

Student Organization Name: Aglet Noise Collective

Date Prepared: 23rd August 2023

Prepared by: Krish Gupta

Date Amended:

Amended by:

### **Article I - Name**

Aglet Noise Collective

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### **Article II - Purpose**

We aim to develop and promote musicians and related professionals in releases, shows, publicity and management through releasing their music, promoting it, organizing shows and related events, and creating content to build a brand for the club.

### **Article III - Membership**

Any student of UC Berkeley, graduate or undergraduate, is eligible to be a part of Aglet Noise Collective.

Only currently registered students, faculty, and staff may be active members in a registered student organization. Only active members may vote or hold office.

The organization will also be recognizing off campus participants, such as the group's alumni, musicians and related professionals from Berkeley and its nearby community as non-active or associate members. These members have the right to participate in club activities and events, lead them and propose projects, as regular members. However, these members do not have the right to hold office or vote on club decisions.

We will not have according to California State Law.

We will not restrict membership based upon race, color, national origin, religion, sex, gender identity, pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (including membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services).

This organization agrees to adhere to the guidelines described in the [RSO Sexual Violence and Sexual Harassment \(SVSH\) Prevention and Response Policy](#) which aligns with the [University of California's Sexual Violence and Sexual Harassment Policy](#). This RSO agrees to send at least one representative to participate in a Path to Care training annually. RSO will also follow the SVSH prevention and response guidelines if and when SVSH harm occurs within the organization.

#### **Article IV - Officers & Elections**

Co-Presidents (2), Head of Publicity, Head of Videography, Head of Design, Head of Finance

The executive committee consists of the Co-Presidents and heads of publicity, videography, design and finances. Other non-executive members may be included in an executive committee based on the discretion of the officers for up to one academic year.

All current student members of the organization have the right to vote in elections. The executive committee has the final say on who becomes an officer. In order to become an officer, the contestant must receive at least two-thirds of the total votes and be approved by a majority of the executive committee.

Elections will take place only for the Co-Presidents position, at the start of the fall semester.

Other officers will be appointed by the executive committee.

Officers will serve for a term of one academic year. They may continue their positions as officers into the next academic year if they wish to. In case an officer leaves in the middle of the academic year, an emergency election will be held to fill up the position.

Both co-presidents serve as the primary contacts and the signatories of the organization.

In order to remove or replace officers, a motion must be brought before the executive committee, by any member, which will lead to a proper hearing of arguments for and against. Then, at least two thirds of the executive committee must approve the decision.

#### **Article V - Meetings**

The organization will meet once a week. The co presidents will call the meeting at least 3 days in advance via email. At least half of the members must be present for the meeting to be valid.

Special emergency meetings can be called provided a majority of the executive committee deems it necessary. These must be notified to members at least 24 hours in advance, via email and/or text.

#### **Article VI - Constitutional Amendments**

Any executive officer, or any general member endorsed by an officer can propose amendments. Amendments must be proposed with detailed descriptions, reasons, solutions and its benefits. The required time period between the proposed amendment and a final vote is at least 2 weeks.

Members will be notified of a vote on an amendment in meetings as well as through email.

An amendment will need at least a two-thirds majority vote from active members to pass.

All amendments, additions or deletions to this document must be filed with the LEAD Center at [lead@berkeley.edu](mailto:lead@berkeley.edu), or LEAD Center at 432 Eshleman Hall.

## **Article VII - ASUC Sponsorship (Optional)**

This organization hereby wishes to seek ASUC sponsorship. This organization adopts and incorporates by reference Schedule A of ASUC Bylaw 2201, and the same as may be amended from time to time, completely and fully as part of this Constitution. This organization cannot amend this clause unless and until the ASUC has certified that this organization has ceased to be ASUC-sponsored, all ASUC property has been returned to the ASUC, access to all ASUC resources and facilities has been relinquished, and any debts, liabilities, or other responsibilities to the ASUC have been resolved. This organization will continue to be bound by any provisions specified in Schedule A for actions it took while this clause was in effect, even if this clause is amended.

### **Schedule A**

- 1 This organization is organized and operated exclusively for nonprofit purposes. The property of this organization is irrevocably dedicated to the purposes specified in its primary governing document and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or member thereof or to the benefit of any private person.
- 2 This organization recognizes that current or past ASUC sponsorship or funding does not imply a guarantee of continued or future sponsorship or funding and that status as a university registered student organization does not guarantee status as an ASUC-sponsored student organization or ASUC funding.
- 3 The ultimate constitutional, budgetary, and policy making authority of this organization shall be vested entirely and exclusively in ASUC members<sup>1</sup>, at least a majority of whom shall be undergraduate students. Only ASUC members may hold officer positions in this organization. This section shall not be interpreted to prevent non-ASUC members from holding advisory positions in the organization.
- 4 This organization is not a unit of the ASUC or of the University of California. Unless otherwise specified in its primary governing document, this organization shall be considered an unincorporated association organized under the laws of California.
- 5 All funds, facilities, and resources allocated or provided to this organization by the ASUC (including the Graduate Assembly) during the term of its sponsorship shall remain the property of the ASUC at all times. If the organization ceases to be sponsored or ceases to exist, all ASUC property and unspent funds shall be immediately returned to the ASUC (including the Graduate Assembly).
  - 5.1 Any property [## other long term property / subscriptions] purchased by this organization using funds provided to it by the ASUC (including the Graduate Assembly) shall be the property of the ASUC. The ASUC shall retain ownership

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<sup>1</sup> Any registered and enrolled UC Berkeley student is considered to be a member of the ASUC.

proportional to its contribution in any property purchased partially with ASUC funds.

- 6 This organization may use funds, facilities, and resources allocated or provided to it by the ASUC (including the Graduate Assembly) only for purposes which promote the general welfare of the student body and which are not inconsistent with the meaning of United States Internal Revenue Code section 501(c)(3).
  - 6.1 Funds, facilities, and resources allocated or provided to this organization by the ASUC (including the Graduate Assembly) shall not be used to participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office or for activities which primarily consist of carrying on propaganda, or otherwise attempting to influence legislation.
- 7 This organization shall follow all regulations found in the ASUC Constitution and Bylaws during the term of ASUC sponsorship.
- 8 All disputes involving this organization may be resolved by mandatory binding arbitration through the ASUC Judicial Council.
  - 8.1 The ASUC Judicial Council shall operate in accordance with the ASUC Constitution and the Judicial Council Rules of Procedure.
  - 8.2 The ASUC Judicial Council shall have the power to order any remedy it sees fit. Mandatory binding arbitration may be initiated against the organization by:
    - 8.2.1 Any member of this organization
    - 8.2.2 Any member of the ASUC
    - 8.2.3 Another ASUC-sponsored organization, the ASUC, or any unit of the ASUC
    - 8.2.4 A unit of the University of California, with the consent of the ASUC Judicial Council
    - 8.2.5 Any other person or entity, with the consent of this organization and the ASUC Judicial Council.
- 9 This organization shall defend, indemnify and hold the ASUC, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of this organization in relation to its relationship with the ASUC, except for injuries and damages caused by the sole negligence of the ASUC.

- 10 All officers and authorized representatives of this organization are individually and jointly responsible for the financial obligations of the organization to the ASUC, incurred by this organization during the tenure of the officer or authorized representative. This shall include any damage or defacement of ASUC property.
- 11 All books and records of this organization shall be subject to inspection by the ASUC Judicial Council, ASUC Chief Financial Office, ASUC Chief Legal Officer, and ASUC professional legal counsel. These individuals may make copies and extracts of such records.
- 12 Upon the dissolution or winding up of this organization, its assets remaining after payment, or provision for payment, of all debts and liabilities shall be distributed to the ASUC, unless the primary governing document of the organization has specified some other nonprofit fund, foundation or corporation, which is organized and operated exclusively for charitable or educational purposes, to receive such funds. In the event that the designated organization no longer exists or has ceased to be a non-profit organization, the distribution shall be made to the ASUC.
- 13 This organization shall be considered dissolved if it is inactive and (a) fails to register as a student organization with the University for more than five full academic years or (b) it ceases to have any members. The ASUC shall have the authority to wind-up the affairs of this organization in such a case, but shall not assume any responsibility for any debts or liabilities of this organization.

#### **Article VIII - Dissolution**

Dissolution may be proposed if the organization is no longer able to actively promote music and music culture, or if its operations become impossible to carry on with available resources. Once proposed, it must be discussed for at least 3 weeks among officers before being put to a vote. Before it is put to a vote, officers must spend at least 3 sessions of discussion on the matter and all officers must approve of it to be put to a vote. The required majority of votes is at least two-thirds of the active members.

If the organization is ASUC or GA Sponsored, all unspent ASUC funds shall return to the ASUC; all Graduate Assembly funds shall return to the Graduate Assembly. If the organization is defunct for five (5) or more years, any privately obtained funds (including any funds left in miscellaneous accounts) shall be donated to the ASUC.