

4. The governing board shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:
 - a. When the board elects to rely primarily upon the advice and judgment of the academic senate, the recommendation of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted.
 - b. When the board elects to provide for mutual agreement with the academic senate, and an agreement has not been reached, existing policy shall remain in effect unless such policy exposes the district to legal liability or fiscal hardship. In cases where there is no existing policy, or when legal liability or fiscal hardship requires existing policy to be changed, the board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.
 5. An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board.
 6. The appointment of faculty members to serve on college committees shall be made, after consultation with the chief executive officer or designee, by the academic senate.
- D. Title 5— Curriculum Standards and Criteria for Courses and Classes (Section 55002.1):
1. The college and/or district curriculum committee recommending courses shall be established by the mutual agreement of the college and/or district administration and the academic senate.
 2. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.
- E. Board of Trustees
1. The Academic Senate will assume such responsibilities and perform such functions as may be delegated by the governing board through collegial consultation in accordance with the provisions of Title 5, Section 53200-53204, and Board Policy 2305:
 - a) Board Policy 2305 translates the Title 5 10 + 1 areas of responsibility and authority into 7 + 5 areas.
 - b) The Board of Trustees agrees to rely primarily upon the policy and procedural recommendations of the Cuesta College Academic Senate for the following matters:
 - 1) Curriculum, including prerequisites
 - 2) Degree and certificate requirements
 - 3) Grading policies
 - 4) Standards regarding student preparation and success
 - 5) College governance structures, as related to faculty roles
 - 6) Faculty roles and involvement in accreditation process

CONSTITUTION OF THE ACADEMIC SENATE OF CUESTA COLLEGE

ARTICLE I. NAME

The name of the organization shall be “The Academic Senate of Cuesta College” but may be referenced as “The Cuesta College Academic Senate.”

ARTICLE II. PURPOSE AND AUTHORITY

Section 1. Purpose

The purpose of the organization shall be to represent the faculty and make recommendations with respect to the academic and professional interests of the faculty in the governance of Cuesta College.

Section 2. Authority

The authority of the Academic Senate to ensure participatory governance at Cuesta College and to formulate and recommend policies on academic and professional matters derives from Education Code and its interpretations in Title 5, Board Policy, and the collective bargaining agreement:

- A. Education Code: Consistent with California Education Code, the Academic Senate has responsibility and authority in the following areas:
 - 1. 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;
 - 2. Section 87359 (b) Waiver of Minimum Qualifications; Equivalency: The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate. 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;
 - 3. 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;
 - 4. Section 87458 (a) Administrative Retreat Rights: The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate. 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;

5. 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
7. 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.

B. Title 5—Definitions (Section 53200):

The areas of responsibility and authority derived from Education Code are specified within Title 5, Section 53200, as the “10 + 1” and include 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 processes
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development
11. Other academic professional matters as mutually agreed upon between the governing board and the Cuesta College Academic Senate.

Consult collegially means that the district governing board shall develop policies on academic and professional matters through either or both of the following:

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

C. Title 5—Powers (Section 53203)

1. The governing board shall adopt policies for the appropriate delegation of authority and responsibility to its college academic senate.
2. In adopting the policies described in section (a), the governing board or designees, shall consult collegially with the academic senate.
3. While consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to its views and recommendations. In addition, after consultation with the administration, the academic senate may present its recommendations to the governing board.

4. The governing board shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:
 - a. When the board elects to rely primarily upon the advice and judgment of the academic senate, the recommendation of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted.
 - b. When the board elects to provide for mutual agreement with the academic senate, and an agreement has not been reached, existing policy shall remain in effect unless such policy exposes the district to legal liability or fiscal hardship. In cases where there is no existing policy, or when legal liability or fiscal hardship requires existing policy to be changed, the board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.
 5. An academic senate may assume such responsibilities and perform such functions as may be delegated to it by the governing board.
 6. The appointment of faculty members to serve on college committees shall be made, after consultation with the chief executive officer or designee, by the academic senate.
- D. Title 5— Curriculum Standards and Criteria for Courses and Classes (Section 55002.1):
1. The college and/or district curriculum committee recommending courses shall be established by the mutual agreement of the college and/or district administration and the academic senate.
 2. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.
- E. Board of Trustees
1. The Academic Senate will assume such responsibilities and perform such functions as may be delegated by the governing board through collegial consultation in accordance with the provisions of Title 5, Section 53200-53204, and Board Policy 2305:
 - a) Board Policy 2305 translates the Title 5 10 + 1 areas of responsibility and authority into 7 + 5 areas.
 - b) The Board of Trustees agrees to rely primarily upon the policy and procedural recommendations of the Cuesta College Academic Senate for the following matters:
 - 1) Curriculum, including prerequisites
 - 2) Degree and certificate requirements
 - 3) Grading policies
 - 4) Standards regarding student preparation and success
 - 5) College governance structures, as related to faculty roles
 - 6) Faculty roles and involvement in accreditation process

- 7) Policies for faculty professional development activities
 - c) In addition to the matters above, the Board or its designee and the representatives of the Cuesta College Academic Senate shall have the obligation to reach mutual agreement by written resolution, regulation or policy on the following academic and professional matters:
 - 1) Educational program development
 - 2) Processes for program review
 - 3) Processes for institutional planning and budget development
 - 4) Policies regarding student preparation and success
 - 5) Other academic and professional matters as agreed upon
 - d) If a Senate recommendation in these areas is not accepted by the Board of Trustees, the Board of Trustees or the Superintendent/President as the Board's designee shall promptly communicate the reasons in writing to the Academic Senate upon request
2. The appointment of faculty members to serve on college committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the Superintendent/President or designee, by the Academic Senate.
- F. Collective Bargaining Agreement: The Academic Senate will assume such responsibilities and perform such functions as may be referenced as Academic Senate responsibilities in the collective bargaining agreement.
- G. American Association of University Professors (AAUP): The Academic Senate will be responsible for ensuring that Academic freedom, professional ethics, and collegial discourse are maintained as referenced in the American Association of University Professor's 1940 Statement of Principles on Academic Freedom and Tenure.

ARTICLE III. MEMBERSHIP

Section 1. Requirements

- A) All Cuesta College faculty are members of the Academic Senate.
- B) All Cuesta College faculty members are eligible to serve on the Academic Senate Council.

Section 2. Definition of Faculty

- A. Faculty refers to all academic employees, regular and adjunct, whose primary responsibility requires regular and direct contact with students for the purpose of educating or providing educational support for students.
- B. Faculty includes, and is limited to, both teaching and service faculty, the latter of which includes librarians, counselors, health service professionals, disabled student programs and services professionals, academic skills programs and

services professionals, and extended opportunity programs and student services professionals.

- C. Faculty who receive reassigned time to serve in a non-permanent position (such as division chairs, Academic Senate Officers, CCFT Officers, coordinators), retain their faculty status.
- D. Employees whose primary responsibility is supervisory, management, administrative or clerical are not faculty .

ARTICLE IV. ACADEMIC SENATE COUNCIL AND OFFICERS

Section 1. Officers

- A. The officers of the Academic Senate shall consist of the following:
 - 1. President
 - 2. Vice-President
 - 3. Curriculum Chair
 - 4. Delegate appointee to the Statewide Academic Senate (if different than above)
- B. Each officer shall be eligible for reassigned time from the district.

Section 2. Academic Senate Council.

- A. The Academic Senate Council shall be the legislative body of the Faculty and shall authorize all official actions of the Faculty that are not otherwise designated as under the purview of the Cuesta College Federation of Teachers (CCFT) or the exclusive bargaining unit of the faculty.
- B. The Academic Senate Council shall consist of the President, Vice-President, one representative from each division the chair of the Curriculum Committee, and three at-large members:
 - 1. One at-large member shall have at least part of his/her assignment at the North County Campus, elected in even-numbered years.
 - 2. One at-large member shall be an adjunct faculty member, elected in odd-numbered years.
 - 3. One at-large member shall be unspecified, elected in even- numbered years.
- C. The President, or designee, of the Cuesta College Federation of Teachers (CCFT) is an ex-officio member of the Academic Senate Council who does not participate in consensus decision-making or voting.
- D. The President may declare a vacancy in the Academic Senate Council with the approval of the Academic Senate Council, when a member has been absent for three consecutive meetings.

- E. Vacancies in the membership, officer positions or appointed positions of the Academic Senate Council may be filled by appointment by the Academic Senate Council or by general election conducted by the Academic Senate Council from among eligible members to serve the duration of the unfulfilled term.

ARTICLE V. DUES AND MEETINGS

Section 1. Dues

- A. Voluntary dues fees for the faculty may be proposed by an officer of the Senate and established by consensus of the Academic Senate Council each fall semester.
- B. The purpose of dues is to sustain the work of the Academic Senate, which may not be covered by the college budget, and to support faculty scholarship funds, graduation honor cords, printing costs, conference travel costs, and other expenditures as established by consensus of the Academic Senate Council.
- C. Faculty may voluntarily authorize dues to be paid through Cuesta College payroll deduction.

Section 2. Meetings

- A. Meeting shall take place regularly on a bi-monthly basis during an academic term.
- B. The agenda for any regular or special meeting of the Academic Senate Council shall be available to the entire Academic Senate membership at least three working days prior to the meeting.
- C. Participation in Consensus or voting at any meeting of the Academic Senate Council shall be limited to elected or division-appointed members only.
- D. Meetings of the Academic Senate faculty shall be held as needed.
 - 1. Meetings may be called at the initiative of the Senate President.
 - 2. Upon petition by one-eighth of the faculty, the President shall call a meeting of the Faculty.
 - 3. Upon consensus or 2/3 vote of the Academic Senate Council, the President shall call a meeting of the Faculty.

Section 3. Parliamentary Procedure

The Academic Senate Council shall use the modified consensus decision-making procedure specified in Appendix A of the By-laws.

ARTICLE VI. ELECTIONS, INITIATIVES, REFERENDA, AND RECALLS

Section 1. Requirement

- A. Elections for officers shall be held on a regular two-year cycle as specified in the By-laws.

- B. A petition signed by one-eighth of the faculty shall be necessary and sufficient to establish an initiative, referendum, or recall of an officer.

Section 2. Voting

- A. Voting on elections, initiatives, referenda, or recalls shall be conducted by secret ballot.
- B. The Academic Senate Council shall set voting procedures and mechanics consistent with this Constitution and By-laws.

ARTICLE VII. AMENDMENTS AND BY-LAWS

Section 1. Amendment Proposal and Procedure

- A. Amendments to this Constitution may be proposed by the Academic Senate Council or by petition of one-eighth of the members of the Academic Senate Faculty.
- B. Proposed amendments shall be submitted in writing to the Faculty at least ten working days prior to voting.
- C. An amendment shall be considered ratified if it receives at least a two-thirds majority vote of the faculty who cast ballots.
- D. Voting on amendments shall be conducted by secret ballot.
- E. The Academic Senate shall develop By-laws for this Constitution.
- F. The By-laws of the Academic Senate may be amended by the Academic Senate Council by consensus or through parliamentary procedure as defined in Article V, Section 3.