meeting** for the reasons contained in Section 3-F(4), Section 3-F(5), and Section 3-F(6) of Article III-A of the Constitution. Documentation for such absences must be

provided within at least five days of the actual end time of the meeting to the same officials.

- 2.6 The Judicial Council may approve absence requests or documentation submitted past the respective deadlines, if it finds all of the following: (a) the Senator was incapacitated from submitting the request or documentation themselves on time and otherwise reasonably unable to communicate the request or documentation through an agent, (b) this is due to a chance occurrence or unavoidable accident that is not the result of negligence or misfeasance by the Senator, and (c) the Senator or their agent submitted the request and documentation in a reasonably timely manner.
- 2.7 For all excuses, documentation for the excuse must be provided by electronic mail to the Chief Accountability Officer and other verifying officials no later than by the times described above for the excuse to be valid.
- 2.7.1 The Chief Accountability Officer and other verifying officials shall verify the documentation upon receipt within forty-eight hours.
- 2.7.2 The documentation shall be considered accepted unless it is challenged within those forty-eight hours by a verifying official, in which case the challenge may be appealed to the Judicial Council within forty-eight hours.
- 2.7.3 If the documentation is challenged and not overturned or the Senator fails to provide documentation within the timeline then the absence shall not be excused.
- 2.8 If it can be shown that the Chief Accountability Officer had in fact received the request to excuse an absence and documentation by the prescribed deadline by electronic mail, and that the excuse had not been challenged within the prescribed timeline then the absence shall be deemed excused.
- §2.7 2.9 Absences shall be deemed excused if the conditions and deadlines in
- are met, even if the approved minutes or other attendance records show otherwise. The minutes or other attendance records shall be updated immediately to reflect excused absences.
- 2.10 The minutes or other attendance records may not be retroactively amended

to excuse absences if the conditions or deadlines §2.7 were not met. The subsection may not be suspended.

- 2.11 The Chair of the Senate or committee shall announce the receipt of absence excuses at the soonest possible meeting. Failure by the chair to make such an announcement shall not invalidate the excuse.
- 2.12 An excuses shall be effective for the entirety of a meeting.

Section 3: Enforcement

- 3.1 The Chief Accountability Officer shall maintain a publicly accessible ledger of all Senators' absences. This ledger shall mark whether an absences was excused or not, and if applicable the reason for the excuse.
- 3.2 The Chief Accountability Officer shall update the ledger on weekly basis and shall compile an authoritative version no later than three weeks after after the end of the periods specified below of the following periods.
 - 3.2.1 The first period shall be from the first day of the fall semester to the friday following the seventh regular Senate meeting of the fall semester.
 - 3.2.2 The second period shall be from the end of the first period to the last day of the fall semester.
 - 3.2.3 The third period shall be from the first day of the spring semester to the friday following the seventh regular Senate meeting of the spring semester.
 - 3.2.4 The fourth period shall be from the end of the third period to the last day of the spring semester.
- 3.3 The Chief Accountability Officer shall educate Senators about the regulations in this bylaw and ASUCBL 1205 by electronic mail by the end of the semester during which they were elected. The Executive Vice President shall do the same by the first day of the Senate Leadership Institute. The Chief Accountability Officer shall make clear the number of absences required for removal after the the schedule of regular meetings for the semester is posted. This section shall not be interpreted to relieve senators from being responsible for independently knowing and adhering to the provisions of this bylaw.

- 3.4 The Chief Accountability Officer shall notify each senator when they have only one unexcused or one total senate meeting or standing committee absences remaining for the semester. Failure to do so by the Chief Accountability Officer shall not absolve Senators from being responsible for absences.
- 3.5 Upon the occurrence of final absence, removal action shall be taken by the
Chief Accountability Officer pursuant to ASUCBL 1113: Quo Warranto (Removal).

Section 4: Virtual Attendance

- 4.1 The Chief Accountability Officer and Executive Vice President may grant teleconferenced virtual attendance to a senator.
- 4.2 The Senator in question is still responsible for ensuring that all technology is set up prior to the meeting so that the Senate is not hindered by technology failures.
- 4.3 The Senate Financial Committee shall, if requested by the Senate, allocate funds to invest in technology for virtual attendance.
- 4.4 The Senator in question must request permission for virtual attendance to the Chief Accountability Officer 48 hours prior to the meeting in question and must provide:
- 4.4.1 A reasonable excuse for why the Senator cannot be present in Berkeley
- 4.4.1.1 Excuses must articulate how physical attendance would cause undue financial, emotional, or physical duress
- 4.4.1.2 Excuses provided that could have been avoided, such as a recurring meeting or re-schedulable event, will not be considered reasonable
- 4.4.2 Proof that the Senator is out of town. This can include:
- 4.4.2.1 Plane tickets
- 4.4.3 The name and contact information of a designated Agent who will ensure that the Senator remains virtually present.

4.5 If the Senator provides all of the above, their request will be granted.

4.6 The Senator's standards for attendance do not change. The Senator must be virtually present for all roll calls and at least 60% of all votes, as stipulated in Section 2.

Appendix List

[Appendix A: ASUCBL 1203 Senate Attendance](#)