

**BYLAWS OF THE
MONTEREY PENINSULA COLLEGE
ACADEMIC SENATE**

PREAMBLE: In accordance with the action of the Trustees of the Monterey Peninsula College (hereafter MPC) District of September 9, 1964, providing for the establishment of the Academic Senate; Board Policy 2510 Participation in Local Decision Making; and Assembly Bill 1725 (Chapter 973) Statutes of 1988, these bylaws are established with all the rights and responsibilities cited in Title 5 of the *California Administrative Code*, Article 2, which refers to the "academic senate," "faculty council," and "faculty senate," "as meaning the body whose primary function is, **as the representative of the faculty**, to make recommendations to the administration of [the] college and to the governing board of a district with respect to academic and professional matters." Thus authorized by Statute, this body is required to act within the State's Open Meeting Laws, including and specifically the Ralph M. Brown Act (Government Code Sections 54950-54962, hereafter referred to as the Brown Act). The most current version of the Brown Act is incorporated by reference into these bylaws; it should be consulted, in the event of any contradiction, as the superseding document.

ARTICLE I. Name

The name of this organization shall be the Monterey Peninsula College Academic Senate

ARTICLE II. Purpose/Powers

- a. **Purpose.** The MPC Academic Senate shall give the faculty a voice in the formation and implementation of district policies on "academic and professional matters," which include:
1. Curriculum, including establishing prerequisites and placing courses within disciplines
 2. Degree and certificate requirements
 3. Grading policies
 4. Educational program development
 5. Standards or policies regarding student preparation and success
 6. District and college governance structures as related to faculty roles
 7. Faculty roles and involvement in accreditation processes, including self-study and annual reports
 8. Policies for faculty professional development activities
 9. Processes for program review

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10. Processes for institutional planning and budget development
11. Other academic and professional matters as mutually agreed upon between the governing board and the Academic Senate

b. Powers. According to Title 5, Section 53203 (a) "POWERS [OF] ACADEMIC SENATES," "The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. According to Title 5, Section 53200 (d), "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion: (1) relying primarily upon the advice and judgment of the academic senate; or (2) agreeing that the district governing board or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation or policy of the governing board effectuating such recommendations."

The MPC governing Board has elected to "rely primarily upon the advice and judgment of the Academic Senate," pursuant to MPC Governing Board Policy 2510 (renumbered and adopted 3-13-18). In accordance with Title 5, Section 53203 (d)(1) "in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate."

ARTICLE III. Senators and Constituencies

Section 1. Qualifications

- a. The Academic Senate shall consist of full and part-time faculty for which minimum qualifications for hire are specified by the Board of Governors.
- b. The voting members of the Academic Senate shall consist of one representative from each of the following divisions or areas:

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1. Business and Technology
2. TRIO
3. Creative Arts
4. Humanities
5. Library
6. Life Sciences
7. Nursing
8. Kinesiology
9. Physical Sciences
10. Social Sciences
11. Student Services
12. Access Resource Center
13. At-large #1
14. At-large #2
15. At-large #3
16. At-large Adjunct
17. One student representative to be appointed by ASMPC

Notes: The three at-large seats are elected on staggered three-year terms. The at-large adjunct representative is elected only by the adjunct faculty.

- c. In addition there shall be the following non-voting members:
1. The immediate past president of the Academic Senate, if not serving as a voting member
- d. With the exception of the ASCCC Representative and the immediate past president, Senators shall not hold concurrent positions.

Section 2. Election of Senators

- a. Academic Senators are to be elected for a term of three years so that one third of the Academic Senate is elected each academic year. The Executive Committee of the Senate, with the Senate's consent, shall communicate the necessary staggered schedule, which will be conveyed to the individual areas or divisions listed in Article III.I.b by February 1st of each year.
- b. Area Representatives: Following the staggered schedule, each of the areas or divisions listed in Article III.I.b shall entertain nominations and elect its Senator from its own faculty members,

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in whatever manner it chooses. Area representatives shall be selected by March 1st of each year.

- c. At-Large Representatives: Every year, each of the areas listed in Article III.I.b shall entertain nominations for the at-large senate position which is then due for election. Each area is entitled to nominate any current MPC faculty member, in whatever manner it chooses. From these nominations, the faculty as a whole shall elect one at-large senator for a three-year term, with the Senate supervising the balloting procedure and the tally of votes by March 1st of each year.
 - i. Balloting Procedure: The Secretary of the Senate shall create a ballot for email distribution which includes the names of the nominees, deadlines for voting, and the location of the official Senate ballot boxes. Hard copies of the ballots shall be made available upon request. Completed email ballots returned to the Academic Senate President shall be considered as official ballots and will be forwarded to the Secretary. The Secretary shall collect all ballots from the box or boxes or electronic submissions and forward all ballots to the predetermined non-senator(s) appointed by the Executive Committee who shall be responsible for tallying the official count of the ballots and forwarding to the Secretary. The results will be announced at the next Senate meeting by the Secretary. In the event of an uncontested election, the balloting procedure may be waived.
- d. Adjunct Faculty Representative: Every three years, the Executive Committee shall call for nominations from all members of the adjunct faculty and shall supervise the balloting procedure and the tally of votes, for the Senator who is to represent that group, by March 1st every 3rd year. In the event of an uncontested election, the balloting procedure may be waived.
- e. Vacancies in the Senate because of resignation, recall, or incapacity are to be filled (for the remainder of the term) by the same methods by which the predecessor was selected within four weeks of the time the vacancy occurs.
- f. Periodic vacancies in the Senate due to sabbatical, personal, or other leaves for up to one year are to be filled on a temporary basis by each division/area within four weeks after the vacancy occurs. An At-Large vacancy shall be filled on a temporary basis by appointment of the Executive Committee and confirmed by the Senate. Leaves extending beyond one year shall be considered a permanent vacancy requiring election procedures as described in Article III.2.e within four weeks after the vacancy occurs.
- g. There shall be no term limits for any Senators.

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Section 3. Election to Senate Offices

After Senate membership has been determined (by March 1st each year) current Senators shall elect officers for the coming year at the second meeting in March.

At the second meeting in March, the Senate shall elect from its new roster of members the Vice-President, Secretary, ASCCC Representative, and Committees Chair. Names shall be placed in nomination with the consent of the nominee. A ballot shall be prepared by the Secretary of the Senate and a vote taken.

The President Elect will be elected in the same manner as the Vice-President, Secretary, ASCCC Representative, and Committees Chair. The election of the President will take place during the first meeting in October. The president elect will take the office of President of the Senate on July 1st of the following summer.

ARTICLE IV. Officers

Section 1. Qualifications

The officers of the Senate (President, Vice-President, Secretary, ASCCC Representative and Committees Chair) comprise the Executive Committee of the Senate and must be duly-elected, current Senators during their term in office.

Section 2. The President

- a. The President's term of office shall be for two years. The President shall serve no more than two consecutive terms.
- b. In addition, the President shall serve prior to his/her presidency as President Elect during which time the President Elect will seek out training for their position as President.
- c. After serving as President Elect and as President, the President will serve an additional year as an advisor to the Academic Senate Executive Committee during which time, the President may not necessarily serve as a voting member of the Academic Senate.
- d. A President may serve in current, incoming and past President roles at the same time.

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e. Powers and Duties:

1. The President shall preside at all Senate meetings and preside at Executive Committee meetings.
2. The President shall be responsible for transmission of official communications of the Senate to appropriate groups or individuals, to include, but not limited to, all current Academic Senate members, department/division chairs, directors, administrators, and Governing Board members.
3. The President may establish *ad hoc* committees.
4. The President may appoint Senate members to *ad hoc* committees in consultation with the Committees Chair.
5. The President (or their designee from the Executive Committee) shall be an ex-officio voting member of all Senate committees.
6. The President shall report to the Senate all actions taken by the Executive Committee.
7. The President may call special or emergency meetings in accordance with procedures delineated under Article V.2.b and c.
8. In the summer session, the Academic Senate President shall, at their discretion, make executive decisions representing the will of the Academic Senate.

Section 3. The Vice-President

a. The Vice-President's term of office shall be for one year, from July 1st through June 30th. The Vice President shall serve no more than three consecutive terms.

b. Powers and Duties:

1. The Vice-President shall preside over the Senate in the absence of the President.
2. The Vice-President is a member of the Executive Committee.
3. The Vice-President shall succeed to the presidency in the event of incapacity of the President.
4. The Vice-President shall be an ex-officio member of all Senate committees and shall vote, in their ex-officio capacity, except at any meeting of any Senate committee attended

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(P.8. VIII, Sec. 1A Rev 3/2000)

(P.5 III, Sec 1A, Rev 11/2000)

(p. 6, V, Sec 1, 11/2000)

(p. 4. IV, Sec 1, 4/2003)

II, III, IV, V, VI, VII, VIII, IX Rev 2/07

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simultaneously by both the President and Vice-President, wherein the President shall vote. The Vice-President shall vote in the case where a meeting is also attended by the President's designee and not the President.

Section 4. The Secretary

- a. The Secretary's term of office shall be for one year, from July 1st through June 30th. The Secretary shall serve no more than three consecutive terms.
- b. Powers and Duties:
 - 1. The Secretary shall be responsible for the compilation and distribution of Senate minutes.
 - 2. The Secretary is a member of the Executive Committee.
 - 3. The Secretary shall be responsible for revising, updating, and posting documents to the Academic Senate website.
 - 4. The Secretary shall be required to codify and transmit to the faculty any amendments to the Bylaws of the Senate, as their last official act during their tenure of office.
 - 5. The Secretary is required to fulfill the duties prescribed by specific sections of the Bylaws relating to the office, for example, generating, distributing, and collecting ballots; transmission of agenda items; and posting of agendas in a timely manner as required by the provisions of the Brown Act as delineated further in Article V herein.

Section 5. The ASCCC Representative

- a. The ASCCC Representative's term shall be for one year, from July 1st through June 30th. The ASCCC Representative shall serve no more than three consecutive terms.
- b. The ASCCC Representative is a member of the Executive Committee.
- c. The ASCCC Representative will represent the views of the MPC Academic Senate to the ASCCC. Duties will include:
 - 1. Representing policy positions of MPC Academic Senate to ASCCC at state and area meetings;
 - 2. Reporting ASCCC issues under consideration to MPC Academic Senate and to appropriate

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areas or divisions on the MPC campus in order to consider their suggestions;

3. Taking responsibility for responding to ASCCC requests for information and data in a timely manner, including communicating about these items with the Senate President.

Section 6. The Committees Chair

- a. The Committees Chair's term shall be for one year, from July 1st through June 30th. The Committees Chair shall serve no more than three consecutive terms.
- b. The Committees Chair is a member of the Executive Committee.
- c. The Committees Chair, in conjunction with the Executive Committee, may recommend to the Senate the establishment of new Senate standing committees and the elimination of existing Senate committees.
- d. The Committees Chair, in conjunction with the Executive Committee, shall determine the interest, suitability, and availability of faculty toward service on committees and make recommendations to the end that committee assignments be as equitable as possible, consistent with particular needs.
- e. The Committees Chair, in conjunction with the Executive Committee, shall make recommendations to the Senate for faculty appointments to Senate standing committees and to all campus committees, work teams, or task forces within the purview of academic and professional matters with the exception of MPCTA representatives.
- f. The Committees Chair, in conjunction with the Executive Committee, may make recommendations for membership on Senate *ad hoc* committees.
- g. As part of recommendations presented to the Senate for confirmation, the Committees Chair shall identify all names under consideration and report any dissenting opinions.
- h. The Academic Senate may confirm the Committees Chair/Executive Committee's recommendation or deny the recommendation and ask that either another recommendation be brought forward, or select a faculty member of their own choosing.
- i. In situations where more than one faculty member is seeking nomination to a committee, and

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the Committees Chair/Executive Committee is unable to make recommendations to the Senate, and the Senate is unable to come to a conclusion by consensus, the Committees Chair shall prepare a ballot with the nominees' names and a vote shall be taken by the Senate. The ballots will be collected, tallied, and reported by the Secretary of the Senate.

- j. The Committees Chair shall continue to work with all Senate and campus committees to see that the faculty membership is active and that replacements are made for inactive members.

ARTICLE V. MEETINGS AND AGENDAS of the Academic Senate

Section 1. Quorum and "Action Taken"

A majority of the voting members, less positions unfilled, shall be a quorum for the Academic Senate, the Executive Committee, and committees. No action may be taken without a quorum present. The Brown Act defines "action taken" in Section 54952.6 as a vote, collective decision, commitment, or promise by a majority of the body.

Section 2. Meetings.

Regular meetings of the Senate shall be held at least once a month during the academic year. Meetings, agendas, and procedures of the Senate shall follow all requirements of the California Open Meeting Laws, specifically in reference to the Ralph M. Brown Act (Brown Act) as most recently revised.

- a. Regular meetings of the Senate shall have 72 hour notice, including a binding agenda with a brief general description of each item of business to be transacted or discussed at the meeting
- b. Special meetings of the Senate shall have 24 hour notice, including a binding agenda with specific description of each item of business to be transacted or discussed at the meeting.
- c. Emergency meetings of the Senate shall have 1 hour notice, a specific agenda as for special meetings, and be limited to crippling disasters and work stoppages.
- d. If the membership of any committee includes a quorum of the membership of the full Senate, then its meetings require 24-hour notice, including a binding agenda with a brief general description of each item of business to be transacted or discussed at the meeting, and full compliance with the Brown Act.

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- e. Closed session meetings are not anticipated since neither the Academic Senate nor its committees deal with issues recognized in the Brown Act as fulfilling the basic requirements for closed sessions.

Section 3. Agendas

- a. Submission of Agenda Items: Items for inclusion on the Senate agenda must be presented in writing to the President or Executive Committee at least one week prior to the scheduled meeting.
- b. Agendas for the Senate must be binding and posted in a timely manner as stated in the noticing requirements for the type of meeting to be held, as spelled out in Article V.2.
- c. Description of agenda items depend on the type of meeting to be held, as spelled out in Article V.2. All items that may require action to be taken (as defined in Article V.1) shall be so delineated on the agenda
- d. Agenda heading shall include the name of the Senate or its committee, date, time, and place of the meeting.
- e. The agenda shall include provision for public comments, which may be limited to a maximum time of at least three minutes; the limit shall be decided by the Senate or its Executive Committee and stated on the agenda.
- f. Posting of agendas shall be made public at the location of the meeting, through All Users email, and via the MPC Academic Senate webpage, no later than the time specified for notice as in Article V.2. Agendas will also be sent for posting to all those who receive the minutes for posting (as in Article V.5).
- g. Exceptions to agenda requirements, provided by the Brown Act, include two most relevant to the Senate: First two-thirds of the body's full membership (or a unanimous vote of the body, if less than two-thirds is present) may place an item before the body where the need to take action arose after the agenda was posted. Second, a body may take action on an item which was previously posted for a meeting which occurred no more than five days prior to the date on which the proposed action will be taken.

Section 4. Procedure

See the Preamble to these bylaws in regard to the Brown Act, which shall prevail in all Senate meetings, and in the meetings of any Senate advisory committee whose membership includes a quorum of the full Senate membership. In addition, *Robert's Rules of Order*, most recent edition,

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shall apply unless superseded by the bylaws of the Academic Senate.

Section 5. Distribution of Minutes

The minutes of the Senate meetings shall be posted in a timely manner to the Academic Senate website.

ARTICLE VI. The Executive Committee

Section 1. Composition

The Executive Committee shall consist of the President, Vice-President, Secretary, Committees Chair, the immediate past-president of the Senate, and the ASCCC Representative. The Executive Committee shall have the prerogative to appoint additional Senate members to the Executive Committee as needed. The Executive Committee may also invite the MPCTA President to provide input at Executive Committee meetings as needed. The Executive Committee shall be limited to a number of members which is less than a Senate quorum.

Section 2. Powers and Duties

- a. The Executive Committee shall develop and approve the agenda for each meeting of the Senate.
- b. The Executive Committee shall refer matters of business to appropriate groups or individuals.
- c. Vacancies in the Executive Committee because of resignation, incapacity, or recall are to be filled by the Senate in an election to be called within four weeks after the vacancy occurs.
- d. The Executive Committee shall be responsible for seeing that the work of Senate committees is progressing satisfactorily and that committee reports are scheduled with the senate.

ARTICLE VII. Committees

Section 1. Senate Standing Committees

- a. Standing committees shall be formally established by the Senate. If the membership of any

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Senate committee includes a quorum of the Senate membership, then meetings are open to the public and notice of meetings shall be posted 24 hours in advance (as in Article V.2 and 3).

- b. The broad functions and jurisdiction of all Senate standing committees shall be determined by the Senate, and the specific functions and procedures shall be determined by the committees.
- c. All faculty members of Senate standing committees shall be recommended by the Committees Chair, in conjunction with the Executive Committee, from the faculty and confirmed by the Senate.
- d. Senate standing committees may, at their discretion, invite non-faculty (students, administrators, classified staff) to participate in their meetings on a non-voting basis.

Section 2. Senate Ad Hoc Committees

- a. Senate ad hoc committees shall be created by the Academic Senate President.
- b. Committee members may be appointed by the Academic Senate President in consultation with the Committees Chair.
- c. Senate ad-hoc committees are short-term, fulfill Academic Senate tasks, and do not last longer than 2 years.
- d. The size of Senate ad-hoc committees must be smaller than a quorum of the Academic Senate.

Section 3. Faculty Representatives on Campus Committees

- a. For the purposes of this article, a campus committee shall be defined as a committee whose membership includes, but is not limited to, representation from the faculty. At no time shall a quorum of the Senate have voting powers on any campus committee.
- b. All faculty members of campus committees shall be recommended by the Committees Chair, in conjunction with the Executive Committee, from the faculty and confirmed by the Senate.

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- c. All faculty members on campus committees are responsible for reporting to the Senate and shall present to the Academic Senate all proposals pertaining to policy initiation or change, or where jurisdiction falls within the purposes outlined in Article II for Senate action.
- d. The only exception is faculty members serving on campus committees representing MPCTA, who are selected by, and report to, MPCTA. At the time of this writing, this statement refers to one MPCTA representative on the President's Advisory Group and two MPCTA representatives on the Budget Committee.

ARTICLE IX. Referendum and Recall

Section 1. Procedures for Referendum

- a. Any action of the Academic Senate shall be referred to the faculty when forty percent of the members of the Academic Senate support a motion for a referendum or when twenty percent of the faculty submit a petition for a referendum to the Secretary of the Academic Senate. Such a petition must be submitted within a period of four weeks following publication of the action to be referred. A majority of the votes cast shall be necessary to sustain the action.
- b. Any issue considered at the discretion of the Academic Senate to be of major importance shall be referred directly to the faculty.

Section 2. Procedures for Recall

There shall be two procedures for recall, one for at-large and one for division representatives:

- a. Recall procedures for representatives at-large may be initiated by a petition signed by 25% of the faculty. The petition shall be submitted to the Secretary, and the President of the Senate shall make recall announcements to the Executive Committee, the Senate, and the faculty. The vote shall take place within three weeks following the announcement. Faculty as a whole are eligible to vote.
- b. Recall procedures for division or area representatives may be initiated by a petition signed by 50% of those represented. This petition shall be submitted to the Secretary, and the President of the Senate shall make recall announcements to the Executive Committee, to the Senate, and to the area or division affected, the latter of which shall vote for the recall within three weeks following the announcement.

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ARTICLE X. Amendment of Bylaws

These bylaws may be amended at any regular meeting of the Academic Senate by a two-thirds vote, provided that the amendment has been submitted for first reading, in writing, at the previous regular meeting.

Adopted:

- November, 1981
- Amended May, 1986
- Revised Fall, 1988
- Revised February, 1993
- Re-Revised February, 1994
- Constitution and Bylaws revised and incorporated into one document called the MPC Academic Senate BYLAWS, adopted 6 November 1997
- Amended October, 1999
- Amended March, 2000
- Amended November, 2000
- Amended April, 2003
- Revised and Amended March, 2007
- Revised October, 2017
- Revised October, 2019
- Revised September, 2020

Signed _____

Senate President

Dated _____

END