

**Constitution**  
**Of The Merritt College Faculty and its Academic Senate**

**PART I: Organization of the Faculty**

**ARTICLE I: Name**

The organization in Part I shall be known as the Merritt College Faculty and its governing body in Part II shall be known as the Merritt College Academic Senate.

**ARTICLE II: Membership**

Membership shall include all faculty who are employed by the Peralta Community College District at Merritt College and are paid on the faculty salary schedule. Membership shall exclude those positions, as determined through Board of Trustees action, that are management.

**ARTICLE III: Powers**

**Section 1:**

Subject to the laws of the State of California and the regulations of the Trustees of the Peralta Community College District and relevant collective bargaining agreements, the Merritt College Faculty and its elected Academic Senate, composed of faculty members as defined in this Constitution, shall be the sole bodies at the College with powers to perform the duties enumerated in this Article. The faculty may delegate all or part of its power to the Academic Senate.

**Section 2:**

To the fullest extent permitted by law and collective bargaining agreements, the Faculty through its Academic Senate shall participate with the Board of Trustees or its agent in the formulation of policy in educational areas including but not limited to:

- A. Board Policy 2.23 Role of the District Academic Senate and the College Faculty Senates in District Governance.
- B. Exercise the rights and responsibilities of Academic Senates as stated in the Ed. Code and title V.
- C. Professional rights and responsibilities (academic freedom, ethical standards).

**Section 3:**

The Faculty through its Academic Senate shall also perform an advisory function in the application of policies and procedures related to the general welfare of the district, colleges and its students.

## **ARTICLE IV: Organization**

### **Section 1**

Meetings of the faculty:

- A. May be called by the President of the Academic Senate.
- B. May be called by the Collective Bargaining Representative.
- C. May be called by one-third of the members of the Academic Senate.
- D. May be called by a petition signed by at least twenty members of the Faculty.
- E. Shall be presided over by the President of the Academic Senate or his/her representative, if called under provisions of A, C, or D above.

### **Section 2:**

- A. Any calls for a meeting of the faculty under the provisions of parts C and D of Section 1 must be made to the President of the Academic Senate. The date and time of any meeting of the faculty shall be set by the Academic Senate President, not less than three (3) nor more than seven (7) instructional days after the call.
- B. The agenda must include any items requested in writing by those calling the meeting under the provision of Parts C and D of Section 1.
- C. The date, time, and agenda for any faculty meeting shall be publicized by the Academic Senate President at least three (3) instructional days prior to the meeting.

### **Section 3:**

Any meeting of the faculty called under A,C, or D shall be open unless a majority of those present vote to close all or parts of the meeting to visitors.

### **Section 4:**

A quorum at any meeting of the faculty called for under A, C, or D above shall be one-fourth (1/4) of the Contract/Regular/Probationary faculty. That meeting can act only on those items publicized in an agenda at least three (3) days prior to the meeting.

A quorum must be present for the faculty to conduct its business on all academic and professional matters.

**Section 5:**

Resolutions which indicate the positions of a faculty meeting may be passed by a majority vote of those present and sent to the Academic Senate and/or Collective Bargaining Agent, as appropriate for consideration.

**Section 6:**

An action which was initiated by the faculty at any meeting called under C or D shall become binding on the faculty and Academic Senate if a favorable vote on the action is cast by a majority in a faculty meeting and favorable votes are cast by a majority of the entire faculty in a secret ballot conducted not later than one (1) week after this faculty meeting.

**Section 7:**

An action determined upon or taken by the Academic Senate shall be prevented from going into effect or shall be rescinded when: (1) negative votes on the action are cast by a majority in a faculty meeting and (2) a majority of the entire faculty casts negative votes in a secret ballot conducted not later than one week after this faculty meeting.

**Section 8:**

Delegated powers exercised by the Academic Senate shall prevail unless the faculty as provided in Section 6 and 7 above votes contrariwise.

**Section 9:**

Robert's Rules of Order shall prevail in all meetings except when otherwise provided.

## **PART II: Organization of the Merritt College Academic Senate**

### **ARTICLE I: Name**

The governing body of the Merritt College Faculty shall be known as the Merritt College Academic Senate.

### **ARTICLE II: Membership**

#### **Section 1:**

Those eligible for election to the Academic Senate shall be members of the faculty, as specified in Part I, Article II.

#### **Section 2:**

The Academic Senate shall consist of:

- A. At-large members nominated by and elected from the Contract/Regular/Probationary Faculty.
- B. Two members nominated by and elected from the Part-Time/Temporary Faculty.
- C. Total Senate membership shall be between 15% and 20% of the number of Contract/Regular/Probationary members of the Merritt College Faculty. The percentage will be determined by the Academic Senate and in effect for the next academic year. The number of Contract/Regular/Probationary members of the Merritt College Faculty shall be determined by the Office of Instruction on the March 1<sup>st</sup> preceding the election.

#### **Section 3:**

The terms of office of Contract members of the Academic Senate shall be two years; the terms of office of Part-Time/Temporary Faculty members of the Academic Senate shall be one year; both Contract and Part-Time/Temporary Faculty terms beginning on the last Academic Senate meeting prior to final examination week of the Spring Term except as provided for in Part II, Article V, Section 1. The newly elected academic senate members will assume their powers and responsibilities as of July 1<sup>st</sup>.

### **ARTICLE III: Elections**

#### **Section 1:**

The members-at-large of the Academic Senate shall be nominated by petition signed by one member of the faculty and the nominee or a self-nominated faculty member. The nomination period will be up to two weeks prior to the elections. The nomination period

will start on a Wednesday and end on a Tuesday. There will be a one week break between the end of the nominations and the start of the voting period. Nominations shall be held in the month of March. Voting shall be open for up to two consecutive weeks that will be determined by the Academic Senate before the start of the election. The voting period will start on a Wednesday and end on a Tuesday and shall be by secret ballot. The candidates, equal in number to the vacancies, who receive the highest number of votes shall be elected. Voting shall take place during the month of April.

## **Section 2:**

- A. If more than one-half of the Contract/Regular/Probationary Academic Senate positions are vacant at the time of the election, the appropriate number of elected candidates receiving the lowest number, shall serve one-year terms, so that one-half the Contract/Regular/Probationary Academic Senate positions will expire the following year.
- B. In the event of a tie vote for an Academic Senate position, there shall be a run-off election or elections until one candidate receives a plurality.

## **Section 3:**

- A. A vacancy may be declared when a senator is absent for three Academic Senate meetings within one semester.
- B. A vacancy in an at-large position shall be filled for the unexpired term by a special election in accordance with Section 1 of this article.
- C. There shall be a good faith effort to fill Academic Senate vacancies within a month.
- D. Replacements for academic senators on leave will be for the period of his/her leave. A special election will be held in accordance with Section 1 or Section 2 of this article, as appropriate.

## **ARTICLE IV: Powers**

### **Section 1:**

The Academic Senate shall speak for and exercise the powers of the faculty in all matters, and its actions shall be binding on the faculty and the Academic Senate except as provided in PART I, ARTICLE IV, Section 6 and 7.

### **Section 2:**

If the direct ramifications of the point at issue extend beyond Merritt College, or the Peralta Community College District (whichever is pertinent), no Academic Senate action taken under Section 1 above shall be considered final nor put into effect nor released for publication until two instructional days after the faculty has been directly notified.

**Section 3:**

Before a matter is reported by the Academic Senate to the Board of Trustees, the President of the College and the Chancellor of the District shall be appraised of its nature.

**Section 4:**

The Academic Senate may adopt its Standing Rules and may amend them. Such Standing Rules shall continue in effect until changed.

**ARTICLE V: Organization of the Academic Senate**

**Section 1:**

- A. All members of the executive committee will be elected from the senate.
- B. The Academic Senate shall elect a senator for a two year term the ~~following officer:~~ President of the Senate. If at any time 51% of the Contract/Regular/Probationary faculty or 51% of the elected members of the academic senate vote to recall the president then he/she will relinquish the position and the vice-president will act as interim president until a new senate presidential election can take place. If, during the two-year presidency, the president is not re-elected to the senate then he/she cannot remain as President.

The Academic Senate shall elect senators for one-year terms to the following officers: Vice-President, Recording Secretary, Corresponding Secretary, and Treasurer. Part-Time/Temporary Senators shall not be eligible for the offices of President and Vice-President. The Past President is automatically a member of the Senate Executive Council, for one year, and his/her term as senator can be extended for one year, if necessary.

- C. The Academic Senate shall have a good faith effort to hold elections for the President, Vice-President, Recording Secretary, Corresponding Secretary, and Treasurer during the month of April. Terms of office shall start July 1<sup>st</sup>.

**Section 2:**

If, during his/her term of office, the President is temporarily unable to carry out the duties of the office, the Vice-President shall assume these duties. In the event of a President's resignation, death, or inability to serve during the academic year, the Vice-President shall succeed to the Presidency for the unexpired part of the term of office, and the Academic Senate shall then elect another Vice-President for the same unexpired part of the term. The Senate will re-elect a president at their next election.

**Section 3:**

If, during the term of office of any other Academic Senate officer, such officer is temporarily unable to carry out the duties of his/her office, the President, with the consent of a majority of the entire Academic Senate, shall appoint another Senator to serve temporarily in that office. In the event of an officer's resignation, death, or of his/her inability to carry out his/her duties for a period exceeding twelve consecutive weeks during the academic year, the Academic Senate shall then elect another Academic Senator to that office for the unexpired part of the term.

**Section 4:**

The membership of the Executive Council shall consist of the elected officers of the Academic Senate as listed in Article V, Section 1. The Executive Council shall determine the agendas for Academic Senate meetings.

**Section 5:**

- A. There shall be at least one meeting a month of the Academic Senate scheduled during an academic year. Additional meetings as needed may be called by the President or by petition of 51% of the Academic Senate.
- B. Academic Senate meetings shall be open to all Faculty members unless the Academic Senate goes into executive session as provided for in the Standing Rules of the Academic Senate. The same meetings shall be open to non-Faculty guests unless the Academic Senate goes into executive session as provided for in the Standing Rules of the Academic Senate.
- C. A quorum shall be forty percent (40%) of the elected members in the Academic Senate. A quorum must be present in order for the Academic Senate to conduct business.
- D. Robert's Rules of Order shall prevail in all Academic Senate meetings except when otherwise provided.

### **PART III: Amendments To This Constitution**

#### **ARTICLE I: Amendments**

Amendments to this Constitution may be initiated in the same way that any other motions are initiated by the Academic Senate or may be initiated by members of the faculty calling for a general meeting of the faculty as provided in PART 1, Section 1 of the Constitution. Proposed Amendments adopted by the Academic Senate following its usual rules for the passage of motions or adopted by the faculty in a general meeting following its rules for the adoption of motions shall be in written form to the faculty and shall be adopted when the favorable vote cast equals or exceeds a majority of the contract faculty.

#### **Standing Rules Merritt College Academic Senate**

1. The agenda shall be distributed to the faculty at least two days prior to a session of the Academic Senate.
2. The Order of Business in sessions of the Academic Senate shall be:
  - A. Approval of Minutes of previous sessions.
  - B. Announcements.
  - C. Reports of Meetings: Board of Trustees, District Committees, College Council, etc.
  - D. Reports of Senate Committees.
  - E. Unfinished Business.
  - F. New Business.
  - G. Adjournment.
3. A Quorum shall consist of 40% of the elected members of the Academic Senate.
4. Minutes of a session must be in the hand of Senators at least one day prior to a session at which they are approved.
5. Written reports of meetings of the Board of Trustees, the Strategic Planning Council, and the Merritt College Council, prepared by the President, the Vice-President, and the Past-President, shall be available to the Senators at least one day prior to a regular session of the Academic Senate.
6. Committee reports shall be available to Senators at least two days prior to a session at which recommendations are voted upon.
7. Committee reports shall be presented with a motion that the Academic Senate receive the report (the report, or parts of it, may later be referred back to the committee for further consideration). Specific recommendations made in

connection with the committee report may be acted upon with a motion that the Academic Senate adopt the proposal.

8. Resolutions shall be in the hands of Senators at least two days prior to a session at which they are voted upon.
9. On the agenda, "Items from the floor" shall appear only under "New Business."
10. Faculty members may speak once to a motion, in addition to answering questions from Senators, providing a senator yields his/her turn.
11. Guests may attend sessions upon the invitation of Senators who will introduce their guests and inform them of their speaking privileges.
12. A guest may speak once to a motion before the Academic Senate, in addition to answering questions from Senators, providing a Senator yield his/her turn.
13. The order of precedence in privilege to speak shall be: Senators who have not spoken on the matter: other Senators: Faculty: Invited Guests.
14. Executive session may be held when approved by a majority of Senators present.
15. Standing Rules may be suspended by a two-thirds majority of Senators present.
16. Standing Rules may be amended by a two-thirds majority vote of Senators present acting on an amendment proposed at the preceding meeting.
17. The President (with approval of the Academic Senate) shall appoint individuals for the committees listed below:
  - a. Representatives to the College Council as outlined in the College Council by-laws.
  - b. Representatives to the District Council of Instruction (CIPD) as outlined in their by-laws.
  - c. Three representatives to the District Academic Senate, to include the President and Vice President or the Past President of the Senate.
  - d. One or more representatives as outlined in their by-laws to committees set up by the Academic Senate and/or the District Academic Senate, such as:
    - 1) Curriculum and Instructional Council
    - 2) Staff Development Committee
    - 3) College Budget Committee
    - 4) College Facilities Committee

- 5) Accreditation Committee
- 6) Merritt Technology Committee
- 7) Financial Aid Petition Committee
- 8) Graduation Committee
- 9) Health and Safety Committee
- 10) Scholarship and Awards Committee
- 11) Shared Governance Committee
- 12) Student Due Process Committee
- 13) Student Grievance Committee
- 14) Student Outreach Committee
- 15) Office Assignment Committee
- 16) Library Advisory Committee
- 17) Professional Standards & Ethics Committee
- 18) Matriculation Committee
- 19) Tenure Review Committee
- 20) Faculty/Manager Hiring & Evaluation Committees
- 21) Other Ad Hoc Committees

Amended 5/03/07