

Associated Students of the University of California



2014 Spring, Senate Bill No. 57

A Bill in Support of the ASUC Open Computing Facility, Title 3700

Author

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Sponsor

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WHEREAS, The Open Computing Facility is defined as “an organization dedicated to the pursuit of obtaining and managing open computing resources, with the intent to provide an environment where no member of Berkeley's campus community is denied the computer resources he or she seeks”; and,

WHEREAS, Since 1989 the Open Computing Facility has provided for free to the campus community services including, but not limited to: an open-access computer lab, free printing, internet access, web hosting (including berkeley.edu virtual hosting), email hosting, and a UNIX System Administration DeCal; and,

WHEREAS, The Open Computing Facility has long operated as a large self-sufficient student organization, with an impressive history, wide range of technical knowledge, and efficient operations, while simultaneously providing a crucial service to the student body; and,

WHEREAS, The Open Computing Facility currently resides in the North Basement of Hearst Gymnasium, 6A; and,

WHEREAS, The ASUC should support the student organizations which often provide services at a higher quality and with better service than those outside of the University; and,

WHEREAS, Hundreds of student organizations already use the Open Computing Facility for their web and email hosting services; and,

WHEREAS, The Open Computing Facility operates at a scale often requiring special

accommodations, including extensive collaboration between the ASUC and the OCF leadership, especially in regards to the Lower Sproul Redevelopment Project; and,

WHEREAS, The Open Computing Facility has previously had a formal relationship with the ASUC through the management of the ASUC Election Tabulations; and,

WHEREAS, The ASUC Website, and its management, has suffered past years from a lack of institutional knowledge, difficulty transitioning, and problems with third party web-hosting.

THEREFORE BE IT RESOLVED, that a new Bylaw in Programs XXX read;

Article I: Organization Structure

1.1 Name and Purpose

This organization shall be called the *Open Computing Facility* and may also be referred to as the *OCF*. The intent of this organization shall be to provide an environment where no member of Berkeley's campus community is denied the computer resources he or she seeks. It is also the intent of this group to appeal to all members of the Berkeley campus community with unsatisfied computing needs and to provide a place for those interested in computing to fully explore that interest.

1.2 Membership

Any current UC Berkeley student, faculty or staff member may become an OCF member. All members shall have full access to all OCF services.

1.3 Service Selection

OCF shall choose to offer services to the campus community in consideration of the interests of the ASUC, student organizations, University departments, University programs, and individual OCF members.

OCF reserves the right to focus only on projects and services that the Board of Directors have determined to be within the program's capabilities and scope, and to reject any that conflict with the OCF's Constitution or that are harmful to the interests of OCF or the Constitution, By-laws, or interests of the Associated Students of the University of California.

1.4 Funding

The ASUC shall provide funding each year in support of the OCF program. The ASUC shall

also provide space for a computer lab and server storage, and necessary furniture and equipment to support and maintain OCF programs and services. Funds allocated to the OCF that have not been spent by the end of the fiscal year are exempt from Title III, Article 5.2 of the ASUC By-Laws (Funding Roll Over). Funds that have not been spent shall carry forward to the next fiscal year in the OCF Budget.

1.5 Contracts and Dispute Resolution

Any dispute between the parties arising out of or related to OCF contracts shall be submitted to the ASUC Judicial Council for resolution. The decision of the ASUC Judicial Council will be final and not subject to review by the Chancellor of the University of California or by any judicial forum. Submission to the ASUC Judicial Council will take place for any and all other types of dispute resolution, including without limitation, any arbitration, lawsuit, or legal action of any kind in any state or federal court, including trial before a judge or jury.

Contracts submitted by organizations external to the University may only be entered with the signature of the ASUC President; whereas the ASUC President shall consult with the LEAD Center ASUC Advisor and notify the ASUC Senate in their executive reports a week prior to the signing of the contract.

1.6 OCF Decision Making Process

All internal OCF decisions, including those not covered in this document, shall be made using the OCF decision making process as outlined in the OCF constitution.

Article II: Management

2.1 General Manager

The General Manager is the chief political and executive officer of the OCF and shall chair all meetings.

2.2 Site Managers

The Site Managers are the chief system managers responsible for the maintenance of OCF services. In the absence of the General Manager, a Site Manager shall chair meetings.

2.3 Directors

Directors shall normally be responsible for the creation, implementation, and discussion of

the majority of OCF actions.

Article III: Board of Directors

3.1 Purpose

1. The Board of Directors shall be responsible for reviewing the activities and programs of the OCF, and for directing the actions of the OCF, in accordance with its Constitution.
2. The Board shall set policies and standards as necessary for the operation of the OCF, including the use and transportation of equipment, scheduling of events, and personnel.
3. The Board shall resolve conflicts between one or more officers or members of the OCF.
4. The Board shall review all of the actions of the General Manager and Site Manager at its discretion.
5. The Board shall be responsible for amending the OCF Constitution.

3.2 Composition

The OCF Board of Directors shall be composed of the following members:

1. The OCF General Manager (ex officio);
2. The OCF Site Managers (ex officio);
3. One ASUC Senator (ex officio);
4. The ASUC Finance Officer (ex officio);
5. Other directors appointed through the OCF decision making process, as outlined in the OCF Constitution.

Ex officio members of the Board shall have no more and no less power than any other member of the Board.

3.3 Budget Responsibility

1. The Board of Directors shall prepare budget requests for the ASUC Senate.
2. The Board of Directors shall approve the annual OCF Budget, and any revisions thereto.
3. The Board of Directors shall from time to time review the OCF Budget to ensure that budgetary goals are met and shortages accounted for.

3.4 Meetings

The Board of Directors shall meet at least monthly during the Academic Year, September through December, and February through May, at a time set by the Board. The General Manager may call a Special Meeting of the Board after forty-eight (48) hours notice to all members.

The Board shall elect the General Manager and Site Managers during the Elections Meeting, which shall take place the second week of each Fall and Spring semester.

Article IV: ASUC Website

1. The OCF will assist in the hosting of the ASUC website, with the coordination and management of the ASUC EVP.
2. The ASUC Website Secretaries will be responsible for all design and content of the ASUC website, and for ensuring that the ASUC website complies with all laws, university policies, and OCF policies. The only responsibility of the OCF shall be to provide hosting for the ASUC website.
3. The ASUC Website Secretaries shall be responsible for communicating as necessary with the OCF Site Managers on technical issues, and for ensuring that the Site Managers have updated contact information to reach the Website Secretaries in an emergency.
4. In the event of a security, legal, or technical issues arising which poses a significant and immediate risk, the OCF shall, after attempting to contact the ASUC Web Secretaries, have discretion to disable parts of, or the entirety of, the ASUC website until the problem can be resolved.
5. The ASUC Senate may call on the OCF General Manager with general inquiries regarding the functioning and hosting of the ASUC Website.
6. The OCF may send a representative to the ASUC Senate at any meeting to report or to request information from the ASUC.

Article V: Dissolution

5.1 Procedure

1. All unspent ASUC funds shall remain the property of ASUC, and all Graduate Assembly funds shall remain the property of the Graduate Assembly. Remaining privately-obtained funds may be donated to another nonprofit organization.

2. The assets of the OCF constitute a continuing trust for the benefit of all members of the Berkeley campus community interested in open computing facilities. In the event of the dissolution of the OCF for whatever reason, the assets, after payment or adequate provision for payment of all outstanding debts and obligations of the OCF shall be transferred to a non-profit fund, foundation or corporation which is organized and operated exclusively for the purposes for which the OCF was founded.
3. Dissolution may be proposed at an official group meeting and requires a two-thirds (2/3) majority vote of Officers and two-thirds (2/3) majority vote of the Board of Directors.

THEREFORE BE IT FURTHER RESOLVED, that the Open Computing Facility officially become a program of the ASUC, as described above, cementing a mutually beneficial relationship; and,

THEREFORE BE IT FURTHER RESOLVED, that the OCF General Manager have an opportunity to introduce themselves at a future senate meeting; and,

THEREFORE BE IT FINALLY RESOLVED, that the ASUC Executive Vice President ensure that the LEAD Director of ASUC Programs be notified of the change in status for the Open Computing Facility, and a meeting be set up between the Board of Directors to discuss transitioning as an ASUC Program.

Status

Introduced and Referred to NAME Committee: (0-0) *DATE, 2014*

Passed with Amendments by NAME Committee: (0-0) *DATE, 2014*

Passed by Senate: (0-0) *DATE, 2014*

Senator's Final Votes on Senate Floor

Name	Y	N	A	Name	Y	N	A
<i>Sen. Courtney Chow</i>				<i>Sen. Sahil Pandya</i>			
<i>Sen. Katherine Chung</i>				<i>Sen. Caitlin Quinn</i>			
<i>Sen. Grant Fineman</i>				<i>Sen. Liza Raffi</i>			

<i>Sen. Destiny Iwuoma</i>				<i>Sen. Quinn Shen</i>			
<i>Sen. Justin Kong</i>				<i>Sen. Sevly Snguon</i>			
<i>Sen. Karen Lee</i>				<i>Sen. Sean Tan</i>			
<i>Sen. Naweed Mohabbat</i>				<i>Sen. Emily Truax</i>			
<i>Sen. Briana Mullen</i>				<i>Sen. P.Upadhyayula</i>			
<i>Sen. Solomon Nwoche</i>				<i>Sen. Lauren Week</i>			
<i>Sen. Wendy Pacheco</i>				<i>Sen. Eric Wu</i>			



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Constitution of the Open Computing Facility

This document records the "'Constitution of the Open Computing Facility'", as ratified or amended by votes of the OCF membership:

- ratified on February 3, 1989;
- and amended on:
- [March 21, 1990](#);
- [May 14, 1991](#);
- [November 21, 1991](#); and
- [February 8, 2000](#).

Preamble

We, the computer using community of the Berkeley campus of the University of California, provide by this Constitution an organization dedicated to the pursuit of obtaining and managing open computing resources. The intent of this organization is to provide an environment where no member of Berkeley's campus community is denied the computer resources he or she seeks. This group's spirit can be traced directly to the former Undergraduate Computing Facility, however this organization's membership is much more widely open. It is also the intent of this group to appeal to all members of the Berkeley campus community with unsatisfied computing needs and to provide a place for those interested in computing to fully explore that interest. It is the intention of this group that no small number of people ever control the accessibility of any OCF sponsored computing facility.

Articles

1 Name

This organization shall be called the *Open Computing Facility* and may also be referred to as the *OCF*.

2 Members

2.1 General Membership

Any UC Berkeley student, faculty or staff member may be an OCF Member.

2.2 Active Members

2.2.1 Eligibility

Active Membership status is restricted to U.C. Berkeley Faculty and Staff and Registered Students.

2.2.2 During General Meetings

Any member of the OCF shall be an Active Member by physical presence at an OCF General Meeting.

2.2.3 Between General Meetings

Any OCF Member who has attended an OCF General Meeting in either this semester or the one preceding shall be an

active member.

2.3 Inactive Members

Any OCF Member who is not an Active Member shall be considered an Inactive Member.

3 Officers

3.1 Elected Officers

3.1.1 Offices

The only elected offices are General Manager and Site Manager(s).

3.1.2 Eligibility

All elected officers must be [Active Members](#).

3.1.3 Elected

The officers shall be elected at each OCF [Elections Meeting](#).

3.1.4 Term Of Office

The officers' terms shall begin immediately after election and last until the next election.

3.1.5 Removal From Office

An officer shall be removed from office if, at a General Meeting, the members vote to remove him or her.

3.1.6 Succession

If any elected position becomes vacant, a General Meeting will be called to elect a replacement.

3.1.7 General Manager Duties

The General Manager is the chief political and executive officer of the OCF and shall chair all meetings.

3.1.8 Site Manager Duties

The Site Manager is the chief system manager of a particular installation of computing equipment. In the absence of the General Manager, a Site Manager shall chair meetings.

3.2 Board of Directors

3.2.1 Membership

3.2.1.1 General Manager and Site Manager(s)

The General Manager and Site Manager are ex officio members of the Board and shall have no more and no less power than any other member of the Board.

3.2.1.2 Other Directors

Other Directors shall be appointed and removed through the [OCF Decision Making Process](#).

3.2.2 Term Of Office

The term shall expire at the next [Elections Meeting](#).

3.2.3 Duties

Directors shall normally be responsible for the creation, implementation and discussion of the majority of OCF actions. Also the Board shall review all of the actions of the General Manager and Site Manager at its discretion.

3.3 Interim Manager

When the OCF is not formally in session, or any other time when there is a temporary vacancy in an elected office, the [OCF Decision Making Process](#) shall designate a member or members to see to it that the OCF functions properly.

4 Meetings

The OCF is formally in session during the Fall Semester and the Spring Semester. This is the only time General Meetings can take place. The OCF is informally in session between the semesters. During this time the Faculty Sponsors and the Interim Managers are responsible for the functioning of the OCF.

4.1 General Meetings

The [OCF Decision Making Process](#) can call a General Meeting at any time. When possible, one week's notice shall be given.

4.1.1 Election Meetings

The Elections Meeting shall, in this order,

1. approve the Faculty Sponsors,
2. elect the General Manager,
3. elect the Site Managers,
4. appoint Directors,
5. and then consider new business.

4.1.1.1 Date of Elections Meeting

The OCF shall meet to elect officers during the third week of classes of the Fall and Spring Semesters.

[As amended at the General Meeting of March 21, 1990.]

4.1.2 Special General Meetings

4.1.2.1 How Called

Ten OCF members can call a Special General Meeting when the normal process for calling a General Meeting is not feasible.

4.1.2.2 Procedure

These ten members must notify the General Manager if possible, provide prominent public notice of the meeting at least one week beforehand and must try to contact all members of the OCF.

4.2 Voting

4.2.1 Elections and General Meetings Quorum

By definition a quorum exists at these meetings.

4.2.1.1 Special General Meetings

Quorum consists of 25% of all Active Members prior to the meeting.

4.2.2 Board Meetings

Quorum consists of 2/3 of the Board of Directors or five Board members, whichever is greater.

[As amended at the General Meeting of November 21, 1991]

4.2.3 Procedure

4.2.3.1 Election of Officers

The election of officers shall be by secret ballot. A simple majority of those casting votes (including abstaining votes) is required. If on the first ballot no candidate receives a simple majority, then there will be a runoff between the top two candidates. The voting will continue until one candidate receives a simple majority.

4.2.3.2 Other Votes

All other votes require a simple majority to pass.

4.2.3.3 Proxy

An OCF Member must be present at a meeting to vote.

5 Faculty Sponsors

The OCF Faculty Sponsors shall consist of a faculty member or faculty members who are dedicated to the functioning of the OCF. These Faculty Sponsors shall be selected by the OCF Board of Directors and shall be subject to selection by the OCF at the Elections Meeting.

6 The OCF Decision Making Process

6.1 Faculty Sponsors

The Faculty Sponsor or Faculty Sponsors shall have ultimate authority over any OCF actions except for constitutional amendments and the approval of the Faculty Sponsors.

6.2 OCF Membership

The OCF Active Membership shall have authority over any OCF actions except where such action conflicts with Article 6.1.

6.3 OCF Board of Directors

The OCF Board of Directors shall have authority over any OCF actions except where such action conflicts with Articles 6.1 and 6.2.

6.4 OCF General Manager

The OCF General Manager shall have authority over any OCF actions except where such action conflicts with Articles 6.1, 6.2 and 6.3.

6.5 OCF Site Managers

OCF Site Managers shall have authority over any OCF actions except where such action conflicts with Articles 6.1, 6.2, 6.3 and 6.4.

7 Bill of Rights

7.1 Non-discrimination

7.1.1 In Accord with Berkeley Campus Regulations

The OCF shall not restrict membership or otherwise discriminate in any way against any person or group on the basis of race, color, national origin, religion, sex, physical or 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).

7.1.2 Fields of Study

The OCF shall not restrict membership or otherwise discriminate in any way against any person or group on the basis of college major or field of study. However, this section shall not be construed as restricting the OCF from providing separate facilities for different uses, as long as the availability of such facilities is proportionate to demand among the OCF's current and potential users.

7.1.3 Political Activity

The OCF shall not restrict membership or otherwise discriminate in any way against any person or group on the basis of political activity.

[As amended at the General Meeting of February 8, 2000.]

7.2 Hazing

The OCF shall not haze, in accordance with California state law.

7.3 Grievance

Any individual who has a grievance with the OCF shall first contact the General Manager. He or she may then appeal to the Faculty Sponsors and then finally to the University of California through established channels.

7.4 Conduct

All users of OCF managed facilities shall comply with University of California regulations, including the UC Berkeley Student Conduct Code and any OCF regulations.

7.5 Freedom of Information

All official OCF documents must be provided to interested parties without undue delay and the OCF may not charge above cost to do so.

7.6 Privacy

Individuals' rights of privacy shall not be violated without reasonable cause.

7.7 Rights Not Enumerated

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage other rights retained by individuals.

8 Amendments and Bylaws

8.1 Amendments

8.1.1 Process

A proposed amendment to the Constitution must be presented at a Board of Directors meeting at least one week before the General Meeting at which it is to be discussed. A list of proposed amendments must be made accessible to the general public of the OCF as soon as they have been presented to the Board of Directors. At the general meeting, a discussion period on the amendment may be held until it is moved to a vote. A 2/3 majority of all Active Members is required for approval.

[This section was changed by amendment on May 14, 1991.]

8.1.2 Annotation

Whenever this Constitution is amended, an annotation of the date of ratification shall be added to the beginning of this document and shall be further noted immediately following the new amendment.

8.1.3 ASUC Records

All amendments, additions, or deletions must be filed with the ASUC Student Affairs Office within one week of adoption, and must be in consonance with University of California and ASUC regulations and policies.

8.2 Bylaws

Bylaws may be created or modified as needed, through the [OCF Decision Making Process](#).

9 Dissolution

The assets of the OCF constitute a continuing trust for the benefit of all members of the Berkeley campus community interested in open computing facilities. In the event of the dissolution of the OCF for whatever reason, the assets, after payment or adequate provision for payment of all outstanding debts and obligations of the OCF shall be transferred to a non-profit fund, foundation or corporation which is organized and operated exclusively for the purposes for which the OCF was founded. All unspent ASUC funds shall remain the property of the ASUC.

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Bylaws of the Open Computing Facility

This is the official **Bylaws of the Open Computing Facility**, as last amended at the Board meeting of April 30, 2014.

1. The General Manager and the Site Managers cannot appoint directors unless: (a) the OCF is not formally in session, and (b) the Board of Directors cannot achieve quorum because there are fewer than five directors in town.
2. The OCF Board of Directors shall meet at least once every two weeks while the OCF is formally in session.
3. Any Director appointed to the Board by the Decision Making Process missing two consecutive regularly scheduled meetings will be removed from the Board, regardless of whether the meetings achieve quorum.
4. OCF Board meetings must be announced to all Directors at least twenty-four hours in advance.
5. Resolutions by the Board of Directors can be put to a vote electronically. When putting a resolution to the Board in this manner, all Board members must be included in the request for votes. To pass an issue this way, at least half of all the Board members must agree. If the motion fails to achieve a majority within seventy-two hours of being called to such a vote, the motion fails. The results of the vote will be posted in roll call form.
6. Attendance lists and minutes for all OCF meetings shall be maintained for the decisions of that meeting to be valid.
7. BoD elections will take effect at 12:00 midnight after the conclusion of the meeting at which the election took place, with the exception of an Election Meeting.
8. Ex officio members of the Board, with the exception of elected Managers, shall not be included when calculating the necessary number of Directors present to reach quorum.

Bylaws 1-4 amended at the general meeting of March 21, 2008. Bylaws 5-7 from the revision of the bylaws last amended February 7, 1995. Bylaw 8 added at the Board meeting of April 30, 2014.

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