

CONSTITUTION AND BYLAWS
of the
ACADEMIC SENATE OF MIRAMAR COLLEGE
1989

Amended in Sept 1999; Feb 2005; Apr 2016; and Apr 2017

CONSTITUTION

Article I. Name

The name of this organization shall be: San Diego Miramar College Academic Senate. For the purpose of this document, references to the "Senate" or to the "Academic Senate" shall mean the San Diego Miramar College Academic Senate.

Article II. Purpose

The purposes of the Senate shall include:

- A. To serve as the executive and legislative body of the Faculty of Miramar College
- B. To represent the Faculty to the Administration of the College and to the Board of Trustees regarding academic, instructional and professional matters that relate to the mission of the College and programs of instruction.
- C. To implement the meaning and intent of AB 1725, the California Community College Reform Bill of 1988, and related legislation.
- D. To foster academic quality and promote harmony among colleagues, students, staff and administration in all manners relevant to the Academic Senate and Miramar College.
- E. Where appropriate, to work with the Bargaining Agent(s) in the interest of the instructional programs and the Faculty of Miramar College.

Article III. Membership

Section 1.

All contract faculty are members of the Academic Senate. A contract faculty member is a full-time instructor assigned to Miramar College for at least 50% of their contract assignment. Any contract faculty member may attend and/or address the regular Academic Senate meeting. However, only Senators may vote on questions before the body. Robert's Rules of Order shall prevail.

Section 2.

All adjunct faculty are members of the Academic Senate. An adjunct faculty member is an hourly or part-time faculty employee with at least one class assigned at Miramar College. Any adjunct faculty member may attend and/or address the regular Academic Senate meeting. However, only Senators may vote on questions before the body. Robert's Rules of Order shall prevail.

Section 3.

The following advisors shall be selected as defined in the Bylaws:

- A. One student representative, in an advisory capacity, will be recognized by this Senate.
- B. One classified staff representative, in an advisory capacity, will be recognized by this Senate.
- C. One administrative representative, in an advisory capacity, will be recognized by this Senate.

Section 4.

Voting members of the Academic Senate are Senators.

- A. Departments shall elect one Senator for each 4 contract faculty members. (Example: a Department with 5 will have one Senator, 7 – still one, 8 – two Senators.) The election of the Senators representing the departments shall be as prescribed in the Bylaws. The term of office of these Senators will be for one year, starting in the fall semester of the school year and concluding the day before the beginning of the next fall semester.
- B. All members of the Executive Committee of this Senate, as defined below, are "Senators."
- C. The adjunct faculty of Miramar College shall elect six (6) of their peers as "Senators."

All Senators shall be elected or appointed as defined below or in the Bylaws.

Section 5.

When a regular Senator cannot attend a scheduled meeting of the Academic Senate, that Senator should forward a written proxy with a substitute. The written proxy shall be handed to the presiding officer or Academic Senate Senior Clerical Assistant before the meeting commences.

- A. The proxy will speak for the Senator and cast votes in the Senator's name.
- B. All proxies must be received before the meeting is called to order.
- C. No faculty member shall hold more than two proxies at any given meeting.

Section 6.

Any Senator that misses three regularly scheduled Senate meetings, without a proper substitute (proxy), shall be voided as a Senator. The election for that office shall take place as soon as reasonably possible, and that Senator cannot again become a Senator until the next academic year. A Senator who has been voided may petition to the Executive Committee for reinstatement. This petition must be submitted in writing within 7 working days of the official notification of being voided.

Article IV. Officers and Executive Committee Members

Section 1.

The officers of the San Diego Miramar College Academic Senate shall consist of:

- A. President,
- B. President-Elect or Past President.

The two above officers shall be contract faculty and shall be elected as prescribed in the Bylaws. (The one exception to this will be in the event that a Past President transitions to an adjunct faculty during or just prior to their term as Past President.)

Section 2.

The Academic Senate shall create an Executive Committee. This Committee shall consist of:

- A. The two current officers, (President and President-Elect or Past President),
- B. The Treasurer of the Senate, elected by the Academic Senate,
- C. The Secretary of the Senate, elected by the Academic Senate,
- D. Two Senators, either contract or adjunct, appointed by the Academic Senate President,
- E. Two Senators, either contract or adjunct, elected by the Academic Senate

Section 3.

The President of the Academic Senate shall also hire clerical support staff. The remuneration of the clerical support staff shall be consistent with the classified contract manual.

Section 4.

It is recommended that all Executive Committee members have served at least one full year term as an Academic Senate Senator.

Article V. Term Lengths

Section 1.

With the exception of the President, all officer and member terms shall be for one year, starting at the beginning of the Fall semester each academic year and ending the day before the beginning of the Fall semester of the subsequent academic year. The term of the President will be two (2) years. The term of Past President will coincide with the President's first year, and the term of President-Elect will coincide with the President's second year.

Section 2.

No person may hold the position of President for more than two consecutive terms, or four contiguous years. Any President wishing to extend their term by one year or one term may request an extension by demonstrating a legitimate condition of extenuating circumstances that justifies such extension to the Executive Committee of the Academic Senate. The Executive Committee shall retain sole authority to grant such option to extend. The extension must then be ratified by the Academic Senate as defined in the Bylaws. The President – Elect's term will be extended as appropriate to the duration of the President's term.

Section 3.

Although it is recommended that Miramar College Faculty rotate Senator and Executive Committee positions, there is no limit to the consecutive nature of any other Executive Committee member's or Senator's terms.

Article VI. Meetings

Section 1.

The Academic Senate shall meet at least once a month in every month of the academic year. The time, place and agenda shall be posted and published as defined by the Brown Act.

Section 2.

The Executive Committee of the Academic Senate shall meet during the last week of every month of the academic year, or as otherwise called by the Academic Senate President.

Article VII. Quorums

Section 1.

A quorum of the Senate shall consist of fifty percent (50%) plus one of the Senators or their proxied representatives. No meeting of the Academic Senate shall be official without a quorum.

Section 2.

A quorum of the Executive Committee shall be five (5) members, or a simple majority in the case of vacancies. Proxies are not utilized for Executive Committee member absences.

Section 3.

Should a quorum of the Academic Senate not be attainable, the Executive Committee shall continue to represent the Academic Senate until the next quorum of the Senate is attained.

Article VIII. Committees

Section 1.

A. The Academic Senate shall have the following committees:

- 1) The Executive Committee: This committee shall be the Executive Committee of the Academic Senate.
- 2) The Election Committee:
 - i. This committee shall conduct elections for appropriate Officers, Senators and the Executive Committee.
 - ii. This committee shall also be responsible for any recommendations to modify or suspend any Bylaws pertaining to elections.
 - iii. This committee shall be composed of at least three (3) faculty members with one (1) of these members to be elected Chair by the Academic Senate.
 - iv. The committee will make recommendations to resolve any conflicts related to the election of any Senator to the Academic Senate.
 - v. The Secretary of the Academic Senate will maintain a list of all Senators, a record of their attendance, and will establish the prerequisite quorum for Article VII.
- 3) Professional Standards and Ethics Committee: This committee will be responsible for regular review and update of the Professional Code of Ethics and for mediating disputes between faculty members. This committee shall be composed of at least five (5) faculty, elected by the Executive Committee, that appropriately represent the general educational areas of Miramar College. The Academic Senate President shall appoint a Chair from amongst the committee members.
- 4) Senate Forum Committee: This committee is a committee of the whole membership convened by the Academic Senate President to serve as an open FORUM for any staff, faculty or administrator of Miramar College or San Diego Community College District to advance cultural and community issues. If a quorum of Senators is present, official business of the Academic Senate can be conducted.
- 5) Amendments and Bylaws Committee: This committee will study and recommend all amendments to this Constitution and its Bylaws. This committee shall consist of the Executive Committee, excluding the President, and shall be chaired by the Past President or President-Elect. This committee may opt to utilize the President or a legal or administrative advisor as needed but retains sole authority for any recommendations to amend this Constitution and its Bylaws.

- 6) Miramar College and SDCCD Governance Committees: All committees and councils defined in the Miramar College Governance Handbook, or by SDCCD policy, that make recommendations or decisions in the eleven (11) areas of primacy, as defined by modifications to the California Education Code in AB 1725 of 1988, shall also be considered as Standing Committees of the Academic Senate.
 - 7) State and National Representative Bodies: The Academic Senate shall attempt participation in State and National representation wherever possible.
- B. Reporting of Committees: Those faculty members representing voting membership on any standing committee, council, or any decision-making/recommending body of Miramar College, of the San Diego Community College District, or any State or National body, shall represent the Academic Senate in all matters. They shall be responsible to carry forward the will of the Academic Senate in the business of all such committees/councils/bodies and to report all such committees/councils/bodies business to the Academic Senate.
- C. Academic Senate Committee Responsibility: The Academic Senate shall attempt professional liaison with all aforementioned entities, as well as with all administrative bodies and administrative members of Miramar College and the San Diego Community College District. In the event that professional liaison cannot be kept, or disagreement cannot be resolved, the Academic Senate retains the right to exercise any and all legal remedies to redress the conflict.

Article IX. Elections

The Election Committee shall conduct elections at the end of each Spring semester. The election of the President-Elect shall be at the end of the Spring semester of the President's first year in office. All elections shall be conducted as defined in the Bylaws.

Article X. Ratification and Amendments

This Constitution and Bylaws were ratified by at least fifty-one percent (51%) of the Contract Faculty of Miramar College. This Constitution and/or Bylaws may be amended at the recommendation of the Amendments and Bylaws Committee, with sixty percent (60%) of the Senators approving, or by a motion from the floor, with two thirds (2/3) of the Senators approving.

End of Constitution

BYLAWS
to the
CONSTITUTION of the ACADEMIC SENATE of MIRAMAR COLLEGE

Article I. Order Of Business

Each meeting of the Academic Senate and/or the Executive Committee shall consist of:

- Call to Order
- Approval of Minutes
- Treasurer's Report
- Guests
- Reports
 - President
 - President-Elect or Past President
 - Administration
 - Classified Senate
 - Associated Student Council
 - Bargaining Units
 - Committee Reports
- Announcements
- Old Business
- New Business
- Adjournment

Article II. Dues

Section 1.

Dues will be solicited from each faculty member, contract and adjunct, for each school year. The amount of dues will be decided by the Academic Senate each school year at the first meeting. The adjunct dues will be one-half (1/2) the contract faculty dues. No member of the faculty, contract or adjunct, will be denied access or membership of the Academic Senate due to the payment status of any dues.

Section 2.

The Treasurer of the Senate will be responsible for collecting and accounting for the payment of all dues and will report the Academic Senate's fiscal status and all financial activities at each Academic Senate meeting. Faculty may elect to pay dues by the automatic direct deposit systems available to all SDCCD employees. In such cases, the Treasurer will update Senate records when the appropriate statements are available.

Article III. Duties

Section 1.

President: It shall be the duty of the President of the Academic Senate to:

- A. Preside at all meetings of the Academic Senate and the Executive Committee.
- B. Be an ex-officio member of all committees of the Academic Senate.
- C. Serve as the Miramar College Academic Senate representative to all district, state, and/or national meetings, councils and/or committees, unless another is so designated.
- D. Be the official representative of the Academic Senate to the Board of Trustees for the San Diego Community College District, unless another is so designated.
- E. Represent the faculty and/or the Academic Senate of Miramar College at all community and/or public events applicable, unless another is so designated.
- F. Except as provided for in the Constitution, appoint all faculty members of all campus, Senate, and district committees.
- G. Perform other duties as specified by the Academic Senate.
- H. Establish additional duties of the members of the Executive Committee as appropriate.
- I. Serve as the Co-Chair of the Miramar College Executive Committee (CEC).

Section 2.

President-Elect: It shall be the duty of the President-Elect of the Academic Senate to:

- A. Serve as the President-Elect of the Academic Senate.
- B. Serve as the President in any capacity during the absence of the President.
- C. Serve as the Co-Representative of the Academic Senate to the District Governance Committee.
- D. Serve on the Executive Committee of the Academic Senate.
- E. Serve on the Miramar College Executive Committee (CEC).

Section 3.

Past President: It shall be the duty of the Past President of the Academic Senate to:

- A. Serve as the Past President of Academic Senate.
- B. Serve as the President in any capacity during the absence of the President.
- C. Serve as advisor to the President of the Academic Senate.
- D. Serve as the Co-Representative of the Academic Senate to the District Governance Committee.
- E. Serve on the Executive Committee of the Academic Senate.
- F. Serve on the Miramar College Executive Committee (CEC).

Section 4.

Treasurer: It shall be the duty of the Treasurer to:

- A. Collect, process, and account for all dues collected or income received as part of this Senate.
- B. Maintain public records on all finances of the Academic Senate.
- C. Represent the Academic Senate in matters involving finances of this body.
- D. Report to the Academic Senate and the Executive Committee as outlined in Article II of these Bylaws.
- E. Serve on the Executive Committee of the Academic Senate.

Section 5.

Secretary: It shall be the duty of the Secretary to:

- A. Keep minutes, files and records of the Academic Senate and Executive Committee during regular academic year.
- B. Publish minutes within one week of all meetings of the Academic Senate.
- C. Assist the Academic Senate in directing the activities of the paid clerical support person and in other duties as required.
- D. Serve on the Executive Committee of the Academic Senate.
- E. Keep records of all Senate Officers and Senators.

Section 6.

Parliamentarian: The President of Academic Senate shall act as the Parliamentarian unless another is appointed. General Robert's Rules of Order shall be followed.

Article IV. Elections

Section 1.

Elections:

- A. Each spring semester, the Election Committee will be formed as provided for in the Constitution, Article VIII.
- B. As provided for in Article IX of the Constitution, the Election Committee will conduct elections for the President-Elect, the Treasurer, and the Secretary of the Academic Senate for the following academic year.
- C. As provided for in Article IV, Section 2, E of the Constitution, the Election Committee will conduct elections for two Executive Committee Senators for the following academic year.
- D. As provided for in Article IV, Section 2, D of the Constitution, the President or President-Elect, if it's the President's last semester in office, will appoint two Executive Committee Senators for the following academic year.
- E. As provided for in Article III and Article IX of the Constitution, the Election Committee will direct all contract faculty departments and adjunct faculty to conduct Senator elections for the following academic year.

Section 2.

Election procedures:

- A. Nominations for the positions of the President-Elect, the Treasurer, and the Secretary will be made by the Election Committee to the Academic Senate.
- B. Nominations for these offices will also be accepted from the Academic Senate floor.
- C. The Academic Senate will vote for each office independently by secret ballot. The faculty member receiving the highest number of votes shall hold that seat until the term expires or when recalled.
- D. In the event of an uncontested seat, the Academic Senate President may opt to conduct the election for that seat by acclamation.
- E. The Election Committee will direct the adjunct faculty to conduct elections for six (6) Senators for the following academic year.
 - a. Nominations may be forwarded by any adjunct faculty following an information sheet sent by the Election Committee to the mailbox of each Adjunct Faculty at the beginning of the fall semester.
 - b. Prior to the second meeting of the Academic Senate, the Chair of the Election Committee will place all names of the nominated adjunct faculty members on one ballot into the mailboxes of the adjunct faculty.

- c. These ballots will be returned within two full weeks to the Election Committee.
- d. The six (6) adjunct faculty members receiving the highest number of votes shall be Senators for that academic year.

Section 3.

In the event of a vacancy of:

- A. The President - the Past President will finish that year as President and the Election Committee will conduct elections for a new President-Elect immediately. In the event the President-Elect has already been elected, they will immediately assume the position of President and will finish out their normal term as President and Past President.
- B. The Executive Committee - for those elected positions, the Election Committee will conduct elections immediately. For those appointed positions, the President will appoint new members. For the Past President, the Election Committee will conduct elections for the position of President-Elect immediately.
- C. Senators of the Academic Senate - the Secretary will direct the contract faculty departments, or adjunct faculty, to conduct elections to immediately fill the positions.
- D. The seat of any Senator on sabbatical is considered to be vacant and that seat will be filled as outlined in Part C above.

Section 4.

As provided for in Article V, Section 2 of the Constitution, after determining the legitimacy of the need for such extension, the Executive Committee shall direct the Election Committee to conduct an election to ratify an extension of the President's term.

Section 5.

The following Advisory Representatives shall be selected in the following manner:

- A. The Student representative shall be appointed by the President of the Miramar College Associated Student Council. The Secretary of the Academic Senate shall notify the Miramar College Associated Student Council of the need to fill this position at the beginning of each academic year.
- B. The Classified representative shall be appointed by the President of the Miramar College Classified Senate. The Secretary of the Academic Senate shall notify the Miramar College Classified Senate of the need to fill this position at the beginning of each academic year.
- C. The Administrative representative shall be appointed by the President of Miramar College. The Secretary of the Academic Senate shall notify the Miramar College President of the need to fill this position at the beginning of each academic year.

Article V. Recall

Any Officer or Senator may be recalled from the Miramar College Academic Senate. The procedure is as follows:

- A. A motion for recall of a specific officer or Senator must be made by members of the Academic Senate at a regular meeting of the Academic Senate. It must be seconded by a Senator of the Academic Senate at that same meeting.
- B. Discussion and clarification shall be encouraged.
- C. After an appropriate time has elapsed for such dialogue, the question will be called at that meeting. For the question to become an official question of the Academic Senate, fifty one percent (51%) of the total number of Senators must vote for the recall question to be considered.
- D. No sooner than thirty (30) days after the previous vote, the recall question will be considered at the next regularly scheduled Academic Senate meeting. In the case of the President, Past President, or President-Elect, the recall question will be called no sooner than the end of the current semester, if in their first year of office.
- E. If two thirds (2/3) of the total number of Senators of the Academic Senate vote for the recall, then the officer or Senator shall be recalled.
- F. Any officer or Senator who has been recalled may not be a Senator for a minimum period of two years following the academic year in which they are recalled.
- G. Subsequent vacancies shall be filled as provided for in Article IV, Section 3.

Article VI. Question of Resolution

Any matter involving the Academic Senate not covered in this Constitution and/or Bylaws, nor amendable by same, will be resolved by a fifty one percent (51%) majority vote of the Executive Committee, with a concurrence of a fifty one percent (51%) majority vote of the Academic Senate.

End of Bylaws