

**ACADEMIC SENATE OF BAKERSFIELD COLLEGE
CONSTITUTION AND BY-LAWS**

CONSTITUTION

DRAFT REVISION-5 05-02-12

ARTICLE I -- NAME

- Section 1 The name of this organization shall be the Academic Senate ~~Association~~ of Bakersfield College, referred to herein as the "~~Academic Senate Association~~."
- Section 2 The name of the legislative body shall be the Academic Senate of Bakersfield College, referred to herein as the "~~Academic Senate~~."

ARTICLE II -- DEFINITION OF TERMS

- Section 1 The "~~Academic Senate Association~~" refers to the organization comprised of all personnel designated under ARTICLE IV -- MEMBERSHIP of this constitution.
- Section 2 The Senate refers to all elected officers and elected ~~representatives~~ Senators who represent the "~~Academic Senate Association~~."
- Section 3 The College refers to the organization of all elements, and any combination of such elements, that compose the institution known as Bakersfield College.
- Section 4 A Discipline Area refers to any formal college department or grouping of departments which includes faculty (e.g. instructional/library/student support services)
- Section 5 A ~~Representative Senator~~ refers to a person who is elected by a Discipline Area to serve on the Senate.
- Section 6 The Board of Trustees refers to the Kern Community College Board of Trustees and its official representatives.
- Section 7 The Board of Governors refers to the Board of Governors of the California Community Colleges and its official representatives.
- Section 8 ASCCC refers to the Academic Senate for California Community Colleges and its official representatives.
- Section 9 College-wide committees refer to those committees which involve faculty and other segments of the college, such as administration, classified staff, and students.
- Section 10 Faculty Caucus refers to a group of faculty members who are part of a college-wide committee.

Section 11 Executive Board refers to the Executive Board of the Academic Senate.

Section 12 Time-oriented references refer to working days.

ARTICLE III -- PURPOSE

Section 1 The purpose of the Academic Senate is to provide the means to represent ~~the "Senate Association" faculty~~ in the formation and implementation of policy on academic and professional matters.

Section 2 In implementing policies, the Senate will represent the ~~"Senate Association"~~ to the President of the College and to the Board of Trustees with respect to academic and professional matters and exercise powers granted by the California Education Code and the Board of Governors.

Section 3 The Senate shall assume primary responsibility in the areas of curriculum and academic standards as specified in the California Education Code.

Section 4 The Senate shall maintain active membership in the ASCCC.

ARTICLE IV -- MEMBERSHIP

Section 1 All faculty not designated as management, confidential employees, or supervisors and employed by the College on fifty percent or more contracts whose current assignment places them on the ~~"Basic Faculty Salary Schedule"~~ shall be members of the "Academic Senate Association."

Section 2 Part-time, non-contract faculty members shall be associate members. Associate members do not have the rights and privileges of regular members, but they may elect a ~~representative Senator~~ as a voting member of the Academic Senate.

ARTICLE V -- REPRESENTATION

Section 1 Each Discipline Area shall be represented on the Senate by one or more Senators representatives, in accordance with ARTICLE IV of the BY-LAWS.

Section 2 Nomination and Election of ~~Representatives~~Senators

~~a. — Nomination and election procedures are defined in ARTICLE V of the BY-LAWS.~~

ab. Any nominee who receives a majority plurality of the votes cast shall be declared elected. In the event ~~no nominee receives a majority of a tie~~, a

run-off between the two top candidates for ~~Representative Senator~~ shall be held within two weeks of the original election.

~~c. Vacancies occurring at irregular times shall be filled by a special election within thirty days after the vacancy occurs, in accordance with the nomination and election procedures.~~

bd. If there is no nominee for an office, that position shall remain vacant until the next regularly scheduled Academic Senate election.

Section 3

Term of Office

a. A ~~Representative Senator~~ shall serve for a term of two consecutive years.

b. One-half of the ~~Representatives Senators~~ shall be elected annually.

c. If it becomes necessary to temporarily replace an Academic Senator ~~because of professional assignment, illness, leave, or resignation~~, the Discipline Area may select his or her replacement subject to confirmation by the Senate. Failing either, the position will remain vacant until the next regularly scheduled election. The ~~replacement interim Senator~~ would serve until the vacating Senator ~~being replaced~~ is able to resume his or her duties or until the next regularly scheduled election, whichever comes first.

A copy of this policy will be emailed to the vacating senator, the Discipline Area Chair, and the department secretary. The vacating senator or 2nd senator from the area and chair will work together to find a replacement, and the Discipline Area Chair will notify the Senate Office.

~~d. Vacancies occurring at irregular times shall be filled by a special election within thirty days after the vacancy occurs, in accordance with the nomination and election procedures.~~

Formatted: Indent: Left: 1.5", Hanging: 0.5"

ed. When any Representative is incapable of performing the duties outlined below, the President shall conduct an election of that representative's Discipline Area according to the nomination and election rules to determine a successor.

fe. A vacancy that has been filled shall be filled for no longer than the original term of office.

Section 4

Reapportionment

The Senate shall evaluate its own structure prior to each annual election and, when appropriate, reapportion itself in accordance with ARTICLE IV of the BY-LAWS.

- | Section 5 Responsibilities of ~~Representatives~~Senators
- | a. A ~~Representative~~Senator shall attend all meetings of the Senate.
- | b. If a ~~Representative~~Senator misses three or more meetings of the Senate per year, she or he may be removed from office by a two-thirds vote of the Senate.
- | c. A ~~Representative~~Senator shall communicate business items and other concerns between her or his Discipline Area and the Senate.
- | Section 6 Installation of ~~Representatives~~Senators

At the conclusion of Old Business at the last Senate meeting of the academic year, the newly elected representatives shall be installed and shall conduct all New Business of the Senate.

ARTICLE VI -- OFFICERS

- Section 1 Officers
- The following shall be the officers of the Senate:
 President
 Vice-President
 Secretary
 Treasurer
 Delegate to the ASCCC
- Officers shall attend all Senate meetings.
- Section 2 Parliamentarian
- A Parliamentarian may be appointed by the President.
- Section 3 Nomination and Election of Officers
- a. Nomination and election procedures are defined in ARTICLE V of the BY-LAWS.
- Section 4 Term of Office for Officers

- a. The elected officers, with the exception of the President and the Delegate to the ASCCC, shall serve for one year.
- b. The President and the Delegate to the ASCCC shall serve for two consecutive years.

Section 5

Duties of the President

- a. The President shall preside over meetings of the Senate.
- b. The President shall chair the Executive Board.
- c. The President shall, with the approval of the Senate, appoint all members who serve on all committees that represent the “Academic Senate Association.”
- d. The President may serve as an ex-officio member of all committees that represent the “Academic Senate Association.”
- e. The President shall be the spokesperson for the Senate in all matters, but not at variance with Senate policy.
- f. The President shall report the activities and the concerns of the Senate to the Board of Trustees on a regular basis.
- g. The President shall act as the agent of the Senate for ordinary and ongoing business.
- h. The President shall manage the Senate office and maintain posted office hours.

Section 6

Duties of the Vice-President

- a. The Vice-President shall assume the duties of the President when the President is incapacitated or absent.
- b. The Vice-President shall act as Senate liaison with Discipline Area and/or “Academic Senate Association” committees, as directed by the President.
- c. The Vice-President may serve as an ex-officio member of all committees that represent the “Academic Senate Association.”

Section 7

Duties of the Treasurer

- a. The Treasurer shall be responsible for maintaining records of all income and expenditures of the Senate.

- b. The Treasurer shall make regular reports to the Senate.
- c. The Treasurer shall disburse funds at the direction of the Senate or its Executive Board.

Section 8 Duties of the Secretary

- a. The Secretary shall publish the agenda for and the minutes of Senate meetings, reports of committees, and other appropriate documents.
- b. The Secretary shall report communications to the Senate and initiate correspondence as directed by the Senate.
- c. The Secretary shall maintain a list of Discipline Areas, including names and numbers within each Discipline Area.
- d. The Secretary shall maintain a list of all "Academic Senate ~~Association~~" members.

Section 9 Duties of the Delegate to the ASCCC

- a. The Delegate to the ASCCC shall attend ASCCC meetings.
- b. The Delegate to the ASCCC shall report the proceedings of the fall and spring state meetings to the Senate and, if requested by the President, to the Board of Trustees.
- c. The Delegate to the ASCCC shall chair the Government Affairs Committee.
- d. The Delegate to the ASCCC shall communicate statewide legislation and other concerns to the Senate.

Section 10 Installation of Officers

At the conclusion of Old Business at the last Senate meeting of the academic year, the newly elected officers shall be installed and shall conduct all New Business of the Senate.

ARTICLE VII -- REFERENDUM

Section 1 Upon presentation to the Senate of a referendum petition, signed by fifteen percent of the "Academic Senate ~~Association~~" members protesting an action by

the Senate, the President shall suspend such action until a referendum election is held.

Section 2 Within three weeks, excluding recesses and holidays of the suspension action, an election shall be conducted. If a majority of ~~“Academic Senate Association”~~ members vote against the Senate action, ~~with at least forty percent of the members voting~~, then the Senate action shall be null and void.

ARTICLE VIII -- RECALL

Section 1 If a recall petition asking for the recall of any officer, signed by fifteen percent of the ~~“Academic Senate Association”~~ membership, is presented to the Senate, a recall election shall be held.

Section 2 If a recall petition asking for the recall of any elected Representative, signed by twenty-five percent of the membership in the area of representation, is presented to the President, a recall election among the members of the Discipline Area shall be held.

Section 3 All recall elections shall be held within three weeks, excluding recesses and holidays, of receipt of the recall petition.

Section 4 An officer shall be recalled if at least fifty percent of the ~~“Academic Senate Association”~~ cast a ballot and a majority of votes are in favor of recall.

Section 5 A ~~Representative-Senator~~ shall be recalled if at least fifty percent of the Discipline Area cast a ballot and a majority of votes are in favor of recall.

ARTICLE IX -- RATIFICATION

Section 1 This Constitution shall be ratified by a two-thirds affirmative vote of the ballots cast ~~by the members of the Senate Association.~~ Ratification of this Constitution shall require a two-thirds affirmative vote of the membership voting and, additionally, shall be ratified only if at least fifty percent of the Senate Association members cast ballots.

Section 2 Voting shall be conducted by official ballot.

Section 3 Ratification of this Constitution shall revoke any and all previous Constitutions of the ~~“Academic Senate Association”~~ and/or the Senate.

ARTICLE X -- AMENDMENTS

- Section 1 Amendments to this Constitution may be proposed to the Senate which, upon a two-thirds affirmative vote, shall submit the proposed amendment to the ~~“Academic Senate-Association”~~ for a ratification vote.
- Section 2 Amendments to this Constitution shall also be placed before the ~~“Academic Senate-Association”~~ for a ratification vote if a proposed amendment is submitted to the Senate endorsed with the signatures of fifteen percent of the membership of the ~~“Academic Senate-Association.”~~
- Section 3 Ratification of a proposed Constitutional amendment shall require a two-thirds affirmative vote of the membership voting and, additionally, shall be ratified only if at least fifty percent of the ~~“Academic Senate-Association”~~ members cast ballots.

BY-LAWS

ARTICLE I -- ESTABLISHMENT OF QUORUM

- Section 1 A quorum for meetings of the "~~Academic Senate-Association~~" shall consist of twenty percent of the membership.
- Section 2 A quorum for meetings of the Senate shall consist of fifty percent of the Officers and ~~Representatives~~Senators.

ARTICLE II -- GENERAL MEETINGS

- Section 1 General meetings of the "~~Academic Senate-Association~~" may be called by the President, with approval of the Senate, whenever they are deemed necessary.
- Section 2 General meetings of the "~~Academic Senate-Association~~" may be called either (1) upon the written request of twenty percent of the membership of the "~~Academic Senate-Association~~" or (2) upon the written request of any three members of the Executive ~~Committee~~Board of the Academic Senate.

ARTICLE III -- DUES AND DONATIONS

- Section 1 The Senate shall determine the amount of dues.
- Section 2 Payment of dues is not a necessary requirement for membership.
- Section 3 Dues may be collected from the members of the "~~Academic Senate-Association~~" by the Treasurer on an annual basis to meet the ongoing needs of the "~~Academic Senate-Association~~" and special donations may be solicited to meet unusual financial responsibilities.
- Section 4 Donations to the Scholarship Fund of the Senate shall be accepted by the Treasurer and shall be reported to the Senate in the Treasurer's Report.

ARTICLE IV -- REPRESENTATION AND REAPPORTIONMENT

- Section 1 The Senate shall consist of the elected officers and ~~representatives~~Senators.
- Section 2 The Senate will involve as many faculty as possible to be
- a. ~~representatives~~Senators
 - b. governance co-chairs
 - c. Executive Board Members

Moreover, to eliminate conflict of interest issues which arise from faculty serving in dual or triple roles (any combination of a, b, & c) the Senate precludes a single faculty member

- a. from serving as both a ~~Senate representative~~ Senator AND member of Executive Board
- b. from serving as both an elected Senate officer AND a governance co-chair

Section 3

Senators have the right to identify a voting proxy in their absence. The Voting Proxy Form is required.

Formatted: Indent: Left: 0", First line: 0"

Section 4

Any ~~"Academic Senate Association"~~ member eligible to vote in a Discipline Area Chair election shall be considered a member of that Discipline Area for purposes of apportionment and reapportionment. A Discipline Area member with less than a fifty percent assignment will be counted as one-half in that Discipline Area.

Section ~~4.5~~

Apportionment

- a. Each Discipline Area of the college shall be entitled to at least one elected ~~representative~~ Senator.
- b. A second ~~representative~~ Senator shall be elected provided that a Discipline Area contains sixteen (16) or more members of the ~~"Academic Senate Association."~~
- c. A third ~~representative~~ Senator shall be elected provided that a Discipline Area contains thirty-one (31) or more members of the ~~"Academic Senate Association."~~
- d. If more than one ~~representative~~ Senator is elected from a multi-discipline area, it is the intention of this document that the ~~representatives~~ Senators be elected, if possible, from different disciplines within the Discipline Area.

Section ~~56~~

Reapportionment

- a. The ~~"Academic Senate Association"~~ shall include members on sabbatical and on a one or two semester leave.
- b. Each spring semester, and by April 1, the Senate shall examine its membership structure.

- c. A Discipline Area with fifteen (15) or fewer members shall be allowed only one representative.
- d. If a Discipline Area has two seated representatives and its membership drops below sixteen (16) its seated representatives will be allowed to serve their terms and, when either or both terms are completed, it will be reduced to one representative.
- e. If a Discipline Area has three seated representatives and its membership drops below thirty-one (31), its seated representatives will be allowed to serve their terms, and, when either or both terms are completed, it will be reduced to two representatives.
- f. If a Discipline Area has grown to thirty-one (31) or more members, an additional representative shall be allowed at the next regularly scheduled election.
- g. If the size of any Discipline Area is disputed, the dispute shall be settled by the President of the Senate after consultation with the Faculty Chair to verify the Discipline Area membership.

ARTICLE V -- NOMINATION AND ELECTION PROCEDURES

- Section 1 Officers shall be nominated and elected-at-large.
- Section 2 Nomination of ~~Representatives~~Senators
 - a. ~~Representatives~~Senators shall be nominated and elected by Discipline Area.
 - b. A master list of Discipline Areas, including the names and numbers of members in each Discipline Area, is to be maintained by the Secretary and posted in the Senate office.
- Section 3 Nominees for Faculty Chairs shall be solicited from among the members of the appropriate Discipline Area.
- Section 4 Temporary Replacement of Faculty Chairs
 - a. If it becomes necessary to temporarily replace a Discipline Area Chair because of an authorized leave such as a sabbatical or illness, the department shall meet to recommend in writing to the college president and Academic Senate president the method of replacing the Discipline Area Chair. Two possibilities are as follows:

1. A chair temporarily elected by the discipline area.
2. The duties of the chair assumed by the appropriate dean.

Section 5 Solicitation of Nominees

- a. Nominees for all elected positions shall be officially solicited from the "~~Academic Senate Association~~" or Discipline Area, as appropriate, at least two weeks prior to the election.
- b. The names of nominees for all elected positions shall be posted by the Senate office as they are received.

Section 6 Election Procedures

- a. All election ballots shall list, alphabetically, the names of all nominees for the elected position.
- b. All ballots will provide for abstentions and write-ins.
- c. All election ballots shall be returned to the Senate office for the official tally.
- d. Eligibility to Vote
 1. In Senate officer (at large) elections, every "~~Academic Senate Association~~" member shall have one full vote.
 2. In ~~Senate Representative Senator~~ elections "~~Academic Senate Association~~" members are eligible to vote in every Discipline Area to which they are assigned. Those with an assignment of fifty percent or less in a Discipline Area will have a one-half vote in the Discipline Area.
 3. In ~~Faculty Chair~~ elections, "~~Academic Senate Association~~" members are eligible to vote in every Discipline Area to which they are assigned. Those with an assignment of fifty percent or less in a Discipline Area will have a one-half vote in the respective Discipline Area.
 4. A "~~Academic Senate Association~~" member on a one or two-semester paid leave is entitled to vote based upon the normal area of assignment.
 5. To be eligible to vote in Senate-conducted elections, "~~Academic Senate Association~~" members, in addition to meeting the

requirements of Article IV of the constitution, must be tenured, in a tenure-track position, or in at least the third consecutive year of temporary contract employment.

- e. If no nominee receives a majority of the votes cast, a run-off election shall be conducted between the two candidates receiving the most votes.
- f. If there is a tie vote in a Senate or Discipline Area election, and the Discipline Area is unable to reconcile the matter within thirty days, the winner shall be determined by a toss of a coin at a regularly scheduled Senate meeting.
- g. ~~The results of Faculty Chair run-off elections, including ties, shall be forwarded to the College President.~~
- h. The results of ~~each~~all elections shall be announced at the next Senate meeting. The results will be included in the Senate minutes and forwarded to the College President.
- i. The vote count will be available in the Senate office after each election.

Section 7

The Senate, by a two-thirds majority vote, may substitute special election procedures if circumstances not anticipated by ARTICLE V should occur.

ARTICLE VI -- EXECUTIVE BOARD

Section 1

The Executive Board of the Academic Senate shall be comprised of the following:

President
Vice-President
Secretary
Treasurer
Delegate to the ASCCC
~~Immediate Past President (Ex-officio)~~

Faculty ~~Chair~~, Co-Chair, or a representative of the following committees:

Accreditation Steering Committee (ASC)
Curriculum Committee
Equal Opportunity & Diversity Advisory Committee (EODAC)
Information Systems & Instructional Technology ~~Committee~~ (ISIT)
~~Institutional Effectiveness Committee (IEC)~~
~~Program Review Committee (PRC)~~
Staff Development Coordinating Council (SDCC)

In addition, a Member-at-Large may be appointed from the "Academic Senate Association" by the President.

Section 2

Duties of the Executive Board

- a. The Executive Board shall provide advice and counsel to the President.
- b. The Executive Board shall assist the President in developing the agenda for the regular meetings of the Senate.
- c. The Executive Board shall assist the President in filling vacancies in offices of Senate Officers and shall serve as the Nominations Committee.
- d. The Executive Board shall assist the President in preparing the annual budget of the Senate.

ARTICLE VII -- COMMITTEES

Section 1

The Senate President shall nominate from among "Academic Senate Association" members all faculty to Senate committees, college-wide committees, and other such college and/or district committees which shall be formed with the consent of the Senate.

Section 2

Nominees shall be informed of their duties and responsibilities by the President or designee.

Section 3

Nominees to committees shall be confirmed at a scheduled Senate meeting by a majority vote of the Senate members present and voting.

Section 4

Upon confirmation by the Senate, committee members shall be so notified by the Senate Office.

Section 5

Standing Committees of the Senate

The standing committees of the Senate shall be:

- Government Affairs Committee
- New Faculty Orientation Committee
- Equivalency Committee

Section 6

Government Affairs Committee

The Government Affairs Committee shall consist of three or more "Academic Senate Association" members and shall be chaired by the Delegate to the ASCCC. This committee shall monitor local, state, and federal legislative activity,

including related regulatory agencies, in order to inform the Senate of the legislative and regulatory environment.

Section 7 New Faculty Orientation Committee

The New Faculty Orientation Committee shall consist of three or more "~~Academic Senate Association~~" members. This committee will plan a Senate welcome and orientation for new faculty members and will assist in college-wide planning and training related to new faculty.

Section 8 Equivalency Committee

The Academic Senate Equivalency Committee is responsible for determining if an applicant's qualifications are the equivalent of the Minimum Qualifications for Faculty in California Community Colleges.

Section 9 College-wide Committees

College-wide committees must be approved by the Senate before any faculty appointees are confirmed.

Section 10 The composition and duties of college-wide committees are normally found in the Bakersfield College Policy and Procedures Manual. The Senate shall review and update this listing of college-wide committees on a periodic basis. Currently, the list of these committees is as follows:

- ~~Assessment Committee~~
- ~~Accreditation Steering Committee~~
- ~~Budget Committee~~
- College Council
- Commencement Committee
- Curriculum Committee
- ~~Distance Education~~
- Enrollment Management Committee
- ~~Equal Opportunity & Diversity Advisory Committee (EODAC)~~
- ~~General Education~~
- ~~Facilities Committee~~
- Information Systems and Instructional Technology Committee (ISIT)
- ~~Institutional Effectiveness (IEG)~~
- Library Advisory?
- Matriculation Committee Advisory
- President's Scholars/President's Re-entry Scholars Committee
- Safety ~~Advisory Team~~ Committee
- Scholarship Committee
- Staff Development Coordinating Council (SDCC)

Student Conduct and Complaint Hearing Committee
~~Title IX Gender Equity~~

~~The Senate shall review and update this listing of college-wide committees on a periodic basis.~~

- Section 11 The Senate President may designate the leader of a faculty caucus for any college-wide committee.
- Section 12 Ad Hoc Committees
- Ad Hoc Committees of a temporary nature may be approved by the Senate at any time.
- Section 13 All Senate appointees to all committees shall receive in writing the composition and duties of said committee, as approved by the Senate. In addition, appointees shall seek advice from the Senate before acting on new, substantive policy decisions.
- Section 14 Committee reports may be scheduled ahead of New Business or Old Business at any Senate meeting.
- Section 15 If the Senate votes to discontinue its involvement in any committee, then the Senate appointees to said committee shall be immediately notified that their appointments are thereby revoked.

ARTICLE VIII -- LIMITATION ON PUBLIC STATEMENTS

- Section 1 The President shall be the official spokesperson for the Senate.
- Section 2 The President shall not take a position on public issues unless one of the following conditions is met:
- a. The position of the Senate is already a matter of record.
 - b. The President is given specific authorization by the Senate to express an opinion on a given public issue.
 - c. The issue is submitted to the ~~"Academic Senate Association"~~ and, the ~~"Academic Senate Association"~~ authorizes the President to issue an opinion on a given public issue.

ARTICLE IX -- COLLECTIVE BARGAINING AGENT RELATIONSHIP

Section 1 The Senate shall cooperate with the collective bargaining unit, within the scope allowed by the California Education Code, the Board of Governors, and any other legal statutes.

Section 2 The Senate, at appropriate times, shall invite a representative of the collective bargaining unit to Senate meetings to share matters of mutual concern.

ARTICLE X -- AMENDMENTS TO THE BY-LAWS

Section 1 Amendments to these By-Laws may be proposed by the Executive Board, by any three Representatives, or by petition signed by ten percent of the "Academic Senate Association."

Section 2 Amendments to these By-Laws shall be ratified by a two-thirds vote of the Senate members, present and voting.

Approved by the Senate 4/12/89

Amended by the Senate 9/27/89: Addition of Article V, Section 5, e, 5, of Bylaws

Amended by the Senate 8/29/90: Article VI, Section 1 of Bylaws

Constitutional amendment ratified by faculty 8/13/93: Addition of Article IV, Section 2 of Constitution

Amended by the Senate 11/18/95: Article VI, Section 1 of the Bylaws

Constitutional amendment ratified by faculty 8/23/96: Article V, Section 1 of Constitution

Amended by Senate 2/6/02: Article IV, Section 3 and 4 of Bylaws (new section 4 & 5-apportionment & reapportionment)

Amended by Senate 11/6/02: Article IV, new section 2 of Bylaws

Constitution and By-laws ratified by faculty 5/12/04

Amended by Senate 03/17/10: Article VI, Section 1 of Bylaws (addition of Accreditation Co-Chair to Executive Board)

Revisions proposed 03-14-12