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BY-LAWS

ARTICLE I -- ESTABLISHMENT OF QUORUM

Section 1 A quorum for meetings of the Academic Senate shall consist of twenty percent of the membership.

Section 2 A quorum for meetings of the Senate (body rep.) shall consist of fifty percent of the officers and senators. Vacant positions do not count toward quorum.

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ARTICLE II -- GENERAL MEETINGS

Section 1 General meetings of the Academic Senate may be called by the President, with approval of the Senate (body rep.), whenever they are deemed necessary.

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Section 2 General meetings of the Academic Senate may be called either (1) upon the written request of twenty percent of the membership of the Academic Senate or (2) upon the written request of any three members of the Executive Board of the Academic Senate.

ARTICLE III -- PARLIAMENTARY AUTHORITY

Section 1 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Academic Senate and Senate (body rep.) in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order the Academic Senate or Senate (body rep.) may adopt.

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ARTICLE IV -- DUES AND DONATIONS

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Section 1 The Senate (body rep.) shall determine the amount of dues.

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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 by the Treasurer on an annual basis to meet the ongoing needs of the Academic Senate and special donations may be solicited to meet unusual financial responsibilities.

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Section 4 Donations to the Scholarship Fund of the Senate (body rep.) shall be accepted by the Treasurer and shall be reported to the Senate (body rep.) in the Treasurer's Report.

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ARTICLE V -- REPRESENTATION AND REAPPORTIONMENT

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Section 1 The Senate (body rep.) shall consist of the elected officers and senators.

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Section 2 The Senate (body rep.) will involve as many faculty as possible to be

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- a. Senators
- b. Governance co-chairs
- c. Executive Board members

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

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- a. from serving as both a senator AND member of Executive Board
- b. from serving as both an elected Senate (body rep.) officer AND a governance co-chair
- c. from having their name on both the Academic Senate ballot and the Executive Board ballot in the same election cycle. The faculty member must choose for which ONE position they are running before the election ballots are distributed.
- d. from being a governance co-chair of more than one governance committee

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Section 3 Senators have the right to identify a voting proxy in their absence. The Voting Proxy Form is required.

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Section 4 Any Academic Senate member eligible to vote in a department chair election shall be considered a member of that department for purposes of apportionment and reapportionment. A department member with less than a fifty percent assignment will be counted as one-half in that department.

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Section 5 Apportionment

- a. Each department of the college shall be entitled to at least one elected senator.

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b. A second senator shall be elected provided that a department contains sixteen (16) or more members of the Academic Senate.

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c. A third senator shall be elected provided that a department contains thirty-one (31) or more members of the Academic Senate.

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d. If more than one senator is elected from a multi-discipline area, it is the intention of this document that the senators be elected, if possible, from different disciplines within the department.

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Section 6 Reapportionment

a. The Academic Senate shall include members on sabbatical and on a one or two semester leave.

b. Each spring semester, and by April 1, the Senate (body rep.) shall examine its membership structure.

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c. A department with fifteen (15) or fewer members shall be allowed only one representative.

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d. If a department 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.

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e. If a department 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.

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f. If a department has grown to thirty-one (31) or more members, an additional representative shall be allowed at the next regularly scheduled election.

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g. If the size of any department is disputed, the dispute shall be settled by the President of the Academic Senate after consultation with the Faculty Chair to verify the department membership.

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ARTICLE VI -- NOMINATION AND ELECTION PROCEDURES

Section 1 Officers shall be nominated and elected-at-large.

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Section 2 Nomination of Senators

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- a. Senators shall be nominated and elected by department.
- b. A master list of departments, including the names and numbers of members in each department, is to be maintained by the Senate's administrative staff and posted in the Senate office.

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Section 3 Nominees for Faculty Chairs shall be solicited from among the members of the appropriate department. (note this section is already in the current ratified By-Laws but was inadvertently put in, as item (c) in the previous section of the 2021-22 working draft.)

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Nominees for Faculty Chairs shall be solicited from among the members of the appropriate Discipline Area.

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Section 4 Temporary Replacement of Faculty Chairs

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- a. If it becomes necessary to temporarily replace a department chair because of an authorized leave such as a sabbatical or illness and the position has not been vacated, the department shall meet to recommend in writing to the college president and Academic Senate president the method of replacing the department chair. Two possibilities are as follows:
 1. A chair temporarily elected by the department.
 2. The duties of the chair assumed by the appropriate dean.

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- 1. A chair temporarily elected by the department.
- 2. The duties of the chair assumed by the appropriate dean.

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- b. A vacated chair position will be replaced by a department chair election as described in the bargaining unit's agreement within the timeframe of Article II.12 of the Constitution and follow the procedures for solicitation of nominees and election described in Sections 5 and 6 of this Article.

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Section 5 Solicitation of Nominees

- a. Nominees for all elected positions shall be officially solicited from the Academic Senate or department, 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 at least once a week.

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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.

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c. All election ballots shall be returned to the Senate office for the official tally.

d. All election ballot results will be stored in the Senate office. Results can be viewed in the Senate office.

e. Eligibility to Vote

1. In Senate officer (at large) elections, every Academic Senate member shall have one full vote.

2. In senator elections Academic Senate members are eligible to vote in every department to which they are assigned. Those with an assignment of fifty percent or less in a department will have a one-half vote in the department.

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3. In Faculty Chair elections, Academic Senate members are eligible to vote in every department to which they are assigned.

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4. An Academic Senate 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 members, in addition to meeting the requirements of Article IV of the Constitution, must be tenured, or in a tenure-track position.

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f. 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.

g. If there is a tie vote in a senator or department election, and the department 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 (body rep.) meeting.

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h. The results of all elections shall be announced at the next Senate (body rep.) meeting. The results will be included in the Senate (body rep.) minutes and forwarded to the College President.

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i. The vote count will be available in the Senate office after each election.

Section 7 The Senate (body rep.), by a two-thirds majority vote, may substitute special election procedures if circumstances not anticipated by this Article should occur.

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ARTICLE VII -- 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 Co-Chair, or a representative of the following governance committees:

- Assessment Committee
- Accreditation & Institutional Quality (AIQ)
- Bookstore Advisory
- Budget Committee
- Curriculum Committee
- Enrollment Management Committee (EMC)
- Equal Opportunity & Diversity Advisory Committee (EODAC)
- Facilities & Sustainability Committee
- Information Systems & Instructional Technology Committee (ISIT)
- Program Review Committee (PRC)
- Professional Development Committee (PDC)
- Safety Advisory Committee

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In addition, a Member-at-Large may be appointed from the Academic Senate 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 (body rep.).
- c. The Executive Board shall assist the President in filling vacancies 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 (body rep.).

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ARTICLE VIII – COMMITTEES

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Section 1 The Academic Senate President shall nominate from among Academic Senate 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 (body rep.). While the Senate (body rep.) is not in session, the Senate executive officers will provide consent for the President’s nomination to screening committees.

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Section 2 Nominees to committees 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 (body rep.) meeting by a majority vote of the Senate (body rep.) members present and voting.

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Section 4 Upon confirmation by the Senate (body rep.), committee members shall be so notified by the Senate Office.

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Section 5 Standing Committees of the Senate (body rep.)

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The standing committees of the Senate (body rep.) shall be:

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Equivalency Committee

Section 6 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.

The Equivalency Committee sends its approvals to the Senate (body rep.) at least one Senate meeting before the Equivalency Committee sends its approvals to the Board of Trustees to allow the Senate (body rep.) time to formulate a comment on any particular equivalency case if the Senate (body rep.) chooses as provided for in Board Policy.

Section 7 College-wide Committees, Task Forces, Work Groups

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

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College-wide committees that are Governance Committees listed in Article VII, Section 1 (Executive Board) will provide regular, at least monthly reports to the Senate (body rep.) on any academic and professional matters falljng under the 10+1 items that are to “rely primarily upon” the Academic Senate and other matters under the

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purview of the Academic Senate given in law or Board Policy as well as other items the Academic Senate needs to know about to fulfill the college mission.

College-wide Committee charges are to be reviewed annually in the Fall semester and any revisions must be approved by the Senate (body rep.) before the new charge can take effect.

Section 8 The composition and duties of college-wide committees are normally found in the Bakersfield College Policy and Procedures Manual. The Senate (body rep.) shall review and update this listing of college-wide committees on a periodic basis. Currently, the list of these committees is as follows:

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- Assessment Committee
- Accreditation & Institutional Quality Committee (AIQ)
- Bookstore Advisory Committee
- Budget Committee
- College Council
- Commencement Committee
- Curriculum Committee
- Enrollment Management Committee
- Equal Opportunity & Diversity Advisory Committee (EODAC)
- Facilities & Sustainability Committee
- Information Systems and Instructional Technology Committee (ISIT)
- Professional Development Committee (PDC)
- Program Review Committee (PRC)
- Safety Advisory Committee
- Scholarship Committee
- Student Conduct and Complaint Hearing Committee

Section 9 The Academic Senate President may designate the leader of a faculty caucus for any college-wide committee.

Section 10 Ad Hoc Committees

Ad hoc committees of a temporary nature may be approved by the Senate (body rep.) at any time. Any ad hoc committee shall follow the standard committee charge approval process and include a timeline for their work. The ad hoc committee will report the outcomes of their work to the Senate (body rep.)

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Section 11 All Senate (body rep.) appointees to all committees shall receive in writing the composition and duties of said committee, as approved by the Senate (body rep.). In addition, appointees shall seek advice from the Senate (body rep.) before acting on new, substantive policy decisions.

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Section 12 Committee reports may be scheduled ahead of New Business or Unfinished Business at any Senate (body rep.) meeting.

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Section 13 If the Senate (body rep.) votes to discontinue its involvement in any committee, then the Senate (body rep.) appointees to said committee shall be immediately notified that their appointments are thereby revoked.

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ARTICLE IX -- LIMITATION ON PUBLIC STATEMENTS

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Section 1 The President shall be the official spokesperson for the Academic Senate.

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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 (body rep.) is already a matter of record.

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b. The President is given specific authorization by the Senate (body rep.) to express an opinion on a given public issue.

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c. The issue is submitted to the Academic Senate and, the Academic Senate authorizes the President to issue an opinion on a given public issue.

ARTICLE X -- COLLECTIVE BARGAINING AGENT RELATIONSHIP

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Section 1 The Senate (body rep.) 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.

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

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ARTICLE XI -- 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.

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

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Approved by the Senate 4/12/89

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

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Amended by the Senate 8/29/90: Article VI, Section 1 of By-Laws

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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 By-Laws

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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 By-Laws (new section 4 & 5- apportionment & reapportionment)

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Amended by Senate 11/6/02: Article IV, new section 2 of By-Laws

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

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

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Amended and approved by the Senate 05-02-12: Article V, Sections 2 and 3 of Constitution; Article VI, Section 4 of Constitution; Article VII, Section 10 of By-Laws Constitution and By-Laws ratified by faculty 05-06-14

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Edited to reflect approved committee name changes 03-10-15

Amended and approved by the Senate 10-28-15: Article VI, Section 1; Article VII, Section 5-13 of By-Laws

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Constitution and By-Laws revised [Fall 2021] as follows:

Constitution changes:

“Discipline Area” changed to Department throughout. “Senate” changed to “Senate (body rep.)” throughout wherever the Senate (body of representatives) of Article II section 2 is referred to as distinguished from the Academic Senate of Article II section 1. “Discipline Area” changed to “Department”, “Committee” defined in Article II section 9, the working days of Article II Section 12 clarified, and inclusive language used throughout.

[[Article IV membership for associate members increased to X]].

Article VI Section 1: Officers restricted to full-time tenured/tenure-track faculty.

Section 5: Senate’s administrative staff explicitly includes count of Academic Senate members within each department

Article VIII Section 2: Clarified what “area of representation” means for full-time members and associate members.

Article IX Section 1: removed redundancy. Section 2: clarified that voting shall be two weeks like all other Academic Senate election of the By-Laws

By-Laws changes:

Article I Section 2: clarified that vacant positions do not count toward quorum

new Article III inserted that Robert’s Rules of Order Newly Revised is the parliamentary authority. Following articles renumbered accordingly

Article V* Section 2: new second (c) clarified that someone cannot run for both senator and an Executive Board position in the same election.

Article VI* Section 4: clarified difference between temporary replacement and vacated chair

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Article VII* Section 1: updated E-board membership

Article VIII* Section 1: Senate executive officers will provide consent for the President's nomination during Senate recess

Section 6: Equivalency Committee's approvals go through the Senate (body rep.) before going to the Board of Trustees.

Section 7: Governance committees report to Senate on any 10+1 matter plus other matters under Academic Senate purview given in law and Board Policy. Annual review of collegewide committee charges and Senate approval of revisions.

Section 8: updated list of college-wide committees

Section 10: updated approval process for and expectations of ad-hoc committees

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