

Code of Conduct

Background

The Associated Students, Incorporated of California State University, East Bay (hereinafter “ASI”) is a non-profit public benefit corporation and is not organized for the private gain of any person.

The ASI Code of Conduct is in addition to the California State University, East Bay (CSUEB) Student Code of Conduct¹. For the purposes of this code, ASI elected officers and appointed members are hereafter referred to as *Members*.

Section 1: Purpose of ASI

In addition to *Article IV: Purpose* of the ASI Bylaws, the specific purpose of ASI is to also:

- provide a means for responsible and effective participation in governance of the campus
- provide an official voice through which students’ opinion may be expressed, foster awareness of this opinion in the campus, local, state, national, and international communities
- assist in the protection of the rights and interests of the individual student and the student body
- provide services and programs as deemed necessary by ASI to meet the needs of the student and campus communities; and stimulate the educational, social, physical, and cultural wellbeing of the University Community.

It is also the intention of ASI to recognize and foster high standards of professionalism, performance, and service among its elected/appointed officers, appointed members, and employees. To this end, we subscribe to the following Code of Conduct.

Section 2: Respect for the Mission:

Members must be familiar with the general mission², ideals, and goals of ASI, and indicate an agreement with and loyalty to the ASI by acceptance of their position. Members must actively support and contribute to the mission, goals, and policy formation of ASI. Members must inform appropriate officials of conditions or situations that have the potential for being disruptive or damaging to ASI’s mission, personnel, and property.

[NPC Board Duties CSU v. Spring 2013, Article II]

¹ California State University, East Bay. *Standards for Student Conduct*. Retrieved from:
<http://www.csueastbay.edu/studentconduct/student-conduct.html>

² California State University, East Bay Associated Student, Incorporated. *Mission Statement*. Retrieved from:
<http://www.csueastbay.edu/asi/files/docs/asi-government/board-documents/mission-statement.pdf>



Section 3: Fiduciary Responsibilities

The ASI Board of Directors, as a nonprofit board directors, have three fiduciary responsibilities³: the duty of loyalty and the duty of obedience, as mandated by state and common law. It's critical for board directors to practice them in word and in deed, and to make sure that their fellow board directors do as well.

It's vitally important that all board directors understand how their duties fall into each category of fiduciary duties. Not understanding fiduciary duties — or not being well-informed about them — doesn't relieve board directors from any obligations or liabilities they may face if they fail to fulfill these important duties.

Board directors are called fiduciaries because they are legally responsible for managing a nonprofit entity's assets. Fundraising is one of the primary activities of a charitable nonprofit organization. Board directors are responsible for overseeing funds from philanthropists, donors and grant-makers, and making sure that the funds are being used for their intended purpose in financially supporting the organization. Board directors who diligently perform their fiduciary duties responsibly protect the organization's reputation, which also falls into the category of a fiduciary duty.

Section : Respect for the Law:

Members must respect and obey all lawful authority, and seek to change laws and regulations that are unfair, inappropriate, or unnecessarily punitive. The ASI Board of Directors, Senate, and/or Committees if applicable, must seek the advice of legal counsel as appropriate. Members must not engage in conduct that involves dishonesty, intentional deception, misrepresentation, or lawful discrimination. A member must not use their office for personal gain, which includes, but is not limited to:

- Using the ASI Office or resources to plan for ASI Elections

Members must demonstrate concern for the sensitivity to the legal and social codes, and moral expectations of their communities. Members must work to address and promote reasonable change within the parameters established by ASI.

Members must seek to stay abreast of changes and developments in the laws that affect ASI.

³ Board Effect. The Fiduciary Responsibilities of a Nonprofit Board of Directors. Retrieved from:
<https://www.boardeffect.com/blog/fiduciary-responsibilities-nonprofit-board-directors/>



Section 4: Respect for Persons:

ASI seeks to create an environment where all persons are treated equitably and with respect. Members are expected to treat others with respect, including but not limited to other Members, ASI professional staff, student staff, students, employees of the university, or members of the community.

Members are expected to be responsive, courteous, and prompt in dealing with others, whether with other members, employees of the university, students, or members of the community.

Members must maintain high standards of personal conduct and function with integrity and discretion in their personal relationships with other members. Members must be concerned for the welfare of all students, and work to provide an environment that encourages personal growth, effectiveness, creativity, and responsible citizenship. ASI regards Members' interactions and personal behavior toward others as vital to the duties of their position.

Section 5: Respect for Staff:

Elected and appointed members have special responsibilities to treat hired staff members fairly, and to maintain open and honest communication with them. The responsibilities of the staff, as outlined in job descriptions, are delegated by their supervisors. As such, other elected and appointed members must respect that workload by going through the Executive Director, or designee, before making work requests of the staff.

The method of communication and the working relationship will be determined by the Executive Director in collaboration with the ASI President/CEO and/or the ASI Executive Vice President/Chief of Staff.

Section 6: Discrimination and Harassment:

Members must treat other persons equitably.

[Refer to Article XV in Bylaws⁴]

[CSU Executive Order 1074⁵]

⁴ California State University, East Bay Associated Students, Incorporated. *Bylaws*. Retrieved from: <http://www.csueastbay.edu/asi/files/docs/elections/bylaws.pdf>

⁵ The California State University Office of the Chancellor. *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students - Executive Order 1074*. Retrieved from: <https://www.calstate.edu/eo/EO-1074.html>



Section 7: Responsibilities and Expectations:

ASI aims to achieve the highest standards in the conduct of its mission. Members are held responsible for their duties and responsibilities as outlined in the Bylaws, and including but limited to: the Administrative Manual⁶ and Committee Codes⁷.

The specific duties of each Board Member can be found in the Bylaws under Article VI, section 6; and the specific duties of each Senator of the ASI Senate can be found in the Senate Constitution under Article III, section 6. The additional duties of Board members and Senators can be found in Article II of the Administrative Manual.

In addition, all Board and Senate Members must meet with their Point of Contacts as outlined in the Point of Contact Policy⁸ on a regular basis. Also, Board Members must provide semesterly reports to the Board at Board of Director meetings.

It is also mandatory that members of the ASI Board of Directors and Senate be available to their constituents. One method of doing so is by hosting scheduled Office Hours. The minimum scheduled office hours shall be as the following:

Position Rank	Scheduled Office Hours Per Week
President/CEO, Vice Presidents, Chair	6
Directors	5
Senators	4

Within these parameters, at least one hour is required to be spent tabling or engaging in in-person student interactions. Tabling may be completed during their office hours and/or at any ASI event that involves tabling. Tabling may be completed for future weeks, for example, if one were to table two hours one week, then it will count for the current week and the next week. You cannot table for prior weeks.

⁶ California State University, East Bay Associated Students, Incorporated. *Administrative Manual*. Retrieved from: <https://www.csueastbay.edu/asi/files/docs/asi-government/board-documents/administrative-manual-of-asi.pdf>

⁷ California State University, East Bay Associated Students, Incorporated. *Committee Codes*.

⁸ California State University, East Bay Associated Students, Incorporated. *Point of Contact Policy*.



[Each Board and Senate Member will sign the [Student Government Letter of Understanding](#)]

Section 8: External Activities and Public Comment:

Each Member is an official representative of ASI, and as such, must at all times during their term of office perform the duties of their office in the utmost good faith, in a manner such member believes to be in the best interest of ASI and with such care as an ordinarily prudent person in a like position would use under similar circumstances.

Members are free to engage in party-political, professional, and/or social organizations, without affiliation of their formal ASI position, provided that participation does not give rise to a conflict of interest or impede the performance of a Member's duties. Furthermore, public comment by members in their capacity as private citizens is certainly permitted. The *ASI Media Policy*⁹ applies, and outlines standards and expectations for ASI members. Refer to the ASI Media Policy for further details.

Recognizing the difficulty of distinction between the official and nonofficial, or personal, capacities of a Member, a Member shall refrain from personal conduct constituent with the duties and responsibilities of his or her office.

Section 9: Making Fair & Ethical Decisions:

When making a decision, or voting on an issue, because the interest of students and the school may be at stake, the principles of procedural fairness and ethics must be applied. Specifically, persons affected by the vote deserve to have the decision made without bias and based on considerations relevant only to the matter at hand. Elected and appointed members must at all times acknowledge that they were elected to represent specific constituencies, they must separate their personal interests as an individual or as a member of another organization in order to better represent their office.

[NPC Board Duties CSU v. Spring 2013, Article II Section A]

Section 10: Conflict of Interest:

Members shall be expected to conform to appropriate conflict of interest standards as established by the California Education Code (section 89909) at all times. However, such persons shall retain their rights and privileges as students of CSUEB. Therefore, such persons shall be allowed to maintain membership in a club or organization applying for ASI funding as long as they are fully in compliance with conflict of interest standards, including refraining from voting on items that pertain to other outside interests.

⁹ California State University, East Bay Associated Students, Incorporated. *Media Policy*. Retrieved from: <https://www.csueastbay.edu/asi/files/docs/asi-government/policies/media-policy.pdf>



Members must not ask for, or encourage, the giving of any form of gift or benefit in connection with the performance of their duties. Receipt of gifts can be perceived as an inducement to act in a particular way, thus creating a real or apparent conflict of interest. However, a member may, of course, give or accept the occasional gift of nominal value that is offered in accordance with social or cultural practices.

If a conflict of interest arises, that member affected should abstain in order to remain neutral.

Relationships between any members of the Board of Directors, Senate, Committees, and/or student assistants must be reported to the ASI Executive Director or designee, in which they will fill out a form.

Each Member will sign the ASI Conflict of Interest Statement in regards to California Education Code Sections 89906 through 89909.

Section 11: Equal Protection

The ASI Code of Conduct also ensures that the ASI Personnel Committee provides every person or group with an equal opportunity to receive fair and just protection under the ASI Bylaws, and under all other rules and regulations of the corporation.

Section 12: Office & Resources Usage:

In taking on an ASI position, Members accept accountability for the proper use of ASI funds, personnel, equipment, and other resources over which they have the authority or influence.

Members have a responsibility to ensure that ASI's resources are managed effectively. In this regard, material, financial, and computerized resources should only be used towards the furthering of the goals of ASI.

When working in the ASI Office, Members take on the responsibility that all information conveyed to students, employers, employees, colleagues, and the public is accurate, timely, objective, and conveyed in a reasonable context.

[Each Member will sign the *Office Use Agreement Information and Internet, E-mail and Computer Acceptable Use Policy* for ASI Board Members]

Section 13: Violation of this Code:

If a Member violates this Code of Conduct Policy, the allegation of the violation shall be addressed to the ASI Personnel Committee.



Any member of the ASI may bring forth an allegation of wrongdoing against another member of ASI, or another member's alleged violation of this code. The ASI Personnel Committee has the capacity to impose the level of sanctions, and can recommend dismissal from the ASI Board of Directors, Senate, or Committee(s) as outlined in the Bylaws in addition to the First Year Mentorship (FYM) program. Sanctions shall be leveled equitably in relation to the violation.

Violation Level	Consequence
1	Written warning from the Personnel Committee.
2	Documentation of the incident, and a meeting with ASI President/CEO (or designee), Executive Director, and University President's Designee. The Sanctioned Member must work with the Executive Director to develop a performance improvement plan.
3	Dismissal from the Board of Directors or Senate with a three-fourths ($\frac{3}{4}$) majority vote, or other sanctions as prescribed by the Board of Directors.

Any appeal of a first or second level violation will go to the Board of Directors. The defendant has the right to explain their part of the situation and after they have explained themselves, they shall be asked to leave the room for the decision-making. They will have a seventy-two (72) business hours time period for an appeal, and must notify the Chair of the Board of Directors within those seventy-two (72) business hours.

Any violation of the CSUEB Student Code of Conduct can lead to ineligibility to serve for current and future academic terms

This Code of Conduct will be reviewed annually. The Personnel Committee shall make revisions to the Code of Conduct, with suggestions from the Board of Directors. The Board of Directors, or Executive Committee during the summer term, shall vote on the revised Code of Conduct, and the revised Code of Conduct shall be approved by a majority vote.

Approved 7/7/2016 by Executive Committee
Approved 7/31/2019 by Executive Committee
Approved 4/22/2020 by Board of Directors
Approved On: Wednesday, MONTH XX, 2021



ASI President/CEO does hereby [] approves / [] refuses to approve this Code of Conduct.



Euridice Pamela Sanchez-Martinez (May 7, 2021 12:14 PDT)

Euridice Pamela-Sanchez
ASI President/CEO



-- ASIExecVP (May 7, 2021 12:40 PDT)

Desiree Cuevas
*ASI Executive Vice President/Chief
of Staff*

Approved by: ASI Board of Directors 2020-2021



This Code of Conduct will take effect immediately, and any sanctions/reprimands already given will be carried over for the 2021-2022 year.

I have thoroughly read the Code of Conduct for ASI Members.

Print Name (Board Member)

Signature

Date

Dessiree Cuevas

Executive Vice President/Chief of Staff

Date

