

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Constitution for the Muslim Student Union of Berkeley

Adopted 4/28/05

Amended 4/3/08

Constitution Summary:

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Article I – Name

Section 1: Official Name

The organization will officially be known as the Muslim Student Union of Berkeley.

Section 2: Other Names

The organization will also be known as the Muslim Students Association of Berkeley, the Islamic Study Circle of Berkeley, and the abbreviation CalMSA as well as the acronyms MSU, MSA, and ISC. The organization will be referred to as the MSU in this document.

Article II – Purpose

Section 1: Mission Statement

The Muslim Student Union of the University of California, Berkeley originated primarily to bring together Muslims of diverse backgrounds and cultures under one unified, organized, proactive community. The MSU at Berkeley stands upon the principles of inclusiveness, responsibility, and action. As an organization aimed primarily at the student body, we strive to remain inclusive of those who wish to understand, appreciate, and practice their Islam without compromising their morals and beliefs. The MSU also reaches out to those who are not Muslims, primarily to educate them about the misconceptions regarding Islam and the Islamic way of life, and to include anyone willing to stand up for truth, justice, and peace. Aside from fostering a social community for Muslims, the MSU encourages mental, physical, and spiritual development through an array of athletic programs, spiritual discussions, rallies, academic forums, and charity events. The ultimate goal of the MSU is to encourage both Muslims and non-Muslims to evolve intellectually, physically, and spiritually during their tenure at UC Berkeley and to become enlightened, responsible, and just individuals.

Section 2: MSU Goals

1. The primary aim is to please Allah and to obey Him and His Prophet (صلى الله عليه وسلم).
2. Create an awareness of Islam on the Berkeley campus and community through education and interaction.
3. Educate campus authorities on how to better serve the needs of the Muslim community.
4. Promote unity, brotherhood, and sisterhood among Muslims.
5. Develop spirituality through halaqas, classes, and other activities.
6. Develop activism of Muslims on campus and in the community.

Section 3: MSU Ideological Statement

The MSU will maintain a balance in the area of ideology. The MSU will not support one way of Islamic thinking over others. The MSU will as much as possible avoid presenting only a single side of an issue where there is clear disagreement amongst Muslim scholars.

Article III – Affiliation

Section 1: Affiliation with UC Berkeley Entities

The MSU will be a registered student group with the Office of Student Life (OSL) and the Associated Students of the University of California (ASUC).

Section 2: Affiliation with Other Organizations

The MSU will be a member of the Muslim Students Association of the United States and Canada (MSA National), as well as MSA West.

Section 3: Independence of the MSU

The MSU will maintain itself as an independent entity separate from the above listed groups. The MSU will not affiliate itself with any other group, and will specifically maintain its independence from all political and ideological groups. This does not prevent the MSU from holding activities in conjunction with these groups.

Article IV – Membership

Section 1: Eligibility for General Membership

All persons subscribed to the main MSU email list are considered general members of the MSU. We will not haze according to California State Law; we will not restrict membership based upon race, color, national origin, religion, sex, physical and mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran (special disabled veteran, Vietnam-era veteran or any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized).

Section 2: Active Members

Only currently registered UC Berkeley students, faculty, and staff may be active members in a registered student organization. Only active members may vote or hold office. In addition to this, in order to be considered an active member a member must have filled out a membership form and paid their dues for the academic year, if required.

Section 3: Non-Student Members

At no time will the number of non-student members exceed the number of student members.

Section 4: Removal

Any member who willfully disrupts the MSU from functioning, or causes dissention (fitna) among MSU members can be removed from the MSU membership as noted in Article XIII.

Article V – Officers

Section 1: Eligibility

In order to be eligible to hold office for the academic year following the elections, a member must be either an active member or an incoming freshman or junior transfer the following year who has shown a high level of activism at his or her current school. The candidate must be registered as a student for the entire academic year after the elections.

Section 2: Positions and Duties

There will be eight officers, referred to as the MSU board or simply the board. The duties for each position are the following:

1. President (Emir)

- Ensure that the organization is functioning properly, and be responsible for its overall vision.
- Direct and coordinate MSU activities.
- Be the main representative of the MSU to the media, the university, and other campus and off-campus groups, particularly MSA National and MSA West.
- The President has added decision making authority as outlined in Section 3 of this article.

2. Vice President

- Be the second in command in the MSU, taking on presidential duties in his/her absence.
- Work closely with the president for the fulfilling the overall vision of the MSU.
- Oversee the heads of the different committees.
- Follow up with the assigned duties of other board members.

3. Communication

- Arrange board meetings and communication forums with the general membership.
- Prepare and make available minutes from board meetings.
- Keep track of membership.
- Maintain a schedule of activities.

4. Treasurer

- The treasurer is the primary ASUC signatory.
- Keep a record of all expenditures and arrange for the reimbursement of anyone who has made a pre-approved purchase for the MSU.
- Report regularly to the board about the state of MSU's finances.
- Prepare the mid-year report and application for funding required by the ASUC.
- Solicit grants and donations when necessary.

5. Education/Da'wah

- Organize internal education activities for the general membership.
- Arrange external education activities for the campus community.
- Oversee the educational literature of used by the MSU.
- Organize weekly halaqas, qiyams, fasting, and other spiritual activities.

6. External Affairs

- Communicate with other on-campus and off-campus groups that work with the MSU.
- Assign and oversee liasons for these organizations.
- Work on non-financial ASUC and OSL related issues, including room reservations.

7. Sisters' Director

- Be responsible for all sisters' specific activities.
- Arrange regular social activities for the sisters.

- Be responsible for the mentorship and academic advising of the younger members of the MSU.
- Promote the unity of the sisters' in the MSU.

8. Brothers' Director

- Same responsibilities as the sisters' director, but on the brothers' side.

Section 3: Elected and Appointed Officers

Six of the board members will be elected by the active membership of the MSU as outlined in Article VI. The other two board members will be chosen through the procedure stated in Article VII. There is no distinction between the elected and appointed board members except in the manner which they are chosen.

Section 4: Board Composition

A minimum of two board members must be active members who are freshmen (i.e. the first year of higher education after high school) at the time of the elections or incoming freshmen or junior transfers the following year.

Section 5: Decision Making Procedures

For approval, all decisions must be passed by a majority vote of the board, unless otherwise noted in this document. The President has the power to veto any decision or make any decision on his own, except decisions for which this document explicitly states the decision must be unanimous. However, usage of this power is strongly discouraged and should only be used in situations where an approved item is harmful to the MSU. For small day to day decisions or decisions that require immediate action, board members can use their discretion and make a decision on their own. However, the decision is still subject to the approval of the board.

Section 6: Substitution

Any board member who will not be able to satisfy their duties for a period greater than three weeks, because of travel, exams, family issues, or other valid reasons must appoint a substitute. The substitute must be confirmed by a four-fifths vote of the board. If the President requires a substitute, the Vice President will take on his/her duties and another substitute will be selected.

Section 7: Removal

Board members who repeatedly fail to satisfy their duties will be requested to resign. If the said member refuses to resign, they may be removed or demoted in accordance to Article XIII.

Section 8: Replacement

If a board member resigns or otherwise is no longer on the board, then a replacement will be selected by the President with the advice of the board. If the President leaves the board, the Vice President will become President.

Article VI - Elections

Section 1: The Elections Meeting

The elections meeting will occur in the Spring Semester during March or April. The meeting time and place will be announced at least one month ahead of time on the general email list. There is no quorum for the meeting.

Section 2: Nominations

An eligible active member must be nominated by at least two other active members. The nominee, as well as the nominators must have been an active member for at least two weeks prior to the election to be eligible. Nominations will be due one week before the elections, and forms will be made available at least three weeks before the elections.

Section 3: Campaigning

No candidate may campaign on his or her own behalf, nor may anyone else campaign on the candidate's behalf. Any one who is determined to have violated this in accordance with Article XIII will be disqualified from the elections.

Section 4: Term

Elected Officers serve a one year term. There are no term limits. The term starts on the first day of summer break.

Section 5: Elections Heads

Two MSU members will be selected by the board to run the elections at least one month before the election. Election heads are ineligible to hold office, but may vote.

Section 6: Diversity of Board

The board must have at least three members from each gender.

Section 7: Election

Only members who have been active members for at least two weeks prior to the election are eligible to vote. Each active member must vote for three people of each gender. The three candidates of each gender who receive the most votes are elected to the board. Proxy and absentee votes are not allowed.

Section 8: Counting

After the election, results will be counted immediately by the election heads in the presence of at least one advisor if any are available. Advisors are described in Article IX. The results will be announced immediately. In the event of a tie, a tie-breaking run-off will be held immediately after the counting of votes.

Section 9: Selection of President and Vice President

The six elected board members must decide on a President and announce this through the general MSU email list within two weeks of the elections. Following the selection of President, the officers must choose a Vice President amongst the remaining elected officers. The President must have organizational experience in the MSU or in a Muslim student organization at another college or university.

Section 10: Selection of Other Positions

The other positions will be assigned after the President and Vice President are selected. It is recommended that the positions be assigned after the two appointed board members are chosen.

Article VII – Appointed Officers

Section 1: Purpose

The purpose of appointing two officers is to bring about new ideas to the MSU board and to train younger people who can continue to contribute to the MSU in the future. This will ensure the continuity of the MSU, and allow organizational knowledge to be transferred from the older students to the younger students.

Section 2: Eligibility

Any student who is eligible to hold office as specified in Article V may be appointed to the board.

Section 3: Appointment Procedure

Members are appointed to these positions by the agreement of the President and Vice President, taking into account suggestions from the rest of the board and the advisors.

Section 4: Non-board Positions

The board can appoint sub-officers to take care of other responsibilities. Suggested positions include webmaster and librarian.

Article VIII – Committees

Section 1: Committee Heads

Committee heads will be appointed by the board with a majority vote. Any member can head a committee. The board will decide on the appointment process for the committee heads.

Section 2: Replacement

Committee heads who fail to satisfy their duties can be replaced with a unanimous vote by the board.

Section 3: Term

Committee heads will serve a one year term.

Section 4: Other Committee Members

Committees are open to all active members of the MSU.

Article IX – The Advisory Council

Section 1: Purpose

The advisors serve as a mechanism to ensure the transfer of knowledge in the MSU.

Board members can collectively or individually seek out the advice from the advisors on any issue.

Section 2: Number of Members

The advisory council will consist of at most ten people.

Section 3: Selection of Advisors

The President and Vice President of the MSU are automatically added to the advisory council at the end of their terms, unless they are reelected. If one or both of these officers are reelected, the outgoing MSU board may select replacements from amongst the outgoing officers. Current MSU board members may not be on the council.

Section 4: Appointed Advisors

At most one person per year may be appointed to the advisory council. The appointed advisor must be an active member who is registered as a graduate or professional student for the entire academic year after the elections and must have served on the MSU board equivalent at his or her undergraduate institution.

Section 5: Appointment Procedure

Advisors require a unanimous vote of the current MSU board and a majority vote of the current advisory council to be appointed.

Section 6: Term

Advisors selected from the outgoing MSU board serve a three year term. Appointed advisors serve a one year term. The terms start on the first day of summer break.

Section 7: Extension

At the end of the term, an advisor's term can be extended for another year if the outgoing board agrees that the advisor's presences will continue to be beneficial to the MSU. The term of the advisor can be extended every year to include the following year.

Article X – Meetings

Section 1: General Body Meetings

The MSU board must hold at least four general meetings a semester. Meetings will be publicized on the general email list at least one week in advance unless there are special circumstances, such as the elections meeting or a meeting in which amendments to this document are to be discussed. The advance notice and quorums required for these meetings described in Article VI, Article XIV, and Article XVI. There are no quorums for general meetings, and the board sets the agenda for each meeting.

Section 2: Board Meetings

The MSU board must hold a board meeting open to all members at least once a month, except during summer break. Board meetings can be called by the President. Meeting minutes must be made available to the advisory council over email.

Section 3: Emergency Meetings

The MSU board may call an emergency meeting with a unanimous vote. There is no minimum advance notice for emergency meetings unless these meetings fall under other regulations, such as a meeting that discusses amendments to this document.

Section 4: General Requirements

All meetings, except board meetings must be held on an instructional day during the fall or spring semesters.

Article XI – Finance

Section 1: Expenditure Approval

All expenditures for which a reimbursement is to be made must be pre-approved by the board if over \$100. Expenditures under \$100 may be approved by the treasurer or President.

Section 2: Accountability

The treasurer must report to the MSU in a general meeting at the end of the academic year with a summary of MSU expenses.

Section 3: ASUC Relations

The treasurer must prepare a mid-year report in accordance to ASUC regulations and deadlines. The treasurer must also prepare the application for funding for the next year in the same manner, as well as the application for office space.

Article XII – Events

Section 1: Mandatory Events

The MSU must coordinate Jumu'a every Friday for which there is instruction. The MSU must also hold regular meetings as described in Article X.

Section 2: Recommended Events

It is highly recommended for the MSU to hold Islam Awareness Week, Standing up For Justice Week, and weekly halaqas.

Article XIII – Judiciary Procedures

Section 1: Major Offenses

Members of the MSU can be removed from the organization. These offenses include but are not limited to willfully creating dissent, abuse of MSU funds, abuse of MSU property, and willfully causing harm to the MSU or its members.

Section 2: Procedure for Members

A member can be removed from the MSU by a unanimous vote of the officers and a majority vote of the advisors. A meeting or conference call will be held with all of the officers and available advisors, as well as the member in question.

Section 3: Procedure for Board Members

If a board member commits a major offense, or repeatedly fails to satisfy his or her duties as a board member, the board member may be removed from office. The officers can request an individual board member to resign with a three-fourths vote. If the board member refuses, the officer can be removed through a unanimous vote of the advisors.

Section 4: Disqualification of a Candidate

The procedure for disqualification of a candidate who has campaigned is identical to the procedure outlined in Section 2 of this article.

Article XIV – Amendments

Section 1: Board Approval

Any proposed amendment must receive the unanimous approval of the board to be brought to the MSU's active membership for a vote.

Section 2: Meeting

The general body meeting in which an amendment is to be discussed must be announced on the general email list three weeks ahead of time. The text of the amendment must also be publicized on the general list at this time. The quorum for this meeting is half the active membership.

Section 3: Final Approval

Only active members may vote on amendments. Proxy and absentee votes are not allowed. The amendment will become part of the constitution if three-fourths of the active members in attendance approve it, including abstentions. All amendments, changes, or deletions must be filed with Student Activities and Services, 102 Sproul Hall, and the ASUC Office of Student Affairs, 400 Eshleman Hall within one week of adoption.

Section 4: Non-Amendable Articles

Articles XIV Section 4, Article XV, and Article XVI cannot be amended.

Article XV – Dissolution

Section 1: Procedure

The board must unanimously agree to dissolve the organization. The advisory council must also unanimously agree to dissolve the organization. A special meeting must be called, announced on the general email list at least one month ahead of time. The quorum for this meeting is four-fifths of the active membership, and the motion to dissolve can only be passed with a four-fifths vote, including abstentions.

Section 2: Financial Assets

All unspent ASUC funds shall remain the property of the ASUC, all Graduate Assembly funds shall remain the property of the Graduate Assembly. Remaining privately-obtained

funds may be donated to a non-profit organization with prior approval of the ASUC Senate Finance Committee and the unanimous approval of the board.

Section 3: Other Assets

All other assets will be transferred to MSA West or MSA National.

Article XVI – Constitution Adoption, Interpretation, and Enforcement

Section 1: Adoption

For this constitution to be adopted, the current MSU board must unanimously approve it. The general body meeting in which this will be discussed must be announced on the general email list at least two weeks ahead of time, and the active membership must approve the constitution with a majority vote including abstentions.

Section 2: Interpretation

Any ambiguities in this constitution, or any items that are open to interpretation, will be resolved by a unanimous vote of the board. In the event that an item requires interpretation and the required support is not realized, a two-thirds majority of the advisory council including abstentions will resolve the issue. The advisory council may resolve the issue over email instead of in a meeting.

Section 3: Enforcement

It is the responsibility of the board to enforce the constitution. If the board does not adequately accomplish this, the advisory council will take on this responsibility.

Section 4: Adoption of a New Constitution

The procedure to adopt a new constitution is identical to the amendment procedure, as noted in Article XIV, except in the following areas:

1. The quorum for the meeting is two-thirds of the active membership of the MSU.
2. To adopt a new constitution, it must be approved by four-fifths of the active membership.