

Associated Students Inc.
California Polytechnic State University
San Luis Obispo

Bill #19-01

ASI Bylaws Amendment – Freedom of Speech and Anti-Discrimination

Article I. Origin

This Bill is presented in accordance with the ASI Bylaws by Noah Krigel College of Liberal Arts, Aliza Herzberg, College of Liberal Arts, Alan Faz, College of Engineering, and Sarah Downing, College of Engineering.

Article II. Purpose

The purpose of Bill #19-01 is to add an anti-discrimination clause to the ASI Bylaws to bring it in accordance with other ASI policy.

Article III. Background

ASI is committed to social justice, diversity, and inclusion - exemplified by multiple passed documents in the 2017-18 school year that established a permanent Secretary of Diversity and Inclusion on the Executive Cabinet, a permanent Diversity and Inclusion Standing Committee, and Social Justice Program Funding. Outside of passed legislation, the Dean of Students and/or the University define “unacceptable student organization/member misconduct” as “discrimination in membership policies on the basis of race, religion, national origin, ethnicity, color, age, gender, marital status, citizenship, sexual orientation, gender identity or expression, or disability.”¹ Across the CSU system, almost half of all ASI student government organization bylaws contain anti-discrimination clauses protecting membership and/or preventing discriminatory policies. In the Cal Poly ASI Bylaws, however, there is no clause - or even mention of a clause - protecting against discrimination. To amend this shortcoming while continuing to ensure advocacy and promote inclusion for underrepresented minority communities across Cal Poly’s campus², we propose an additional clause to the ASI Bylaw which will not unlawfully abridge freedom of speech nor sanction the practices of discrimination - in other words, protecting against discrimination.

Article IV. Implementation

Current wording states:

4.7. Duties of Directors.

4.7.1. Duty of Good Faith.

¹ Cal Poly Clubs & Organizations Handbook - <https://content-calpoly-edu.s3.amazonaws.com/clubs/1/documents/RSO-Handbook-20180905.pdf>

² Bill #18-03: ASI Bylaws Amendment - Implementation of ASI Secretary of Diversity and Inclusion Executive Cabinet Position - http://www.asi.calpoly.edu/admin/img/updocument/1528739217_Bill_18-

03_ASI_Bylaws_Amendment_Implementation_of_ASI_Secretary_of_Diversity_and_Inclusion-BODappr.pdf

A Director shall perform his/her duties in good faith, in a manner the Director believes to be in the best interest of the Corporation, and with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under similar circumstances.

4.7.1.1. Reliance on Others.

In performing his/her duties, a Director may rely on information, opinions, reports or statements prepared or presented by the persons listed below, so long as the Director acts in good faith, after reasonable inquiry, and without knowledge that reliance on such persons is unwarranted.

4.7.1.1.1. Directors, Officers or employees of the Corporation whom the Director believes to be reliable and competent in the matters presented.

4.7.1.1.2. Professional advisors (including legal counsel, independent accountants, University or Cal Poly Corporation employees serving as advisors and/or representatives, etc.) whom the Director believes to be acting on matters within such person's professional competence or expertise;

4.7.1.1.3. Ad hocs or Committees upon which the Director does not serve, but which the Director believes to merit confidence on a matter within its designated authority.

4.7.1.2. Avoidance of Liability.

A person who performs the duties of a Director in accordance with this section shall have no liability based upon any alleged failure to discharge the person's obligations as a Director, including without limitations the generality of the foregoing, any actions or omissions which exceed or defeat a public or charitable purpose to which the Corporation, or assets held by it, are dedicated.

With the recommended changes, it would now state:

4.7. Duties of Directors.

4.7.1. Duty of Good Faith.

A Director shall perform his/her duties in good faith, in a manner the Director believes to be in the best interest of the Corporation, and with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under similar circumstances.

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4.7.1.2. Avoidance of Liability.

A person who performs the duties of a Director in accordance with this section shall have no liability based upon any alleged failure to discharge the person's obligations as a Director, including without limitations the generality of the foregoing, any actions or omissions which exceed or defeat a public or charitable purpose to which the Corporation, or assets held by it, are dedicated.

4.7.1.3. Freedom of Speech and Anti-Discrimination

Neither the board nor any body or organization under its jurisdiction shall adopt any policy which unlawfully abridges the freedom of speech. Further, the aforementioned organizations shall not practice or sanction any unlawful discriminatory practice related to: veteran status, uniformed service member status, race, color, religion, gender identity, gender expression, sex, sexual orientation, pregnancy (including childbirth, lactation, or related medical conditions), age, national origin or ancestry, immigration status, citizenship status, physical or mental disability, or genetic information (including testing and characteristics).

CERTIFIED as the true and correct copy, in witness thereof, I have set my hand and seal of the Associated Students, Inc. this ____ day of _____, 2019.

ASI Secretary

ASI Executive Director

Sponsored By:

Noah Krigel College of Liberal Arts,
Aliza Herzberg, College of Liberal Arts,
Alan Faz, College of Engineering,
Sarah Downing, College of Engineering

ADOPTED at the regular meeting of the Board of Directors by **majority/ unanimous vote** on _____, 2019.

ASI Chair of the Board