

Calisthenics Club Constitution

Student Organization Name: Calisthenics Club

Date Prepared: Aug 28, 2023

Date Amended: July 10, 2024

Article I - Name

The official name of this recognized student group is "Calisthenics Club".

Article II - Purpose

The Calisthenics Club is committed to creating a supportive, inclusive, accessible and empowering environment for students to achieve their best fitness through calisthenics and bodyweight exercises. Our purpose is to create an interest group of committed and like-minded students who would grow together on their personal fitness journey.

Article III - Membership

Membership is free and only currently registered students, faculties, and staff may be active members in a registered student organization. Only active members may vote or hold office. To become a member, one must complete an application set by the Executive Committee.

We will not haze according to California State Law.

We will not restrict membership based upon race, colour, 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, the performance of service, application for service, or obligation for service in the uniformed services).

Article IV - Membership and club structure

IV.a - Executive Roles And Duties

The Executive Committee is the club's highest decision-making body that oversees the club's operation. The Executive Committee shall be comprised of four (4) officers including:

- *Director of Internal Relations*
- *Director of Finance*
- *Director of External Relations*
- *Director of Operations*

The CEO shall be the primary contact of the club.

IV.b - Tie-Breaking Rule

In the case of a vote amongst the Executive Committee and there is a tie, the Director of Internal Relations has the power to make the final decision.

IV.c - Committees

The Executive Committee may create committees consisting of general club members, such as a Marketing Committee. The cessation of an existing committee is based on a three-quarters ($\frac{3}{4}$) majority vote of the Executive Committee.

IV.d - Non-Executive appointed Roles

The Executive Committee may officially appoint positions such as Directors or Coordinators for various committees or other roles such as Web Designer. However, such positions do not hold executive decision-making and voting authority. The appointment of these positions and the creation of new committees are based on a three-quarters ($\frac{3}{4}$) majority vote of the Executive Committee. The cessation of these positions are based on a three-quarters ($\frac{3}{4}$) majority vote of the Executive Committee.

IV.e - Termination of An Executive or a General Member

Any member of the club who has been inactive in the club, and who commits an act negatively affecting the interests of the club and its members, including non-disclosure of a significant or continuing conflict of interest, may be given notice of removal. The member up for removal shall have the right to defend his/her actions. A unanimous vote of the Executive Committee in favor of removal is required, excluding the executive whose removal is contested. The member has the right to an appeal before the general membership, and the majority vote of the general membership will have the final say on the matter.

The member will be removed from the club's membership and will lose any privileges associated with being a member of the club.

Executive members are subject to the same termination or impeachment process and, as determined by the vote, may lose their executive position along with their membership in the group.

IV.f - Executive Hiring

The executives stay in their role until they either resign, cease to be a UC Berkeley student, are impeached or change roles.

In the case of resignation, ceasing to be a UC Berkeley student and impeachment, the Executive Committee will inform all members of the opening role, and the opportunity to become an executive must be available to and communicated to all the current members. Candidates have to be members in good standing, which means not in the middle of being impeached or having been impeached in the same academic year and being part of the club for at least 2 weeks prior to the nomination period. To become an executive, the candidate must complete an application as set by the Executive Committee, and be selected by a unanimous vote of the Executive Committee.

Role changes (for instance, the CMO changing its role to CEO after the CEO resigns) must be approved by a unanimous vote of the Executive Committee. In the case of a role change, if any role is left unfilled after the role change, that vacant role must be filled through the same procedure as in the case of resignation and impeachment.

Article V - Meetings

a) Executive Meetings

The Executive Committee shall meet on at least a monthly basis where the date and times are to be set by the Internal Director. The quorum of executive meetings shall be 3/4 of the Executive Committee. The time of the meeting must be agreed upon unanimously by the Executive Committee at the beginning of a meeting.

b) Minutes

Minutes must be recorded for each executive meeting keeping track of all the motions and decisions made during the meeting.

c) Asynchronous Motions

Motions and voting of the Executive Committee can be done either synchronously during official executive meetings or online in an asynchronous fashion, such as via a Google Form, a Whatsapp Group chat, etc. A record of all asynchronous motions must be kept.

Article VI - Constitutional Amendments

Any member may propose and vote on amendments to this constitution. The proposal consists of a new version of the constitution highlighting the proposed changes and must be submitted to the CEO for consideration. The Executive Committee will administer the process of amendments and approve the proposal through a simple majority vote. After the proposal is approved by the Executive Committee, final voting on a constitutional amendment shall occur at least 2 weeks after the submission and approval of the proposal and at least 1 week after the proposal is communicated to the members. The amendment vote shall include all active members who should be given at least 3 days to cast their votes. A successful constitutional amendment shall require a unanimous vote by the Executive Committee and a $\frac{2}{3}$ majority amongst the members who participate in voting.

All amendments, additions or deletions to this document must be filed with the OASIS Center at oasis.center@berkeley.edu, or OASIS Center at 312 Eshleman Hall.

Article VII - ASUC Sponsorship

This organization hereby wishes to seek ASUC sponsorship. This organization adopts and incorporates by reference Schedule A of ASUC Bylaw 2201, and the same 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.

Article VIII - Dissolution

Dissolution of the club can be decided through a unanimous vote amongst the Executive Committee and a $\frac{2}{3}$ majority amongst the general members who participate in the vote.

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.

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 members¹, 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 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.

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

- 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 case, but shall not assume any responsibility for any debts or liabilities of this organization.