



**ACADEMIC SENATE OF PORTERVILLE COLLEGE CONSTITUTION AND BY-LAWS
Revised 2023 – Proposed Draft for Discussion**

Constitution

ARTICLE I – NAME

Section 1 The name of this organization shall be the Academic Senate of Porterville College, referred to herein as the “Senate.”

ARTICLE II – DEFINITION OF TERMS

Section 1 *Association* refers to all personnel designated under ARTICLE IV – membership – of this constitution.

Section 2 *Academic Senate* refers to the organization of faculty created under the provisions established in legislation to represent the Association on academic and professional matters.

Section 3 *College* refers to the organization of all elements, and any combination of such elements, that comprise the institution known as Porterville College.

Section 4 *Division* refers to any grouping of the college that is presided over by a Division Chair.

Section 5 *Representative* refers to a faculty member who has been selected to represent a Division, or has been appointed to represent adjunct faculty, on the Senate.

Section 6 *Officer* refers to a member of the Senate designated in ARTICLE VI – Executive Board - of this constitution.

Section 7 *Board of Trustees* refers to the Kern Community College District Board of Trustees.

Section 8 *ASCCC* refers to the Academic Senate for California Community Colleges and its official representatives.

Section 9 *College-wide committees* refer to those committees that involve faculty and other segments of the college such as administration, classified staff, and students.

Section 10 *Collective Bargaining Representative* is the exclusive representative of certificated employees of the

ARTICLE III – PURPOSE

Section 1 The purpose of the Senate is to represent the faculty of the college to the Board of Trustees and the College President to advise and make recommendations in the formation and implementation of policies on academic and professional matters, as defined by Title V, Article 2, Section 53200, in the California Code of Regulations:

"Academic senate," "faculty council," and "faculty senate" means an organization [...] whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters [...] reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

"Academic and Professional Matters" means the following policy development and implementation matters:

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.
8. Policies for faculty professional development.
9. Processes for program review.
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.

Section 2 As a part of the Academic Senate of the California Community Colleges, the Senate shall maintain active participation in the ASCCC.

ARTICLE IV – MEMBERSHIP

Section 1 All certificated personnel not designated as management or confidential employees and whose current assignment places them on the "Kern Community College District Basic Faculty Salary Schedule" are members of the Association.

ARTICLE V – REPRESENTATION

Section 1 Faculty Representation

- A. Each Division shall select one faculty member from within the division to serve as its voting representative, in accordance with Article IV of the By-laws.
- B. Adjunct faculty shall be represented by one voting member of the Senate, annually appointed by the Senate

President.

- C. The college chair or designee of the collective bargaining unit shall be a non-voting, advisory member of the Senate, and ineligible to serve concurrently as Senate President (see by-laws, Article VII, Section 1).
- D. Faculty chairs of Senate standing committees shall be non-voting, advisory members of the Senate, and shall report to the Senate at the direction of the Senate President.
- E. All faculty appointed as liaisons to the ASCCC shall be non-voting, advisory members of the Senate, and shall report to the Senate at the direction of the Senate President.
- F. Senate President-elect, and Past-President shall be non-voting, advisory members of the Senate, and shall serve in this capacity as elected representatives of the Association.
- G. The President shall serve as the Chair of the Senate as the elected representatives of the Association, and as a voting member in the case of a tie vote by the representatives.

Section 2 Nomination and Election of Representatives

- A. Nomination and election procedures are defined in Article IV of the by-laws.
- B. Vacancies occurring at irregular times shall be filled by a special election in accordance with policies and procedures defined in the by-laws.

Section 3 Terms of Office

- A. Division representatives shall serve for a term of two consecutive academic years, beginning at the final meeting of the spring semester.
- B. Individual terms that start at any point after the normal term cycle shall be considered to have commenced at the beginning of the cycle as with all other representatives in that term.
- C. Approximately one-half of the division representatives in the Senate shall be elected annually. Divisions will be notified by the Past President when a new representative is to be selected.
- D. If a representative needs to be replaced while on any authorized, extended leave from the college, the division shall select a replacement, subject to division policies and procedures.
- E. When any representative is incapable of performing the duties outlined below, a representative shall be selected using division policies and procedures to determine a successor.
- F. A vacancy shall be filled for no longer than the original term of office.

Section 4 Responsibilities of Representatives

- A. A representative shall represent their area in all meetings of the Senate for their term, except as noted below.
- B. If a division has no representation for three or more meetings of the Senate in any academic year, the Senate President may notify the division of its lack of representation and allow the division to act to ensure its representation.

- C. A representative may appoint a proxy from within their area to ensure representation at a Senate meeting, subject to approval by the Senate President. The use of proxies should be kept as limited as possible.

Section 5 Installation of Representatives

- A. At the end of the last Senate meeting of a given academic year, newly elected representatives and officers shall be installed, and shall conduct all business of the Senate in those roles from there on, until replaced with the installation of new representatives through the procedures outlined elsewhere in this document.

ARTICLE VI – EXECUTIVE BOARD

Section 1 The Executive Board is comprised of the officers of the Senate as described below.

- A. Officers of the Senate shall be the President, Vice-President, Secretary, Past President, and (if appropriate) the President-elect.
- B. The Vice-President and the Secretary shall be appointed by the President with Senate affirmation from within the current Senate membership.
- C. The Secretary shall be paid a stipend for the purpose of keeping minutes and other records, the amount of which shall be reconfirmed annually with the College President.
- D. The President-elect shall be nominated and elected by the Association.
- E. The outgoing President shall serve as the Past President, unless not available to serve; in such instances, a previously elected President may serve in the role by appointment of the current President, with Senate affirmation. If no previously elected President is available and willing, the office shall be kept vacant.
- F. Officers should attend all Senate and Executive Board meetings, or provide notification of absence.
- G. No fewer than three Senate officers shall constitute a quorum of a meeting of the Executive Board.

Section 2 The Senate President may appoint any Senate member to temporarily serve as a member of the Executive Board on an as-needed basis, within the limitations of the Brown Act.

Section 3 The Executive Board shall meet as needed to advise and support the President, prepare the meeting agendas, review meeting minutes and the budget, consider faculty appointments to committees, and recommend decisions on academic and professional matters to the full Senate.

Section 4 In an instance of urgency, the Executive Board may speak on behalf of the full Senate, but any decision or action made by the Executive Board shall be reported to the Senate, and is potentially subject to a vote by the full Senate at its next meeting.

Section 5 Nomination, Election, and Terms of Service of Officers

- A. Nomination and election procedures are defined in Article IV of the by-laws.
- B. The President-elect shall become a member of the Senate and the Executive Board, commencing with the first Senate meeting following a successfully completed Senate Presidential election, and remain in this role

until the end of the last meeting of the academic year.

- C. The Senate President shall serve a term of one year and may serve for no more than two consecutive terms. Serving any portion of a term shall be considered the same as serving a full term.
- D. At the conclusion of the Senate President's term of service, the President-elect shall become President and the President shall become the Past President.
- E. The Past President shall serve a term of one year and may serve for no more than two consecutive terms.
- F. The Vice-President and the Secretary shall serve terms of one year, subject to annual reappointment by the Senate President, with Senate affirmation.

Section 6 Responsibilities of the President

- A. The President shall represent the Association as a whole.
- B. The President shall preside over all meetings of the Senate, and shall vote in the case of a tie.
- C. The President shall ensure publication of meeting agendas for all regular and special Senate meetings, in accordance with current Brown Act requirements.
- D. The President or designee shall chair the Executive Board.
- E. The President shall appoint members to serve on campus and Senate committees as needed and shall make these appointments known to the Senate at Senate meetings.
- F. The President may serve as an ex-officio member of all committees that represent the Association with notification to the Senate.
- G. The President shall be the spokesperson for the Senate in all matters, but not at variance with Senate policy or existing positions.
- H. The President or designee shall represent the Senate to the Board of Trustees at all board meetings.
- I. The President shall act as the agent of the Senate in ongoing business.
- J. The President and President-elect shall represent the Senate to the Districtwide Consultation Council.
- K. The President shall be available as needed to address communications and matters of concern to the Senate and the Association.
- L. The President shall be responsible for maintaining records of all income and expenditures of the Senate, with the assistance of the Executive Board, and report on all Senate financial matters to the Senate.
- M. The President shall receive reassigned time, the commitment to which shall be reconfirmed annually with the College President.

Section 5 Responsibilities of the President-elect

- A. The President-elect shall prepare for the assumption of the full responsibilities of the President during their

term in this role.

- B. The President-elect shall serve as a non-voting, advisory member of the Senate and Senate Executive Board.
- C. The President-elect shall attend college and district meetings alongside the President, as directed by the President.
- D. The President-elect may serve as an ex-officio member of all committees that represent the Association.

Section 6 Responsibilities of the Past President

- A. The Past President shall act in a non-voting, advisory capacity to the President, Executive Board, and Senate, and fulfill all expectations of an Officer.
- B. The Past President shall serve as the official Parliamentarian of all Senate meetings.
- C. The Past President shall oversee the election of Division Chairs in accordance with the current contract.
- D. The Past President may serve as an ex-officio member of all committees that represent the Association.

Section 7 Responsibilities of the Vice-President

- A. The Vice-President shall act in an advisory capacity to the President, and fulfill all expectations of an Officer.
- B. The Vice-President shall assume the responsibilities of the President when the President is absent, unavailable, or authorized as such by the President.
- C. The Vice-President shall attend all meetings of the Executive Board, and fulfill all expectations of an Officer.
- D. The Vice-President shall succeed the Senate President and serve in that role until the timely installation of the President-Elect, should the Senate President not be able to fulfill their current term of office.

Section 8 Responsibilities of the Secretary

- A. The Secretary shall act in an advisory capacity to the President, and fulfill all expectations of an Officer.
- B. The Secretary shall maintain a record of minutes for each Senate meeting, and submit an official account of meeting minutes at the next possible meeting that is accepted by the Senate.
- C. The Secretary shall publish the agenda, minutes of the Senate meetings, and other appropriate documents, in accordance with current Brown Act requirements.
- D. The Secretary shall maintain a list of faculty, including current committee appointments, and emeritus faculty, that is accessible to the Association.
- E. The Secretary shall ensure that all public records of the Senate are current and accurate, and in accordance with current Brown Act requirements.

Section 9 Responsibilities of the Delegate voting representative of Senate to the ASCCC

- A. The Delegate to the ASCCC shall be the Senate President, or designee.
- B. The Delegate to the ASCCC shall attend all appropriate ASCCC meetings, and be the voting representative of the Senate.
- C. The Delegate to the ASCCC shall report the proceedings of all appropriate meetings to the Senate at the next appropriate meeting.

Section 10 Installation of New Members

- A. At the conclusion of all Business at the last Senate meeting of the academic year, the newly elected or appointed officers and representatives shall be installed and shall conduct all Business of the Senate in those roles from that point until the completion of their terms of service.

ARTICLE VII – REFERENDUM

Section 1 Upon presentation to the Senate of a referendum petition protesting an action of the Senate, and signed by twenty-five percent of the Association, the President shall suspend such action until a referendum election is held.

Section 2 Within three weeks, excluding recesses and holidays, of the suspension action, an election shall be conducted. If a majority of the Association members vote against the Senate action, with at least two-thirds of the membership voting in the election, then the Senate action shall be null and void.

ARTICLE IX – RECALL

Section 1 If a recall petition asking for the recall of the President, signed by twenty-five percent of the Association membership, is presented to the Senate in the context of a Senate meeting, a recall election shall be held.

Section 2 If a recall petition asking for the recall of any elected Representative, signed by twenty-five percent of the membership in the area of representation, is presented to the Senate in the context of a Senate meeting, a recall election among the members of the Division shall be held.

Section 3 All recall elections shall be held within three weeks of receipt of the recall petition, excluding recesses and holidays, and follow the procedures of elections indicated elsewhere in this document.

Section 4 The President shall be recalled if at least two-thirds of the Association cast a ballot and a majority of votes are in favor of recall.

Section 5 A representative shall be recalled if at least two-thirds of the Division cast a ballot and a majority of votes are in favor of recall.

Section 6 Divisions may substitute procedures as per Division policies, with a report to the Senate.

ARTICLE X – RATIFICATION

Section 1 This Constitution shall be ratified by a two-thirds affirmative vote of the ballots with at least two-

thirds of the Association voting.

Section 2 Ratification of this Constitution shall revoke any and all previous Constitutions of the Senate.

ARTICLE XI – AMENDMENTS

Section 1 Amendments to this Constitution may be proposed to the Senate by any member of the Association as an agenda item at a regular meeting. Upon a two-thirds affirmative vote of the Senate, the Senate shall submit the proposed amendment to the Association for a ratification vote.

Section 2 Amendments to this Constitution shall also be placed before the Association for a ratification vote if proposed amendments are submitted to the Senate as an agenda item at a regular meeting and endorsed with the signatures of twenty-five percent of the membership of the Association.

Section 3 Ratification of proposed Constitutional amendments a two-thirds affirmative vote of the ballots with at least two-thirds of the Association voting.

PORTERVILLE COLLEGE ACADEMIC SENATE BY-LAWS

ARTICLE I – ESTABLISHMENT OF QUORUM

Section 1 A quorum for meetings of the Senate shall consist of at least 51% of the voting Senate members.

- A. A Representative may delegate a proxy member for a meeting with prior confirmation by the Senate President.
 - a. The proxy must be a faculty member who would be eligible for election or appointment to the same position as the Senate Member for whom they are acting as proxy.
 - b. A proxy for a division representative shall be faculty from the same division.
 - c. A proxy for the adjunct faculty representative shall be an adjunct faculty member.
- B. A proxy representative designated as above shall be considered a voting member for the meeting in which they are designated as proxy and shall be considered as such in determining a quorum.
- C. No person may serve simultaneously as both a regular voting member and a proxy for another voting member; no member shall exercise two votes in the same meeting.

ARTICLE II – MEETINGS

Section 1 A calendar of regular Senate meetings shall be created and made public by the Senate at the start of each academic year.

Section 2 Additional meetings of the Senate may be called by the Senate President as needed, or by formal request of the Senate or Association for urgent matters with approval of the Executive Board and when feasible to organize to ensure a quorum of Senate voting members per Article I of the By-Laws, above, and in accordance with current Brown Act requirements.

Section 3 During the summer or other academic recess the Senate shall meet when deemed necessary by the

President in consultation with the Executive Board for reasons of urgency and where a vote of the Senate is required or other urgency, and in accordance with current Brown Act requirements. Only critical and immediate issues shall be discussed and voted upon.

ARTICLE III – NOMINATION AND ELECTION PROCEDURES

Section 1 Solicitation of Nominees for Senate President

- A. Nominees for Senate President shall be solicited by the Past President from the Association at least two weeks prior to the scheduled election.
- B. Nominations for Senate President may be made by any Association member.
- C. Nominees must confirm their willingness to serve to the Past President prior to the opening of the election.

Section 2 The Vice-President and the Secretary shall be selected by the Senate President from the Senate members, with affirmation by the Senate.

Section 3 Selection of Representatives

- A. Each Division shall select its own representative, following their division policies, and report their selections to the Senate.
- B. The adjunct representative shall be selected by the Senate President, with affirmation by the Senate.

Section 4 Senate President Election Procedures

- A. The announcement of the nominee(s) for Senate President shall be distributed by the Past President to all Association members.
- B. Nominees shall be provided with the opportunity to include a candidate statement with qualifications with the ballot information.
- C. Election ballots shall be distributed to all members of the Association by the Past President, who will list, alphabetically by last name, the name(s) of all nominee(s) for Senate President.
- D. All election ballots will provide for abstentions and write-in votes.
- E. Eligibility to Vote requires being a member of the Association.
- F. Every Association member shall have one vote.
- G. An Association member on a one- or two-semester sabbatical leave is entitled to vote based upon the normal area of assignment.
- H. All election ballots shall be submitted to the Past President by the date provided, or designee, for official tally by the Executive Board before the end of the fall semester, and in time for the results to be announced before or at the final Senate meeting of the fall semester. The winner shall be determined by the individual who receives a majority of the votes cast.

- I. If no nominee receives a majority of the votes cast, a run-off election shall be conducted between the two candidates receiving the most votes.
- J. In case of a tie vote, the election process shall be repeated until a single candidate receives a majority of the vote.
- K. The results of the election shall be announced at the next Senate meeting. The results will be included in the Senate minutes and be forwarded to the College President.
- L. The vote count and ballots will be available by request for a period of two weeks after each election and will then be destroyed or deleted unless a dispute has been initiated.
- M. If the President-elect is a current representative in the Senate, the affected division shall select a new representative immediately, and in time for installation at the next Senate meeting in which the President-elect takes office.

Section 5 The Senate, by a two-thirds majority vote, may substitute special procedures if circumstances not anticipated by Section 4 should occur.

ARTICLE V – COMMITTEES

Section 1 Committees of the Senate may be formed by the Senate as needed upon recommendation by the Senate President with notification to the entire Senate.

Section 2 The Senate President may select a faculty Chair for any college-wide committee as needed, in accordance with the authority granted Academic Senates in Title V, Article 2, of the California Code of Regulations.

Section 3 Committee Structure

- A. Standing Committees of the Senate are formed when the committee business is of an on-going nature. Examples of this type of committee are Curriculum, Equivalency, Distance Education, and Outcomes.
- B. The Chair of a Standing Committee of the Senate becomes an advisory, non-voting representative on the Senate in accordance with Article V, Section 1 of the Senate Constitution.
- C. Ad-hoc Committees or Task Forces of the Senate are formed for specific, limited, or short-term purposes where the task has a finite ending. The chair of an ad-hoc committee may be invited to attend Senate meetings to make reports as needed.
- D. When representatives are needed for any Senate or Campus-wide committee from each Division, each Division shall select its representative.
- E. When the committee is of a more limited scope and membership, the Senate President shall appoint faculty member(s) to serve on the committee.

ARTICLE VI – LIMITATION ON PUBLIC STATEMENTS

Section 1 The President shall be the official spokesperson for the Senate.

Section 2 The President shall not represent a Senate position on any public or professional issues unless one of the following conditions is met:

- A. The position of the Senate is already a matter of record.
- B. The President is given specific authorization by the Senate to express an opinion on a given public issue.
- C. The issue is submitted to the Association and, through an official ballot, the Association authorizes the President to issue an opinion on a given public issue.

ARTICLE VII – COLLECTIVE BARGAINING AGENT RELATIONSHIP

Section 1 The campus chair of the Collective Bargaining Representative shall be a non-voting, advisory member of the Senate unless they are also a Division Representative.

Section 2 The Senate shall cooperate with the Collective Bargaining Representative, within the scope allowed by the California Education Code, the Board of Governors, and any other legal statute.

Section 3 A report from the campus chair of the Collective Bargaining Representative shall be included on the agenda of each regular Senate meeting.

ARTICLE XIII – AMENDMENTS TO THE BY-LAWS

Section 1 Amendments to these by-laws may be proposed by any three Representatives, or by petition signed by twenty-five percent of the Association.

Section 2 Amendments to these by-laws shall be ratified by a two-thirds affirmative vote of the voting membership of the Senate.