

Constitution
of The Merritt College Faculty
Effective May, 1982

Part I: Organization of the Faculty

Article I: Name

This organization shall be known as the Merritt College Faculty, hereinafter referred to as the Faculty.

Article II: Membership

Membership shall include all certificated personnel who are employed by Merritt College and shall exclude those positions, as determined by the Faculty Senate, which are primarily administrative or supervisory, or those positions, as determined through Board of Trustees action which are management. Contract Faculty shall be defined as all certificated personnel who are employed half-time or more on a contractual basis by Merritt College. Non-Contract Faculty shall be defined as those instructors who teach at Merritt College solely on an hourly paid basis. For purposes of faculty quorums, faculty resolutions, faculty initiatives, faculty vetoes, faculty petitions, faculty-wide amendment balloting, and agenda items, the voting rights of Non-Contract faculty shall be fixed at one-third (1/3) of a vote.

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 Faculty shall be the sole body composed of faculty members, as defined in this Constitution, 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 Faculty Senate and/or the Collective Bargaining Agent.

Section 2:

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

- A. Professional rights and responsibilities (academic freedom, ethical standards).
- B. Professional standards.
- C. Professional personnel policies (criteria of personnel selection and retention including administration personnel, assignment).
- D. Academic policies (development and expansion of curriculum, admissions, honors, graduation and degree requirements, retention of students, textbook policy).
- E. Student personnel policies (general counseling philosophy, conduct, discipline, general matter pertaining to student activities and welfar).
- F. Institutional philosophy (philosophy of general education).
- G. Educational expenditures (budget planning, building planning, long-range plans).

Section 3:

The Faculty shall perform an advisory function in the application of policy and in other matter relative to the general welfare of the district.

Article IV: Organization

Section 1:

Meetings of the faculty:

- A. May be called by the President of the Faculty Senate.
- B. May be called by the Collective Bargaining Representative.
- C. May be called by one-third of the members of the Faculty 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 Faculty 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 Faculty Senate. The date and time of any meeting of the Faculty shall be set by the 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 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 called for under A,C, or D above shall be one-fourth (1/4) of the Contract/Regular Faculty. That meeting can act only on those items publicized in an agenda at least three (3) days prior to the meeting.

For purposes of a quorum count, each three(3) Part-time/Temporary Faculty members present at the meeting shall be counted as one Faculty member. AS quorum must be present for the Faculty to conduct its business.

Section 5:

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

Section 6:

An action which has initiated by the Faculty at any meeting called under C or D shall be binding on the Faculty and Faculty Senate and shall be carried out when favorable votes on the action are 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 Faculty 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 Faculty 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: Governing Body of the Faculty

Article I: Name

This body shall be known as the Faculty Senate of the Merritt College Faculty.

Article II: Membership

Section 1:

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

Section 2:

The Faculty Senate shall consist of:

- A. At-large members nominated and elected by and from the Contract/Regular Faculty.
- B. Two members nominated and elected by and from the PartTime/Temporary Faculty.
- C. Total at-large Senate membership shall be ten percent (10%) of the number of Contract/Regular members of the Merritt College Faculty, the number to be determined by the Office of Instruction on the March 15th preceding the election.

Section 3:

The terms of office of Contract members of the Senate shall be two years; the terms of office of Non-Contract members of the Senate shall be one year; both Contract and Non-Contract terms beginning on the last Friday prior to examination week of the Spring Term except as provided for in PartII, Article V, Section 1.

Article III: Elections

Section 1:

The members-at-large of the Faculty Senate shall be nominated by petition signed by one member of the Faculty and the nominee, filed at least one week before the election. Election shall be held in the month of April and shall be by secret ballot. Voting shall be on two consecutive instructional days and an absentee ballot procedure shall be available for those unable to be present on election days. The candidates, equal in number to the vacancies, who receive the highest number of votes shall be elected.

Section 2:

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

Section 3:

- A. 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.
- B. Vacancies in positions representing the electoral areas shall be filled for the unexpired term through normal procedures by voters of the area.
- C. Senate vacancies shall be filled within a month.
- D. A vacancy may be declared when a senator is absent for three consecutive unexcused Senate meetings.

- E. Replacements for 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 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 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 (which-ever is pertinent), no 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 Senate to the Board of Trustees, the President of the College and the Superintendent of the District shall be appraised of its nature.

Section 4:

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

ARTICLE V: Organization of the Senate

Section 1:

The Senate shall elect for one-year terms the following officers: President, 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 and his term as senator is automatically extended for one year, if necessary.

Section 2:

If, during his 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 of his inability to carry

during the academic year, the Vice-President shall succeed to the Presidency for the unexpired part of the term of office, and the

Section 3:

If, during the term of office of any other Senate officer, such officer is temporarily unable to carry out the duties of his office, the President, with the consent of a majority of the entire Senate, shall appoint another Senate to serve temporarily in that office. In the event of an officer's resignation, death, or of his inability to carry out his duties for a period exceeding twelve consecutive weeks during the academic year, the Senate shall then elect another 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 Senate as listed in Article V, Section 1. The Executive Council shall determine the agendas for Senate meetings.

Section 5:

- A. There shall be at least ten meetings of the Faculty Senate scheduled during an academic year. Additional meetings as needed may be called by the President or by petition of ten members of the Faculty Senate.
- B. Senate meetings shall be open to Faculty members unless the Senate goes into executive session as provided for in the Standing Rules of the Senate. The same meetings shall be open to non-Faculty guest at the invitation of any senator.
- C. A quorum shall be forty percent (40%) of the seats filled in the Faculty Senate. A quorum must be present in order for the Senate to conduct business.
- D. Robert's Rules of Order shall prevail in all Faculty 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 Faculty 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 Faculty 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 entire Faculty.

Standing Rules

Merritt College Faculty Senate

1. The agenda shall be distributed to the Faculty at least two days prior to a session of the Senate.
2. The Order of Business in sessions of the Senate shall be:
 - A. Approval of Minutes of previous sessions.
 - B. Announcements.
 - C. Reports of Meetings: Board of Trustees, Peralta Council, Merritt Council, etc.
 - D. Reports of Senate Committees.
 - E. Unfinished Business.
 - F. New Business.
 - G. Adjournment.
3. A Quorum shall consist of 40% of the seats filled in the Faculty 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 Peralta Council, and the Merritt Advisory Council, prepared by the President, the Vice-President, and the Past-President, shall be in the hands of the Senators at least one day prior to a regular session of the Senate.
6. Committee reports must be in the hands of 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 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 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. Motions from the floor, if acted upon, shall be put in writing and given to the secretary at the end of the meeting.

11. Faculty members may speak once to a motion, in addition to answering questions from Senators, providing a senator yields his turn.
12. Guests may attend sessions upon the invitation of Senators who will introduce their guest and inform them of their speaking privileges.
13. A guest may speak once to a motion before the Senate, in addition to answering questions from Senators, providing a Senator yield his turn.
14. The order of precedence in privilege to speak shall be: Senators who have not spoken on the matter: other Senators: Faculty: Invited Guests.
15. Executive session may be held when approved by a majority of Senators present.
16. Standing Rules may be suspended by a two-thirds majority of Senators present.
17. Standing Rules may be amended by a two-thirds majority vote of Senators present acting on an amendment proposed at the preceding meeting.
18. The Executive Committee of the Senate shall appoint individuals for the committees listed below with the approval of a majority of the Faculty Senate members present and voting.
 - a. Three representatives to the College Advisory Council who shall serve for one year and will represent different divisions/segments of the College Faculty.
 - b. Three representatives to the District Council on Instruction, Planning, and Development who shall serve for two years and will represent different divisions/segments of the College Faculty. Some selections should be made each year to allow the representatives to serve staggered terms of two years.
 - c. Two representatives to the District Academic Senate, who usually are the President and Vice President or the Past President of the Senate.

- d. One or more representatives as appropriate to committees set up by the Faculty Senate and/or the District Academic Senate, such as:
 - 1) Curriculum and Instructional Council
 - 2) Staff Development Committee
 - 3) Budget Committee
 - 4) Lecture Information Series
 - 5) Office Assignment Committee
 - 6) Library Advisory Committee
 - 7) Professional Standards & Ethics Committee
 - 8) Faculty Advisory Committee for Matriculation
 - 9) Other Ad Hoc Committee