

COLLEGE COUNCIL

By-Laws

INTRODUCTION

It shall be the policy of the college community to establish procedures to ensure Merritt College students, faculty and staff (Permanent and Hourly) and administration have the right to participate effectively in college governance. By establishing the Merritt College Council, the College provides a forum through which students, faculty, administrators and staff make policy recommendations to the College President. The sole purpose of these By-Laws is to implement the concept of shared governance enacted by AB1725. These By-Laws shall not be construed in any manner to alter the fundamental relationship between the Board and employees, students or other groups. The Board of Trustees retains all powers implied or granted by law. The members of the Board of Trustees, as elected officials, recognize their accountability to the electorate with the District and their responsibility under law to make policy decisions affecting the District. Status of Council: The Merritt College Council (hereinafter referred to as “College Council” or Merritt College Council”) shall only have the powers and duties set forth in these By-Laws or applicable law and regulations.

Review of By-Laws: After these By-Laws have been in effect for one year, the College President, Administration, Academic Senate, Classified Senate and Associated Student Council shall review the By-Laws and consult collegially, at which time the By-Laws may be amended in accordance with the Amendment Provision herein.

PURPOSE

The purpose of the College Council will be to receive and review college policy recommendations from any and all college groups, obtain constituent opinions, advise the President as to policy recommendations, provide a venue for college-wide initiatives and provide a means of communication within the college community. The College Council is the forum in which all proposed broad-based College policy and procedural changes are discussed collegially before they are acted on or implemented by the College President. The College Council is further charged with the responsibility of developing a shared governance model through consultation with the Academic Senate, Peralta Federation of Teachers, Classified Senate, Local 790, Local 39, Administration and Associated Students. However, if a policy recommendation concerns District policy rather than College policy, it shall be referred through the proper District groups to the Chancellor and the Board.

MEMBERSHIP

The membership of the College Council will include 20 representatives from the following four Merritt College constituent groups (i.e., faculty, classified staff, administration and students): four (4) faculty representatives (the Academic Senate President, one appointed by the Academic Senate, one appointed by the PFT and one selected jointly by the Academic Senate and the PFT), five (5) Classified Senate representatives (the Classified Senate President and four selected by the Classified Senate, including at least

one from Local 790 and one from Local 39), three (3) administrative representatives (Vice President of Instruction, Vice President of Student Services and one Instructional Dean selected by the College President), three (3) Associated Student Council representatives (one of whom must be the ASMC President), the Chairperson of the Curriculum and Instructional Council (who is a faculty member), the Chairperson of Department Chairs (who is a faculty member), the faculty Co-Chairperson of the College Budget Committee, the faculty Co-Chair of the Technology Committee and the faculty Co-Chairperson of the Facilities Committee. The College President and the Business and Administrative Services Manager shall serve as ex-officio, non-voting members of the College Council. The representatives to the College Council will be selected through their constituency group senates {i.e., Academic Senate for faculty, ASMC for students and Classified Senate for classified staff}, except as noted above under “administrative representatives”. A constituency group may replace its representatives at any time during the year; however the replacement must be appointed to serve out the remainder of the annual term.

MEETINGS

1. Conduct of Meetings: The Merritt College Council shall elect a Chairperson and a Vice Chairperson from among the College Council membership. The term of office shall be one year, but officers can be re-elected for a like term. The College Council will use Robert’s Rules of Order to govern proceedings and the conduct of meetings. A quorum must be present to hold a meeting. A quorum is defined as eleven (11) voting members, which must include representatives from at least three of the four constituency groups. The preferred method of decision-making is consensus. When actions require a vote, all decisions of the College Council will require a majority of those present and voting, and the number of affirmative votes must be no fewer than seven (7). Proxy votes will not be accepted.
2. Type of Meetings: All meetings of the Merritt College Council shall be open to the public. There shall be no executive sessions.
3. Scheduling of Meetings: Meetings of the College Council will be scheduled on a monthly basis. Emergency meetings may be called by the College President, College Council Chairperson or by a written Emergency Meeting Request signed by seven (7) College Council members. Agenda packets (including the Minutes from the prior College Council Meeting) for the College Council will be distributed (by hardcopy and email) by the President’s Office at least two days in advance of regularly, scheduled meetings to all College Council members, as well as copies to the presidents of the Academic Senate, Associated Students, Classified Senate, classified employees bargaining units, faculty bargaining unit, and all managers. A copy will be posted on the President’s Bulletin Board beside the Switchboard and posted electronically to ensure accessibility to the Merritt community at large.

SUBMISSION OF AGENDA ITEMS

1. Form of Submission: College Council agenda items shall be submitted in writing to the Office of the President at least one week prior to the preparation of the agenda. Items may be submitted by College Council members or any individual or group within the Merritt College campus community. The Agenda Review Committee will consist of the College Council Chairperson, College President,

Academic Senate President, ASMC President and the Classified Senate President. A consensus model will be used to determine which items are placed on the agenda.

2. Review of Submission: The Agenda Review Committee will review all agenda items and determine if they are within the scope of the College Council, or if an item should be referred to a constituent group for further work before being submitted to the College Council. If the item is not to be included on the College Council agenda, or referred for further work, the College Council Chairperson will return the request to the originator with the reason for not including the item. The decision may be appealed by the originator to the College Council. In accordance with Robert's Rules of Order, the College Council may modify the agenda at the opening of a meeting.

ACTION ITEMS

Items brought to the College Council for consideration may be presented by the originator (not necessarily a College Council member). After review of any substantiating materials and discussion, the College Council will take action in one of the following ways:

1. To concur by consensus or majority vote with an item and recommend it to the College President.
2. To modify a recommendation and forward the item to the College President by consensus or majority opinion. Written minority opinions may be submitted at the same time.
3. To refer an item to a constituent group or committee for further work or consideration. In this case the College Council does not forward the item to the President and remains mute on the item.
4. To use other parliamentary motions in Robert's Rules of Order such as to table or postpone an item.

Items recommended for forwarding to the College President shall be brought to the College Council in written form. Decisions reached by the College Council are by consensus or majority opinion. Members who wish may write a minority report.

The President shall accept, reject or make alternative recommendations to those of the College Council, or make recommendations to the College Council in the absence of any recommendation from the College Council. Within twenty (20) working days of receipt of written recommendations from the College Council, the College President shall communicate with the Council his/her decision in writing. If the President's decision is affirmative, the recommendation becomes College policy. If the President does not support the recommendation, the President shall provide a written justification to the College Council within the twenty (20) working day time limit. Those items not accepted by the College President will be on the next College Council agenda for the College Council's consideration of the President's written justification or alternate proposal. The Council may consider making a new recommendation to the College President. In all instances, the College President retains the right and duty to make final decisions on items after Council consideration.

RIGHTS AND RESPONSIBILITIES

These By-Laws recognize the special relationships mandated by Title V, AB1725 and the Ed Code between the Board of Trustees, and the faculty, or staff or students. These By-Laws do not detract from the rights and responsibilities of unions or the Academic or Classified Senate to address the President or the Board of Trustees directly on items within their scope, nor are these procedures meant to detract from any negotiations or negotiated agreement between collective bargaining units and the Board of Trustees.

1. In matters concerning “Academic-Professional Matters” (Title V, 53200), the Administration will rely primarily on the advice and judgment of the Academic Senate. (See Board Policy 2.23, attached.)
2. PFT Union and Academic Senate recommendations on District policy as mentioned under “Purpose” are not within the scope of the College Council, nor are recommendations of the Curriculum and Instructional Council which go directly to the Vice President of Instruction, the Academic Senate and to CIPD (Council on Instruction, Planning and Development). College budget recommendations are reviewed and developed by the College Budget Advisory Committee that reports directly to the College President. Deliberations and action items from the College Budget Committee, the Curriculum and Instructional Council, and the Council of Department Chairs will be reported to the College Council as informational items ONLY.
3. However, other items concerning broad-based College policy shall be presented to the College Council to ensure that all constituencies have had an opportunity to participate in the formulation and development of those matters through the process of shared governance.

MINUTES

The President’s secretary will serve as secretary to the College Council. S/he will take accurate minutes of the Council meetings and will publish them. The secretary will also maintain an accurate file of Council minutes including a record of college policies developed by the College Council and the President. Minutes will be posted on the Merritt website, in MERRITT TODAY and on major College bulletin boards in Buildings D, P, Q and R.

AMENDMENTS

Amendments to the By-Laws may be proposed by any member of the College Council. In order to be adopted, proposed amendments must (1) receive a 2/3 affirmative vote (14 members) of the College Council, (2) be reviewed by all four constituent groups of the College and (3) be approved by at least three of the four constituent groups (represented respectively by the Academic Senate for faculty, the ASMC for students, the Classified Senate for classified staff and the Administrative Staff Council for administrators).

Adopted unanimously by the College Council 10/29/03

Corrected 11/24/03

NOTE: Two corrections were made subsequent to approval of the By-Laws: The name of the budget committee was changed from “Budget Advisory Committee” to “College Budget Committee”; a mathematical error was corrected in the Amendment section - “2/3 affirmative vote (12 members)” was changed to “2/3 affirmative vote (14 members)”.