

Mt. San Jacinto College Academic Senate **Bylaws**

Bylaws of Mt. San Jacinto College Academic Senate (henceforth referred to as 'Bylaws') are written to act as the current operating procedures of the Academic Senate.

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Academic Senate Bylaws

Article I. Name and Purpose

The name of this organization shall be the Mt. San Jacinto College District Academic Senate, hereinafter called "the Senate."

Section 1. Purpose

The Academic Senate shall be the executor and shall serve as the official representative body of the faculty. The purpose of the Senate shall be to ensure the Mt. San Jacinto College District Faculty formal and effective procedures for the formulation and implementation of district policies on academic and professional matters.

Section 2. Function

The Board of Trustees recognizes the Academic Senate as the official body representing the faculty in participatory governance relating to academic and professional matters. The Board of Trustees, or the Superintendent/President as designee, consults collegially with representatives of the Academic Senate when adopting policies and procedures on academic and professional matters (defined in the Title 5 California Administrative Code 53200) as follows:

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*
10. processes for institutional planning and budget development*, and
11. other academic and professional matters as mutually agreed upon between the governing board and the Senate.

An asterisk (*) next to an item indicates that the district will rely primarily upon the advice and judgment of the Academic Senate. For those items with no asterisk, the governing board or its designees shall reach mutual agreement in accordance with Title 5 Administrative Code – Section 53203.d.(2)

For each of these items, the Academic Senate faculty agree to consult collegially. Consult collegially means that the district board shall develop policies on academic and professional matters through either of the following:

- Rely primarily upon the advice and judgment of the Academic Senate, OR
- The governing board, or its designees, and the Academic Senate shall reach mutual agreement by written resolution, regulation, or policy of governing board effectuating such recommendations.

According to Title 5, In instances where the governing board elects to provide for mutual agreement with the Academic Senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship (Title 5 § 53203(d)(2)). In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons and those reasons should be put in writing.

Article II. Authorities and Powers

Section 1 Authorities

The faculty of Mt. San Jacinto College vests in its representatives, the Senate, the authority to make decisions regarding the welfare of the faculty and relating to the routine administration of business, including the authority to create and regularly update Bylaws and Standing Rules.

In partnership with the Administration and the Board of Trustees, the Senate shall be responsible for advocating for, developing, and implementing policies consistent with its authority and responsibility to faculty and student success.

The Senate will be responsible for ensuring academic freedom, professional ethics, and collegial discourse. The Senate is expressly prohibited from legislating or delegating away, directly, or indirectly, to any other District organization, any of the Senate's authority, expressed or implied.

The Academic Senate responsibility and authority is consistent with California Education Code (see Appendix A for definitions).

Section 2. Powers

The Senate represents Mt. San Jacinto College faculty in "academic and professional matters" as defined in AB 1725 and Title 5 of the California Code of Regulations.

The Mt. San Jacinto College Academic Senate shall make recommendations to the Administration of Mt. San Jacinto College, the Board of Trustees, and to other appropriate individuals and bodies regarding academic and professional matters at Mt. San Jacinto College.

As provided by law and agreement, the Mt. San Jacinto College Academic Senate shall make joint decisions with college administration, and when appropriate directly to the Board of Trustees or their designee, with respect to academic and professional matters. It is the intent of the Senate formed herein to have and exercise all powers granted by law or regulation or district board action.

The power of the Academic Senate is derived from the California Education Code and implemented through its resolution process. This resolution process shall be one of the

methods by which policies of the Academic Senate are adopted and carried out in future practice.

The Academic Senate shall manage academic and professional matters (10+1) by establishing appropriate governing structures including the structure of Senate itself, and its elected representatives, and by way of establishing either faculty or participatory governance committees to serve as Standing Senate Committees assigned to address specific academic and professional matters under Senate's purview. These committees may be used specifically to oversee matters designated as "rely primarily upon" items, whereby the board has agreed to rely primarily upon the recommendations of the Senate except under unusual and exceptional circumstances.

Issues requiring mutual agreement in the district's participatory governance process and determined by the Executive Senate to be of critical interest to the faculty-at-Large, must be presented to open faculty meetings conducted by the Site Councils, which bodies will then represent before the Executive Senate the opinions of the faculty at the site. The Executive Senate, as advised by the Site Councils, shall determine a course of action.

The powers of the Senate are respectfully limited in that no individual senator shall make a determination regarding the conduct of business without the approval of a quorum of the Executive Senate.

Article III. Membership and Organization

In recognition of a commitment to both the intent of the Academic Senate Constitution and the spirit of Title 5 and considering the increased responsibilities of California Community College Faculty, full-time faculty must recognize a constitutional obligation to serve on the Senate.

All first year full-time and all part-time faculty are encouraged and invited to participate in the Senate but are not constitutionally obligated to serve. Full-time faculty are distinguished from part-time faculty in that part-time faculty are not hired on a tenure track and do have renewable contracts.

All faculty members, not members of the Judiciary Committee, may serve in the Senate. Designation of Site-Council and Executive Senate composition is listed below.

Section 1 Organization

Section 1.1 Senate Site Councils

The primary purpose of the Site Council is to investigate and serve as ombudsman for site faculty concerns. In this role, it is appropriate for the Site Council to develop policy or procedure proposals for consideration by the Executive Senate, to develop site-based recommendations for the joint hiring process, to develop site-based recommendations for planning, budget, and special recognition of members.

Section 1.2 Site Council Composition

The Senate is made up of two Site Councils, San Jacinto Site Council and Meniffee Site Council which will each have five members elected from the ranks of Full-time Faculty and one member elected from the ranks of Associate Faculty.

The San Jacinto Site Council will represent San Jacinto and San Gorgonio Pass campuses, and the Meniffee Site Council will represent Meniffee Valley and Temecula Valley campuses.

Section 1.3 Tenure

Full-time Faculty Members of the Site Council: A term of office for a full-time faculty member of a Site Council shall be defined as two consecutive academic years. A term of office begins on the 1 May in the year of selection.

Associate Faculty Senator: A term of office for an associate faculty senator shall be one year.

Section 1.4 Executive Senate

The Executive Senate exists for monitoring and administering the daily operations of faculty professional matters, especially those pertaining to participatory governance, academic standards, planning, and professional staffing patterns. All policy proposals affecting the academic and professional interests of the faculty must be approved by the Executive Senate, subject to the procedures and limitations contained elsewhere in this Constitution.

Section 1.5 Executive Senate Composition and Tenure

The executive senate shall consist of six members; the officers of the individual Site Councils: the presidents and vice presidents of each site council, plus the associate faculty member from each site council. The officers of each Site Council will be selected annually by the members of the Site Council from among their members.

The titles of the officers shall be the Academic Senate President, the Academic Senate Vice President, the Academic Senate Corresponding Secretary, the Academic Senate Appointment Secretary, and the Associate Faculty Delegates.

Article IV. Senator and Officer Duties and Responsibilities

A non-restrictive list of the site council member's responsibilities would include orientation and mentoring new faculty to the functions of the Academic Senate and the college. This position may also require service on district standing committees and/or service on senate-created committees.

Section 1. Duties of All Senators

- Attending all meetings of the Senate. Teaching schedules should be such that they allow attendance for the full meeting time. Senators should notify the

appropriate Site Council President when they are unable to attend a Senate meeting.

- Investigate and serve as ombudsman for all faculty. This includes all faculty matters at all sites (not just the site a senator is representing) as they relate to academic and professional matters under 10+1.
- Prepare for each Senate meeting by reading the Meeting Agenda and attachments, reviewing previous meeting minutes for any changes and edits, and conferring with constituents with feedback as needed to make an informed vote on all matters before the Senate meeting.
- Support the orientation and mentoring of new faculty to the functions of the Academic Senate and the college.
- Ensure that all matters related to 10+1 addressed in any committees to which they are appointed on behalf of the Senate are brought back to the Senate for consultation and voting as needed.
- Protect and honor the participation of faculty in institutional decision making regarding academic and professional matters as defined by Title 5 Definitions.

Section 2. Duties of Site Council Senators

- Investigate and serve as an ombudsman for faculty concerns and advocate for their interests as they relate to their specific site for which they were elected to represent.
- Participate in site-specific meetings, forums, and other business for the purpose of but not limited to the following:
 - Develop policy or procedure proposals for consideration by the Senate,
 - Develop recommendations for the joint hiring process,
 - Develop recommendations for planning, budget, and special recognition of members, and
 - Address site-specific budgeting and hiring issues.
- Work in conjunction with the Appointment Secretary to recruit and nominate faculty volunteers from their assigned sites to serve on site specific professional organizations or to groups considering site-specific issues, as directed by the membership;
- Represent the site at shared governance forums;
- Act as a liaison to the collective bargaining unit for site-specific matters;

Section 2.1 Associate Faculty Senators

The duties of the Associate Faculty Senator include those of a Site Council Senator and include but are not limited to the following items specific to Associate Faculty constituent groups:

- Investigate and serve as ombudsman for associate faculty concerns.
- Serve as liaison between the Senate and the Associate Faculty at-Large, with particular attention to those issues of an academic and professional nature which impact associate faculty.
- Serve as liaison between the Senate and the Associate Faculty UPTE-CWA Union, with particular attention to those issues of an academic and professional nature which impact associate faculty.
- Develop associate faculty policy or procedure proposals related to 10+1 matters for consideration by the Senate.

Section 3. Duties of Site Council Officers

It is expected that the elected Officers to the Senate will perform all duties outlined below.

Section 3.1 Site Council President

- Presides over meetings of the site council;
- Provides agendas for the meetings of the site council and the site faculty;
- Attends meetings of the District Board of Trustees;
- Appoints site delegates to scheduled meetings of professional organizations or to groups considering site-specific issues, as directed by the membership;
- Represents the site at participatory governance forums;
- Acts as liaison to the collective bargaining unit for site-specific matters;
- Addresses site-specific budgeting and hiring issues.

Section 3.2 Site Council Vice President

- Conducts meetings of the site council or site faculty in the absence of the Site Council President;
- Serves as Parliamentarian for the Site Council
- Assumes duties delegated by the Site Council President, not in conflict with the duties of other Site Council members
- Recruits' candidates for service on the Site Council

Section 3.3 Site Council Secretary

- Ensures that meeting notices and agendas of the site council and of site-based meetings of the faculty at large are posted with appropriate notice;
- Records minutes of Site Council meetings and distributes approved copies to all faculty of the site in a timely manner;
- Ensures that minutes of the Site Council are archived;

- Records votes in site council meetings
- Conducts the meetings of the Site Council in the absence of the President and Vice President.

Section 4. Duties of Executive Senate Members

It is expected that the elected Executive Senate members will perform all duties outlined below.

Section 4.1 Executive President

- Follow the duties of the President listed in the most recent [ASCCC's Local Senates Handbook](#).
- Identify and address statutory and regulatory issues in the Education Code, and Title 5 Regulations as they relate to academic and professional matters and organize a faculty response in a collegial and timely manner.
- Observe the letter and spirit of all applicable laws, including the Brown Act and the Open Meetings Acts (refer to Local Senates Handbook Sections of Compliance with the Open Meeting Acts for more information).
- Develop agendas for, and chair, meetings of the academic senate.
- Ensure the timely publication of the senate agenda.
- Disseminate other documents, such as minutes, reports, and supportive evidence, in a timely fashion pertinent to committee or senate discussion and action.
- Preside over all Executive Senate meetings and Faculty Town Hall meetings, or designate someone to do so;
- Create and provide agendas for Faculty-at-Large Town Hall and Senate meetings in consultation with Vice-President of the Senate;
- Attend Board of Trustees meetings to represent faculty, report decisions of the Senate, and present all resolutions passed by the Senate to the Board.
- Participates in planning faculty convocation activities.
- Function as executor of Senate Constitution and Fiduciary to Faculty Body;
- Attend conferences and/or appoint delegates to scheduled meetings of such professional organizations as directed by the membership;
- Represent the Senate in graduation exercises;
- Initiate special Faculty-at-Large Town Hall meetings when deemed appropriate;
- Ensure the effective participation of faculty in the joint development of institutional policy, (e.g., minimum qualifications and equivalencies, faculty hiring procedures, tenure review, faculty service areas, and faculty evaluation procedures)

- Oversee the 10+1 Board Policy (BP) & Administrative Procedures (AP) Regular Revision Cycle.
- Direct all correspondence to and from the Senate;
- Supervise Senate clerical staff and the functions of the Senate office;
- Act as liaison to the collective bargaining unit;
- Ensure that all matters related to 10+1 addressed in any committees to which they are appointed on behalf of Senate is brought back to Senate for consultation and voting as needed;
- Represent the Senate in matters concerning participatory governance and on participatory governance committees, and vote in accordance with the decisions made by the Senate:
 - College Council (Member).
 - Institutional Planning Committee (Faculty Tri Chair).
 - Institutional Assessment & Program Review Implementation Team (Resource).
 - Equivalency Committee (Resource).
 - Highschool Partnership Advisory Committee (Resource).
 - Student Success Committee (Resource).
- Chairs the Joint Hiring Committee.
- Report and inform the Senate and Faculty Body at Large of all matters occurring through open participatory Governance Decisions and consultation meetings with Administration;
- Communicate state-wide initiatives to the faculty and ensures primacy of faculty voices in academic and professional matters;
- Attend the Academic State Senate's Fall and Spring plenary as the voting representative of MSJC faculty;
- Attend the Academic State Senate Fall and Spring Area meetings
- Be available for consultation with newly elected president and other senators after term ends

Section 4.2 Executive Vice President

- Protect and honor the participation of faculty in institutional decision making regarding academic and professional matters as defined by Title 5 Definitions for 10+1.
- Act as parliamentarian, employing Robert's Rules of Order, Revised;
- Conduct Senate meetings and other business in absence of President;
- Conducts a new senator orientation prior to the first meeting of the new Senate;
- Serves as treasurer;

- Attend Board of Trustees meetings as a resource to the Senate President (sit in as President proxy in the absence of the President);
- Participates in planning faculty convocation activities;
- Attend conferences and/or appoint delegates to scheduled meetings of such professional organizations as directed by the membership;
- Represent the Senate in graduation exercises;
- Create and provide agendas for Town Halls and Senate meetings in consultation with President of the Senate;
- Preside over Town Halls meetings with the President;
- Ensure that all matters related to 10+1 addressed in any committees to which they are appointed on behalf of Senate is brought back to Senate for consultation and voting as needed;
- Represent the Senate in matters concerning participatory governance and on participatory governance committees, and vote in accordance with the decisions made by the Senate:
 - College Council (Member).
 - Institutional Planning Committee (Member).
 - Institutional Assessment & Program Review Implementation Team (Resource).
 - Highschool Partnership Advisory Committee (Resource).
 - Student Success Committee (Resource).
- Voting Member of the Joint Hiring Committee.
- Report and inform the Senate and Faculty Body at Large of all matters occurring through open participatory Governance Decisions and consultation meetings with Administration;
- Communicate state-wide initiatives to the faculty and ensures primacy of faculty voices in academic and professional matters;
- Attend the Academic State Senate's Fall and Spring plenary as the voting representative of MSJC faculty;
- Attend the Academic State Senate Fall and Spring Area meetings
- Performs all duties deemed necessary that are not in conflict with this Constitution and are not the responsibilities of other senators

Section 4.3 Correspondence Secretary (FLEX Coordinator)

- Protect and honor the participation of faculty in institutional decision making regarding academic and professional matters as defined by Title 5 Definitions for 10+1;
- Ensure notice and agendas of Faculty-at-Large and Senate meetings at least one week prior to meetings in accordance with the Brown Act;

- Record minutes of all Senate meetings and distributes the minutes to the faculty in a timely manner when clerical support is not present;
- Ensure that all minutes are publicly archived; handles routine correspondence for the Executive Senate;
- Tabulate votes in Senate meetings;
- Voting Member of Joint Hiring Committee; takes minutes at Joint Hiring meetings
- Conduct Senate meetings and other business in absence of the President and Vice-Presidents;
- Coordinate reports from PG (Participatory Governance) faculty Tri-Chairs;
- Post all senate documents, including but not limited to, resolutions and memos to the archive site (i.e, Boarddocs, Senate website, or similar);
- Maintain the list of faculty coordinators by title on the Academic Senate website.
- Process Flex calendar submissions;
- Chair of faculty professional development subcommittee
- Attend conferences and institutes as deemed necessary;
- Ensure that all matters related to 10+1 addressed in any committees to which they are appointed on behalf of Senate is brought back to Senate for consultation and voting as needed;
- Represent Senate in Shared Governance Committees, and vote in accordance with the decisions made by the larger Senate Body
- Participate in convocation activities as deemed necessary by the President.
- Oversee the maintenance of the Academic Senate college FLEX website to ensure lists and are current;
- Maintain currency on changes to the Chancellor's Flexible Calendar Program and communicate these updates to the faculty-at-Large;
- Complete the district's annual flex calendar report for the Chancellor's Office;
- Be available for consultation with the newly elected vice-president and other senators after term ends.

Section 4.4 Appointment Secretary

- Protect and honor the participation of faculty in institutional decision making regarding academic and professional matters as defined by Title 5 Definitions for 10+1;
- Conduct Senate meetings and other business in absence of President and Vice-President;
- Ensure that all matters related to 10+1 addressed in any committees to which they are appointed on behalf of Senate is brought back to Senate for consultation and voting as needed;

- Represent the Senate in matters concerning participatory governance, and vote in accordance with the position of the larger Senate Body where appropriate;
- Voting Member of Joint Hiring Committee;
- Attend conferences and other professional institutes as deemed necessary;
- Participate in convocation activities as deemed necessary by the President.
- Coordinate and communicate with human resources;
- As guided by nominations from site councils, seeks faculty volunteers to staff the various representative, hiring, Senate, and shared governance committees, attempting at all times to ensure equity, diversity, and inclusion;
- Maintain current and archival records of Senate appointments;
- Maintain and update the Senate Committee Handbook;
- Maintain the Academic Senate college website to ensure committee charges, goals, membership lists, and meeting schedules are current
- Be available for consultation with the newly elected vice-president and other senators after term ends.

Section 4.5 Associate Faculty Delegates

- Protect and honor the participation of faculty in institutional decision making regarding academic and professional matters as defined by Title 5 Definitions for 10+1;
- Participate in convocation activities, including planning and hosting an associate faculty convocation as deemed necessary;
- Voting Member of Joint Hiring Committee;
- Represent the Senate on behalf of Associate faculty in matters concerning participatory governance;
- Recruit associate faculty volunteers to staff the various representative, Senate, and shared governance committees, attempting at all times to ensure equity, diversity, and inclusion;
- Act as liaison to the Associate Faculty collective bargaining unit;
- Be available for consultation with the newly elected vice-president and other senators after term ends;
- When necessary, Handles specific Associate Faculty correspondence for the Senate.

Section 5. Officer Compensation

The district provides FTEF (Full Time Equivalent Faculty) release time for use by the officers of the Academic Senate.

Associate Faculty elected to serve on the Senate will be compensated as stated in the current collective bargaining agreement between the Associate faculty Union and the District.

Section 6. Affiliated Delegates (10+1)

The following is a list of non-voting resources for the Senate. Individuals holding these positions are expected to attend Executive Senate meetings and report out regular updates.

- Assessment & Program Review Coordinator
- Pathways Coordinator
- DE/PD Coordinator
- Curriculum Chair or Designee
- OER (Open Educational Resources) Liaison
- ASCCC (Academic Senate for California Community Colleges) Liaisons
- Faculty Accreditation Liaison
- Faculty Chairs of Senate Standing Committees

Section 7. Collegial Delegates

The following is a list of non-voting collegial delegate resources to the Senate. Individuals holding these positions are asked to attend Executive Senate meetings and report out regular updates.

- Vice President of Instruction (or designee)
- Vice President of Student Services (or designee)
- Classified Senate President (or designee)
- Faculty Association President (or designee)
- Associate Faculty Union President
- Classified Union President
- SGA (Student Government Association) President or Designee

Section 8. Expectations of All Faculty

- Support the officers and elected representatives of the Senate through informed suggestions, recommendations, and feedback, on issues under discussion;
- Initiate recommendations and suggestions to the officers and elected representatives aimed at improving the educational welfare of MSJC's students and the professional growth of the faculty; and
- Fulfill their professional obligations as members of the faculty body.

Article V. Elections

Each year, three Full-time members will be elected to one site council, and two to the other. In odd-numbered years, three members will be elected to the San Jacinto site council; in even-numbered years, three will be elected to the Meniffee Valley Site Council. Associate Faculty members shall be elected annually.

Section 1 Electorate

The electorate shall consist of all faculty members as defined in Article I, Section 2, of the Academic Senate Constitution and Appendix A of this document. Each individual herein defined shall be enfranchised equally. This enfranchisement ensures the rights of representation and their commensurate duties. The abdication of the latter nullifies the former.

- The electorate for the site council shall include all faculty, full time, or associate faculty, who perform faculty duties at the site and/or at those off-site locations associated with the site. Those faculty serving at both sites may cast a vote in each site council election, the sole instance when dual service produces such a privilege.
- The electorate for the executive senate shall be the members of the site councils.

Section 2. Timeline of Elections

- The Academic Senate President will call for nominations no later than March 1st;
- All nominations must be sent to the Judiciary committee. All nominees for full time faculty seats must be tenure track members of the faculty. All nominations must reach the judiciary Committee no later March 15th;
- The judiciary committee must hold the elections no later than March 31;
- An associate faculty request for a Site Council seat shall be granted, provided that no other request for the same seat has been made. If there are two or more requests for an associate faculty Site Council seat, an election for that seat shall be held no later than 31 March. The candidate receiving the most votes shall receive the Senate seat;
- Candidates must accept their nomination in writing at least one week prior to the election date and may submit a statement of candidacy (i.e., campaign interest statement) for inclusion on the secret ballot at the time of voting;
- The Judiciary Committee shall submit a ballot to the faculty listing incumbent Site Council members, new full-time faculty, and all associate faculty seeking seats. The ballot shall be distributed to all faculty who are eligible to vote;
- Ballots are created and sent out to faculty through email from Institutional Research;

- Institutional Research will keep track of vote counts and report final results to the Judiciary committee;
- Members of senate, including senate presidents will not have access to any portion of the election process after the call for nominations;
- Faculty shall have ten working days to submit their ballots. Those candidates receiving the most votes shall receive Senate seats;
- In the event of a tie for the last remaining seat, the senator shall be chosen randomly from those who tied;
- If there is a need for both a full-time and associate election, a single ballot shall contain both sets of candidates;
- By no later than 31 March, the new senators shall have been elected.

Section 3. Executive Senate Selection

The Executive Senate shall be seated annually. Upon election of the new Site Councils by no later than 31 March, the Judiciary Committee shall name the Executive branch from the membership of the site councils, in accordance with the following provisions. In even-numbered years, the president of the San Jacinto Site Council will be President of the Executive Senate, and the President of the Meniffee Valley Site Council will serve as Vice President; in odd-numbered years, this pattern will be reversed. In even-numbered years, the Vice president of the Meniffee Valley Site Council will serve as appointment Secretary and the Vice President of the San Jacinto Site Council will serve as Corresponding Secretary; in odd-numbered years, this pattern will be reversed. For purposes of this section, "even numbered" shall mean those years in which the scholastic year commences in a year evenly divisible by two. The names of the members of the Executive Senate shall be posted no later than the last day of April.

Section 4. Campaigning

Campaigning for candidates or other issues on the ballot is allowed if it is done at no cost to the college. This may include campaigning through managed listservs (e.g., the all-faculty listserv and associate part-time faculty listserv).

Faculty supervising elections may not campaign, make recommendations, or advocate for any individual or issues on the ballot. Any violation of the Code of Conduct by a candidate, as stated in the Academic Senate bylaws, will result in immediate disqualification from holding office for the current term.

General information about elections may only be put out on the listservs at the direction of the Senate Judiciary Committee and not by the individual candidate.

Section 5. Judiciary Committee Selection

Judiciary elections shall be held annually. Faculty wishing to serve on the Judiciary Committee shall submit their names to the Academic Senate by mid-September. The Executive Senate shall seek a minimum of four nominees and conduct the election by the end of September.

The Judiciary Committee shall take office October 15th

Article VI. Vacancies

Section 1. Executive Senate

In the event an Executive Senate seat is vacated, the affected Site Council shall appoint a member of the Site Council to fill the remainder of the term. In the event the Executive President or Vice President seat is vacated, the Site Council Vice President of the affected Site Council will fill the seat for the remainder of the term. If the Site Council Vice President is unable to fill the seat the affected Site Council shall appoint a member of the Site Council to fill the remainder of the term.

Section 2. Site Council

Site Council vacancies shall only be filled if there are nine or more months remaining in the vacated seat. In the event of a vacated Site Council seat, the candidate with the most votes of those not elected shall be given the opportunity to fill the seat and to complete the unexpired term. In the event of refusal, the seat shall be given to the next in line. In the event of a tie for replacement eligibility, the selection shall be made randomly from those tied who are interested in filling the seat. Should no such candidate be willing or available, then the Site Council shall recruit from the site faculty at large and select from among those faculty who are interested.

Section 3. Judiciary Committee

In the event of a vacated Judiciary seat, the candidate with the most votes of those not elected shall be given the opportunity to fill the seat and to complete the unexpired term. In the event of refusal, the seat shall be given to the next in line. In the event of a tie for replacement eligibility, the selection shall be made randomly from those tied who are interested in filling the seat. Should no such candidate be willing or available, then the Executive Senate shall recruit from the faculty at large and select from among those faculty who are interested.

Article VII. Code of Conduct

Officers, Senators, Delegates, and Representatives of the Academic Senate shall behave in accordance with all MSJC Board and Administrative Policies addressing code of conduct. See Board Docs for list.

When addressing official senate business, Officers, Senators, Delegates, and Representatives, of the Academic Senate shall:

- Fulfill the duties of the “the Senate” described herein;
- Faithfully abide by the constitution, Bylaws, and rules of the Senate;
- Uphold official positions taken by the Senate through resolutions and policies;
- Follow through and complete accepted tasks;
- Promote collaboration, cooperation, and partnership within Senate;
- Uphold the ethical duty to advocate for all sites regardless of which site they are elected.
- Maintain a professional level of courtesy and respect, and commitment in all Academic Senate activities;
- Keep individual opinions and actions separate from those made as a representative of this organization;
- Respect the diversity of opinions as expressed or acted upon by the Senate;
- Respect the dissenting opinions expressed or acted upon by the Senate.

Officers, Senators, Delegates, and Representatives, of the Academic Senate shall not:

- Engage in harassing, intimidating, or discriminatory behavior based on group identifications such as Race/ethnicity, Gender Identity and Expression, Sexuality, National Origin, Socioeconomic status, (Dis)ability, Language, Religion, Age, Physical Appearance or Intersections of these identities as outlined in our college equity pledge, or any other legally protected status, or on the basis of these perceived characteristics or based on the association with a person or group with one or more of these actual or perceived characteristics, or any other status protected by law;
- Engage in expression, which is obscene, libelous, or slanderous;
- Utilize any Mt. San Jacinto College resource to promote personal gain. Personal gains include, but is not limited to:
 - Misappropriation of Senate funds;
 - The use of faculty listservs for the sole interest of private profit or personal advantage of individual faculty members.

Any violation of the Code of Conduct is sufficient grounds for introducing a petition for Removal from Office from the Senate. Faculty at-large may initiate petitions to censure or recall senators for clearly delineated abuses of professional or ethical behavior or offenses.

Article VIII. Meetings

Academic senate site council meetings are held monthly on the first Wednesday of the month from 2-4:30pm, in linked rooms on the San Jacinto and Meniffee Valley campuses.

Executive Senate meetings are held monthly on the third Wednesday of the month from 2-4pm, in linked rooms on the San Jacinto and Meniffee Valley campuses.

All efforts will be made to broadcast Site Council and Executive Senate meetings live on Zoom.

Faculty-at-large meetings may be held as often as the Executive Senate deems necessary. However, there shall be at least four meetings per academic year, no less than two per campus. All efforts will be made to hold at least one Faculty-at-large meeting on Zoom.

There may be special meetings of the faculty-at-Large, the Executive Senate, or Site Council if such meetings are requested by the Senate President, by a quorum of any of those senate bodies, or by petition of 10% of the faculty.

Details of conducting meeting Business can be found in the Senate Rules of Order.

Article IX. Committees

The Senate shall manage academic and professional matters (10+1) directly through the Senate, or by way of forming separate groups that fall under Senate authority and report all findings and recommendations for formal Senate discussion and action.

The Senate shall create standing or ad hoc committees as it deems appropriate and necessary. The Executive President may create other task forces, work groups, and other short-term groups as needed to address specific topics. A list of committee type definitions can be found in Appendix A Definitions. A comprehensive list of current senate committees and charges can be found in the Senate Committee Handbook.

The Senate shall act as the confirming body for all faculty appointments to Senate standing committees and faculty representation on district standing committees (participatory governance and other areas). Details about the participatory governance committees, practices, and procedures can be found in the Participatory Governance Handbook.

Section 1. Committee Organization and Procedures

All Senate committees will adhere to the committee charge, and policies and procedures. The committee shall conduct an annual review of their charge, policies, and procedures. No later than October Site Council meetings, and in coordination with the appointment secretary, committees will report to the Senate an annual review, including but not limited to the following:

- A review of charge

- A review and evaluation of goals and strategies
- A review of membership, make-up, eligibility, and an add/remove list,

Changes to a committee charge or the committee policies and procedures will come to the senate as a consent item for approval. Items not approved by the Senate will be returned to the committee submitting the proposed item with recommendations from the senate. A committee may resubmit the item at any time.

Section 2. Committee Chairs

Senate committees shall adopt a procedure for selecting a committee chair including the length of service, and duties of chair. Committee chair duties should at least include the following:

- Attend all committee meetings
- Prepare agendas for meetings with respective co-chair or tri-chairs if applicable
- Attending Senate meetings and report to the Senate on committee business.
- For items that fall under the Senate's "rely primarily upon" powers, bring recommendations to and from the Senate to the committee.
- Represent along with other faculty members, the position of the Academic Senate to their team.

Section 3. Duties of Faculty on Committees

Senate committees shall adopt a policy for faculty participation including but not limited to the following:

- Attend meetings of the committee/team in accordance with the Union contract.
- Represent the position of the Academic Senate to their committee/team
- When a faculty co-chair or tri-chair does not exist, report regularly to the Senate the discussions and decisions of their committee/team

Section 4. Committee Appointments

The Appointment Secretary in consultation with the Executive President will maintain a current list of committee membership. The list shall be accessible to all members of the senate and publicly listed on the senate website.

The appointment secretary will notify the Senate of any faculty appointments to Senate, District and/or College Committees, Implementation Teams, and Workgroups. Notification to the Senate shall be made at the next regular meeting immediately following the appointment(s). Notification to the Senate of all appointments and committee formations shall be listed and itemized in the agenda under a separate category entitled, "Committee Appointments."

The President will notify the Senate of any Senate, District and/or College Committees, Implementation Teams, and Workgroups that are formed and charge the Appointment Secretary with placing a service recruitment call out to faculty.

All faculty appointments to committees will consider equity, access, balance of service, institutional advancement, and any other institutional authority. The Appointments Vice-President may confer with the chair(s) of any committee for which an appointment is being considered, prior to making such appointments.

Any member of the Senate may *Motion for Action* to request any listed appointment or newly formed committee found in the "Committee Appointments" category of the agenda be placed as an Action Item on that same agenda. Prior to action being taken, a reasonable amount of time shall be allotted for discussion of the item in question. If no motion for Action is made, the appointment or committee creation stands.

Section 4. Votes of Confidence

Individual members of standing committees shall be subject to a vote of confidence at any such time that twenty percent (20%) of the Full-time faculty or 10% of Part-time faculty deem it so necessary, in writing.

The Judiciary Committee shall conduct a vote of confidence. Balloting by the faculty shall be confidential. A majority of all faculty exercising their right to vote shall constitute a successful vote of confidence. If a member of the standing committee does not secure a vote of confidence, their standing committee membership shall be relinquished, and the vacancy filled by regular appointment procedures.

Article X. Faculty Coordinators

Faculty Coordinators are faculty, have a pedagogical role at the college, and, as such, the Senate shall act as the confirming body for all current and future faculty coordinator positions. A list of faculty coordinators by title shall be maintained on the Academic Senate web site.

All new faculty coordinator positions will be reviewed by the Senate. The job description, minimum and desired qualifications, and duties shall be drafted, reviewed, and approved by the Senate through formal agendized action. Collegial Delegates may bring proposals for new faculty coordinator positions or updates to current coordinator positions to the Senate for review and consideration.

Article XI. Department Chairs

Section 1. Purpose

The practice of faculty department chairs has a long history and tradition in higher education and can serve to ensure that faculty discipline expertise informs educational program development, planning, and review.

Department chairs will support decisions that most directly affect students and are kept close to those who interact with students in classrooms, counseling offices, learning spaces, and libraries.

The existence of department chairs assumes that innovative, integrated academic programs are of vital interest to the faculty and, by extension, to Mt. San Jacinto College as a whole. Therefore, the institution of department chairs nurtures cooperation between faculty within the same and related disciplines, promotes scheduling and budgetary efficiency, contributes to an important working relationship between faculty and administrators, and provides direction in other department concerns.

Department chairs are in accordance with ASCCC Fall 2008 Resolution 17.04, “department chairs must be chosen by the faculty . . . unless bargaining agreements state otherwise.”

Section 2. Duties and Responsibilities

The primary responsibility of a Chair is to advocate for and support their department. They serve as an extension of the Senate to ensure that all academic and professional matters 10+1 are achieved at the department level. Chairs adhere to the duties and responsibilities outlined in the CTA contract.

Section 3. Appointment, Election, and Vacancy of Chairs

Before the end of the second week of April of the last semester of the current department chair’s term, the Senate will conduct department chair elections by seeking nominations from the department’s full-time, tenure-track or tenured faculty.

Only full-time, tenured, or tenure-track faculty who, within the past academic year, have taught at least one course in the department for which they are running, may run, and/or vote for department chair. A full-time, tenured, or tenure-track faculty may self-nominate. The individual who receives the simple majority of votes cast by faculty in the department for which they are running will be the elected department chair for the term of two academic years. In the case of a tie, an agreed-upon (with the department) random selector will be administered by the Judiciary Committee. There are no term limits.

If a chair vacancy arises mid-term due to the chair resigning from the position for any reason, the Academic Senate will conduct an election to fill the position for the remainder of the term with the same compensation to start immediately upon filling the position.

Section 4. Changes and Amendments

All recommended changes and amendments to the department chair system will be made by the Joint Chair Committee, subject to confirmation by the Senate, the Faculty Association, and the administration.

Section 5. Remedial Actions

Faculty have the right to bring concerns about the appointment or removal of department chairs to the Senate. The Senate can advocate in partnership with the CTA Union for an effective resolution.

Section 6. Reassigned Time and Compensation

The CTA union contract contains the reassigned time and/or compensation for department chairs.

Section 7. Departments without Chairs

If a department does not nominate a department chair candidate, the Senate will solicit faculty volunteers, preferably from a related discipline, to serve as the faculty department chair nominee. The Senate will then hold an election as outlined in Article X, Section 3.

Article XII. Amendments

Any member of the Senate or faculty body can petition to amend the bylaws. A petition to amend shall be submitted to the Senate. Petitions for amendment must be placed on the Senate agenda within one month (during regular contract hours) for discussion and action. Petitions to amend the bylaws will adhere to the standard two read process as outlined in the Academic Senate Rules of Order.

Amendments will pass with a two-thirds vote of the entire Senate body. If approved, the amendments passed shall become effective on the date stated in the amendment. Results of the vote shall be recorded in the Senate meeting minutes and archived accordingly.

Article XIII. Review Cycle

The Academic Senate will review the senate bylaws at the last meeting of the academic year and make recommended amendments. The end of the year review should include a call out for faculty participation. The faculty proposed changes will follow the process outlined in Article XI. All end of the year recommendations will be delivered to the incoming senate to review and adopt or reject during the first meeting of the academic year or during the August senate retreat.

Section 1. Documents for Annual Review

1. Syllabus Checklist & Template
2. Pre-Approved FLEX List
3. AP/BP Changes
4. Faculty Handbook
5. Academic Senate Bylaws & Standing Rules

APPENDIX A Definitions and References

Definitions

Academic Senate

Means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term "academic senate" shall also constitute reference to "faculty council" or "faculty senate" (Title V, 53200)

Academic and Professional Matters

Means the following policy development and implementation matters (Title V, 53200):

- (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
- (10) Processes for institutional planning and budget development, and

(11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

Appointments

According to Title V, 53203, "the appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate ... the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups."

Appointments under the purview of the local senate may include committee chairs, department chairs, or coordinator of a discipline-specific program or a campus-wide program such as Teacher Prep or Study Abroad. The length of the appointment is also a point of discussion. Appointees may have an established period, thereby providing the opportunity for new faculty to take on the challenge of a non-teaching task. Some appointments may include compensation, while others do not. The local senates should work with the bargaining agent to ensure that compensation and job duties are clear, and that the process for each appointment is embedded in administrative procedure. The Senate shall act as the confirming body for all faculty appointments to district participatory governance and Senate standing committees, teams, or other groups.

Collegial Consultation

"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 (**Title V, 53200, D, 1 and 2**):

- relying primarily upon the advice and judgment of the academic senate; or
- 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.

Committees

- **Standing Committee**: A continuous group that is focused on one area of interest to the institution with ongoing work that continues from year to year that addresses academic and professional matters and makes recommendations to the Senate.
- **Standing Joint Committees**: a continuous group that contains Senate representation and one or more of the following constituent groups: faculty unions, and administration.
- **Subcommittee**: A continuous group that serves a specific function under a Standing Committee's charge.

- **Ad Hoc Workgroup:** An ad hoc group that is created in response to a particular issue or concern and meets for a specific duration, until they reach a specific goal or task. Upon completion, these groups disbanded.
- **Implementation Team: A continuous group focused on implementing goals and actions related to their specific charge assigned by the Senate.** Reports on progress are made to the Senate. Recommendations can be made as needed.
- **Advisory (Affinity) Committee:** Structured group based on a specific need related to an academic and professional matter, that does not fall under a larger umbrella committee. Members work to advise the Senate on perspectives or actions related to the need.
- **Discipline or Area Specific Committees: A continuous group focused on implementing goals and actions related to their specific discipline or area.** These committees may or may not be mandated by state regulations. Reports on progress are made to the Senate. Recommendations can be made as needed.

Faculty

A faculty member is an employee of the district who meets both of the following criteria:

- an employee who does hold a position for which minimum qualifications for hire are specified by the Board of Governors (Title 5, Subchapter 2, Section 53200, paragraph A).
- an employee who does not hold a position which is designated management.

The Senate reserves the right to interpret the definition of faculty when a specific position is not clearly defined in this section through an elected body to be named the Judiciary Committee (see Article VIII). It is the general intent and spirit of this constitution that any employee whose primary responsibilities are administrative shall not be part of the faculty.

Rely Primarily Upon

The governing board of a district shall adopt procedures for responding to recommendations (consultation) of the academic senate that incorporate the following (Title V, 53203, D, 1 and 2):

- 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.

- In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

References

AB 1725 (1988)

Education Code

- Section 70902 (b)(7) Governing Boards; Delegation: The governing board of each district shall establish procedures to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards;
- Section 87359 (b) Waiver of Minimum Qualifications; Equivalency: The agreed-upon process shall include reasonable procedures to ensure that the governing board relies mainly on the academic senate's advice and judgment. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board decides;
- Section 87360 (b) Hiring Criteria: Hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by the representatives of the governing board and the academic senate;
- Section 87458 (a) Administrative Retreat Rights: The agreed-upon process shall include reasonable procedures to ensure that the governing board relies mainly on the academic senate's advice and judgment. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination;
- Section 87610.1 (a) Tenure Evaluation Procedures: The faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures;

- 6. Section 87663 (f) Evaluation Procedures: The faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures; and
- Section 87743.2 Faculty Service Areas: The exclusive representative shall consult with the academic senate in developing its proposals with regards to faculty service areas.

Title V

Section 53200-53204 Senate

53203. Powers.

- (a) The governing board of a community college district shall adopt policies for the 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. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other regulations contained in this part.
- (b) In adopting the policies and procedures described in subsection (a), the governing board or its designees, shall consult collegially with representatives of the academic senate.
- (c) While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.
- (d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:
 - (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.
 - (2) In instances where the governing board elects to provide for mutual agreement with the academic senate, and agreement has not been

reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

- (e) An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board of the district pursuant to subsection (a) of this section.
- (f) The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters shall be made after consulting with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

53204. Scope of Regulations

- **(a)** Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Section 55002.1 Curriculum Standards, Courses and Programs

The Senate is responsible for all matters related to establishing, revising, and implementing Curriculum Standards and Criteria for Courses and Programs (Section 55002.1):

- The college and/or district curriculum committee recommending courses shall be established by mutual agreement of the college and/or district administration and the academic senate.

- The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise composed in a way that is mutually agreeable to the college and/or district administration and the academic senate.

Section 55729 Flex