



## **Academic Senate Constitution**

### **Constitution Preamble**

We, the faculty of the Napa Valley College District, in order to promote the best interests of higher education and the welfare of our profession; to ensure that the faculty assumes its legal role in the governance processes of our District; and to provide a forum for the faculty to discuss, debate, and formulate formal faculty opinions and resolutions both on academic and professional matters and on other issues of concern, hereby establish this constitution and subsequent Bylaws for the Napa Valley College Academic Senate.

The purpose of the Napa Valley College Academic Senate shall be to:

- Promote and maintain the role that faculty plays in the District's governance processes;
- Promote cooperation among all constituencies of the campus community in order to promote the general welfare of Napa Valley College and its students.
- Provide a forum for the faculty to discuss issues and to participate in a resolution process on all issues of concern and/or interest to the faculty that are outside the purview of collective bargaining;
- Promote the development and maintenance of excellence in teaching within a framework of academic freedom, professional responsibility, and ethics.

### **Article I: Name**

The name of this organization shall be the Napa Valley College Academic Senate.

### **Article II: Powers**

The purpose of the Academic Senate is to provide the faculty with its formal representative voice. Through the shared governance process, the Academic Senate develops, reviews, and recommends to the Board of Trustees and Superintendent/President policies and procedures on all academic and professional matters. Napa Valley College BP 2510 and AP 2510, Local Decision-Making and Governance, describes the role of the Academic Senate in the process of decision-making at the college, characterized by open communication and collaboration practices to promote a sense of community campus-wide. Recognizing the Academic Senate as the body representing faculty in governance processes, the Board of Trustees affirms the Academic Senate's primary role and shall consult collegially in writing on all academic and professional matters, as defined in Title 5 of the State Code of Regulations (§53200).

§Title 53200(d): "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

- (1) relying primarily upon the advice and judgment of the academic senate; or
- (2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

The Academic Senate retains the right to meet with or appear before the Board of Trustees with respect to the views, recommendations, or proposals of the Academic Senate. In addition, the

Academic Senate may present its views and recommendations to the Board of Trustees (title 5 § 53203(c)).

§Title 53203(c): While in the process of consulting collegially, the academic senate shall retain the right to meet with or to 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.

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 by the Academic Senate (title 5 § 53203(f)).

§Title 53203(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 consultation 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.

### **Article III: Functions and Responsibilities**

The Napa Valley College Academic Senate is the exclusive representative of faculty for academic and professional matters defined in the Education Code and in Title 5. The board Board of Trustees acknowledges the definition of academic and professional matters to mean the following, as defined in title 5 of the State Code of Regulations (§ 53200(c)):

- (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) College governance structures related to faculty roles
- (7) Faculty roles and involvement in accreditation processes, including Self-Study and annual reports
- (8) Establishing policies for faculty professional development activities
- (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

The Board of Trustees relies primarily on the advice and judgement of the Academic Senate in establishing policies and procedures for:

Curriculum, including establishing prerequisites and placing courses within disciplines

Degree and certificate requirements

Faculty Hiring Criteria (Education Code § 87360(b))

Equivalencies to Minimum Qualifications (§ 87359(b))

## Administrative Retreat Rights (§ 87458(a))

The board has adopted the following procedures for responding to recommendations of the academic senate:

1. In instances where the Board of Trustees has elected to rely primarily upon the advice and judgement 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 Board of Trustees shall communicate its reasons in writing.
2. In instances where the Board of Trustees has elected 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 exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the Board of Trustees may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons, in which case the Board of Trustees shall communicate its reasons in writing.

The Academic Senate makes recommendations to and agreements with the Board of Trustees with respect to academic and professional matters and advises the administration and Board on matters pertaining to the conduct and welfare of the college. Major Academic Senate functions include helping to ensure quality instruction, the professional development, rank, and collegiality among the Napa Valley College faculty, and effective student services. Academic Senate membership, voting rights, and procedures are defined by its constitution and by-laws.

### **Article IV: Affiliation**

The Napa Valley College Academic Senate shall be affiliated with the Academic Senate for California Community Colleges to establish a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

### **Article V: Membership and Voting Rights**

All certificated faculty, whether in instruction, counseling, or library services, full- or part-time, permanent or temporary, are members of the Academic Senate and are entitled to the rights granted by this document. All are encouraged to participate in the Senate.

#### **SECTION 1: FULL MEMBERSHIP**

Full Membership status is granted to all Contract (Tenure-Track) and Regular (Tenured) certificated faculty, with a full or partial workload, who are not designated as supervisory or management, and for which the minimum qualifications for hire are specified by the Board of Governors.

#### **SECTION 2: ASSOCIATE MEMBERSHIP**

Associate Membership status is granted to all Part-Time Hourly and Full-Time Temporary certificated faculty.

#### **SECTION 3: VOTING RIGHTS**

In all votes within the Senate, Full Members shall have one vote, and Associate Members shall have one-half vote. When an Associate Member is a confirmed representative of the Academic Senate to a Senate, Shared Governance, or District committee, s/he shall have a full vote in that committee.

## **Article VI: Governance**

### **SECTION 1: POLICY-MAKING BODY**

The policy-making body of the Napa Valley College Academic Senate shall be the general membership.

### **SECTION 2: MEETINGS**

The Academic Senate shall hold regular meetings as prescribed in the Bylaws. The Senate shall operate under the provisions of the Brown Act and the latest edition of Robert's Rules of Order.

### **SECTION 3: POWERS**

The Academic Senate shall have all the powers granted by the Education Code, Title 5, AB1725, the district Board of Trustees, and the NVC Academic Senate Bylaws.

### **SECTION 4: OFFICERS**

The officers of the Napa Valley College Academic Senate shall be President, First Vice President, Second Vice President, Secretary, and Treasurer.

## **Article VII: Bylaws**

There shall be Bylaws to this Constitution which specify how the Constitution is to be implemented.

## **Article VIII: Adoption**

This Constitution and its Bylaws shall become effective upon approval by two-thirds of the votes cast by a quorum of the Full Members of the Academic Senate.

## **Article IX: Amendments**

### **SECTION 1: CONSTITUTIONAL & BYLAW AMENDMENT PROPOSAL**

Proposal of constitutional amendments is by a majority vote of the Executive Committee or by petition signed by at least ten Full Members of the Academic Senate.

The proposal shall be placed on the agenda as a first reading, be discussed, and voted on as a first reading. Only if the first reading is approved by two-thirds vote cast by a quorum, shall it go forward for a second reading to be scheduled for the next regular Senate meeting.

At the second meeting, the proposal shall become effective upon the approval by two-thirds vote cast by a quorum of the Full Members of the Academic Senate.