A bill to create a consistent selection process for the ASSU Financial Manager, and to properly define the role of Associate and Assistant Financial Managers

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Submitted for consideration:
October 15, 2013 to the Undergraduate Senate
October 16, 2013 to the Graduate Student Council

Action Requested:
2/3 approval by the joint legislative bodies of the Association

WHEREAS, the ASSU Constitution, Article V §8.B.1 states that "The process for selection of the Financial Manager shall be specified in the Association By-Laws;" and

WHEREAS, the Joint Bylaws, Article VI §1.E specifies such procedures, including that "The FMSC shall only nominate a Financial Manager for a second term in case of an extraordinary circumstance" ($7) and describes such extraordinary circumstances in §8; and

WHEREAS, one of the "extraordinary circumstances" so defined is described in §8.b: "A highly skilled Financial Manager who brings significant strength and growth in performance as compared to previous Financial Managers;" and

WHEREAS, experience has shown that a Financial Manager serving for two terms is extremely beneficial to the organization because such Financial Managers already have deep understandings of the policies, people, and procedures that govern the ASSU and SSE, as well as the University; and

WHEREAS, it should not be an "extraordinary circumstance" that a Financial Manager continues into a second term, but rather an expectation – with appropriate safeguards in place to ensure that an ineffective Financial Manager is removed from his/her post; and

WHEREAS, separately, the Joint Bylaws never really define the Financial Manager Selection Committee (FMSC), despite referring to it; and

WHEREAS, it's pretty likely that the FMSC was supposed to contain substantially the same members as the Assistant Financial Manager Selection Committee; and

WHEREAS, the Joint Bylaws don't seem to envision that the Financial Manager should not serve on his/her own Selection Committee in the case that he/she is applying again, which is one of those "oopsie" moments that we so often have with our bylaws, and

WHEREAS, also, the section never really defines what an Associate Financial Manager is, nor why that's in the Financial Manager Selection section; and
WHEREAS, finally, the section on Assistant Financial Managers is outdated, and does not reflect the modern position,

THEREFORE BE IT ENACTED BY THE JOINT LEGISLATIVE BODIES OF THIS ASSOCIATION:

THAT the Joint Bylaws, Article VI §1.E (Financial Manager Selection) is struck and replaced with the following:

1. The ASSU Financial Manager shall be nominated every Winter Quarter by the Financial Manager Selection Committee (FMSC) to the legislative bodies, and must be confirmed by a 2/3 vote of each legislative body.
2. There shall be five members of the FMSC, each with equal vote.
   a. The Financial Manager, unless the Financial Manager is disqualified because he/she has applied for the position again. If the Financial Manager serves on the FMSC, he/she shall chair the FMSC.
   b. The President of the Association. He/she shall chair the FMSC if the current Financial Manager is not serving on the FMSC.
   c. One Undergraduate Senator, as selected by the Undergraduate Senate according to its bylaws.
   d. One GSC Member, as selected by the GSC according to its bylaws.
   e. The Chair of the Board of Directors of SSE, as defined in §4.2 of the Corporate Charter of Stanford Student Enterprises.
   f. The Vice President of the Association shall serve on the FMSC if the Financial Manager is disqualified because he/she has applied for the position again.
3. Quorum of the FMSC shall be three of its five members, and all decisions of the FMSC must be approved by three of its five members to be considered valid.
4. The FMSC shall nominate an individual to serve as the new Financial Manager during Winter Quarter. This nomination shall be submitted to the Association legislative bodies for approval at each regularly scheduled meeting held after the FMSC has made its nomination.
5. The relevant Association legislative bodies shall consider the nomination in closed session. The identity of the person nominated shall not be made public until after both Association legislative bodies have approved the nomination. If the nomination is rejected, the identity of the person nominated shall not be made public.
6. The term of office for the new Financial Manager shall commence on the first day of the new fiscal year.
7. No Financial Manager shall serve more than two terms.
   a. If a Financial Manager leaves office prior to the completion of his/her term, that term shall be considered a complete one-year term for the purposes of this section.
   b. If a Financial Manager serves at least six months of a term to which someone else was originally appointed, that term shall be considered a one-year term for the purposes of this section. Otherwise, it shall not be considered a term for the purposes of this section.
8. If the current Financial Manager is not applying to serve another term, the standard selection process shall be followed.
   a. The current Financial Manager shall be responsible for advertising the position of
Financial Manager in a manner designed to maximize the number of qualified applicants.

b. The FMSC shall be convened to consider all applicants; it shall interview candidates and select them according to the procedures and timelines it creates by decision.

c. The FMSC shall nominate a candidate by the end of the fifth week of Winter Quarter, unless extraordinary circumstances prevent a timely nomination. If no candidate is nominated by the end of the fifth week of Winter Quarter, the FMSC shall provide a detailed report to each legislative body about the extraordinary circumstances and detail the new timeline for selection.

d. The FMSC shall give weight to candidates who demonstrate willingness and ability to commit to the position of Financial Manager for two years.

e. The nominated candidate must be confirmed by a 2/3 vote of each Association legislative body, a bill for which will be presented at every regularly scheduled meeting of each Association legislative body.

f. If the nominated candidate is not confirmed, the FMSC shall have the duty to set a new timeline and process, following the standard selection process as closely as practicable.

g. When confirmed by the legislative bodies, the new Financial Manager shall immediately become the Associate Financial Manager of the Association. In this role, the new Financial Manager shall be trained by the current Financial Manager and prepare for his/her future role.

h. The Financial Manager may delegate his/her authority to the Associate Financial Manager at his/her discretion, but the current Financial Manager remains wholly responsible for his/her duties and for the conduct of the Associate Financial Manager until the end of his/her term.

9. If the current Financial Manager is exercising his/her option to re-apply for the position, an accelerated selection process shall be followed.

a. The current Financial Manager shall indicate his/her intent to re-apply by the end of the fifth week of Fall Quarter, at which time the FMSC shall be called by the President of the Association by the end of the sixth week of Fall Quarter.

b. The FMSC shall ask that the Financial Manager prepare a report demonstrating his/her strength as a Financial Manager, and shall establish criteria to judge the performance of the Financial Manager. Such criteria may include, but are not limited to, strength in financial and/or organizational performance, evaluations from employees and from the Board of Directors of SSE, and other qualitative and quantitative metrics.

c. The FMSC shall give weight to current Financial Managers who demonstrate commitment to the long-term sustainability of the Association.

d. The current Financial Manager shall submit his/her report by the first day of Winter Quarter, or at a deadline specified by the FMSC.

e. The FMSC shall deliberate and shall reach a decision on the nomination of the current Financial Manager as soon as practicable, and no later than the end of the fifth week of Winter Quarter.

f. The Financial Manager must be confirmed for another term by a 2/3 vote of each Association legislative body, a bill for which will be presented at every regularly scheduled meeting.
scheduled meeting of each Association legislative body after the FMSC has made its nomination.

g. If the FMSC nominates the current Financial Manager, the FMSC shall prepare a report detailing the criteria for performance and stating how the Financial Manager has met the criteria. This report shall be presented to both Association legislative bodies at the same time that the nomination of the Financial Manager is submitted.

h. If the current Financial Manager is not nominated and/or confirmed as the new Financial Manager after applying for the role, the FMSC shall have the duty to set a new timeline and process, following the standard selection process as closely as practicable.

and THAT the Joint Bylaws, Article VI §1.F (Assistant Financial Managers) is struck and replaced with the following:

1. The Financial Manager shall be assisted in his/her duties by Assistant Financial Managers as needed.
2. The Financial Manager shall have the power to select Assistant Financial Managers, who may begin their roles immediately upon nomination by the Financial Manager; however, no salary shall be paid to an Assistant Financial Manager until he/she has been confirmed by each legislative body of the Association by 2/3 vote.
3. The Financial Manager may delegate his/her authority to Assistant Financial Manager(s) at his/her discretion, but the Financial Manager remains wholly responsible for all authority so delegated and for the performance of his/her duties.

and THAT nothing in this bill shall be construed to affect the employment status of the current Financial Manager, Assistant Financial Manager, or ASSU staff.