

Hampshire College Constitution

Preamble

Hampshire College is committed to responsible participation in governance by members of all constituencies of the College: faculty, students, staff, and administration.

Deliberation shall be informed by respect for all members of the community, and with tolerance of divergent viewpoints; the goals of all governance bodies of Hampshire College shall be the furtherance of the educational mission of the College and the welfare of the individual and the institution.

Article I: Scope of Authority

Section 1: Authority of the Trustees, the President, and Governing Bodies

No body or individual authorized by this Constitution shall act contrary to the Bylaws of the Trustees of Hampshire College, or the Articles of Incorporation, or the laws of the Commonwealth of Massachusetts, or of the United States of America.

In the process of governance, the Trustees of Hampshire College and their delegated representatives hold the final authority. However, the Trustees, in delegating authority, seek to develop a collaborative form of governance that encourages all members of the community to participate and that represents part of the College's education process about civic and community responsibilities. The structures outlined below provide opportunities for all members of the community to give voice to their concerns and ideas about how to promote the well-being of the College and thus to be part of that collaborative process. In addition some individuals will serve on Governing Bodies and policy committees that give them a direct voice in determining policy. The Trustees, acting as a body or through their authority delegated to the President, retain the power to review any action of any Governing Body.

The President of the College represents the interests of the Trustees.

It shall be the responsibility of the President and his or her designees to execute all policies adopted by the Trustees directly or by authority delegated hereunder. In the execution of his or her responsibilities, the President shall be assisted by all persons employed by Hampshire College, and he or she may delegate some portion of these responsibilities to such a person, Governing Body or an advisory body. All persons and all officers acting on behalf of the College shall act under the President's supervision, subject to the policies protecting academic freedom. All acts by a governing body shall be subject to review by the President of the College or such other person or persons employed by the College, or such Governing Bodies or advisory bodies, as the President may, in his or her discretion, designate.

Section 2: Rules

The following are Governing Bodies: the Faculty, the Faculty Meeting, the Executive Committee, the School Meeting, the Educational Policy Committee of the Faculty, the Community Council, the Judicial Council, the Community Review Board.

Each Governing Body shall establish its own rules of procedure. Any standing rules of procedure shall require the approval of the President of the College. Each Governing Body shall publish to the College community its standing rules of procedure.

The time, place, and manner of all meetings of Governing Bodies shall be published to the College community at least three working days prior to the meeting.

An individual may hold elected office on only one of the following at any time: Community Council and Judicial Council.

Whenever a person elected from a specific constituency to a governance office is no longer a member of that constituency, he or she shall relinquish all privileges and responsibilities of the office and a replacement shall be found from the appropriate constituency as soon as possible thereafter.

The term "administration," as used herein, means all officers of the

College and all Deans, and others enumerated by the President. The term "staff," as used herein, means all employees of the College other than Faculty and administration.

Any proposed amendment to this Constitution that has been ratified by Community Council and the Faculty Meeting will be forwarded to the Board of Trustees for approval. Ratification requires passage by a simple majority of the full voting membership of each such Governing Body.

Each Governing Body shall produce action minutes. These minutes shall be deposited in the college archives.

Section 3: Advisory Bodies

The All-Community Meeting shall be an Advisory Body. The President or a Governing Body may, from time to time, create such advisory bodies as they deem necessary. For example, the Staff Advisory Council is responsible for examining, representing and promoting issues which concern the staff of the College to the administration. It advises the office of human resources on personnel policy. The President shall act in good faith to ensure timely communication with the Staff Advisory Council on issues of concern to the staff.

Article II: Faculty

Section 1: Jurisdiction

The Faculty shall be responsible for those matters delegated to it by Article VIII of the Bylaws of the Trustees of Hampshire College. The Faculty is responsible for the formulation of policy in areas pertaining to the educational program of the College. These include: determination and approval of the curriculum, academic calendar, degree requirements; and determination of academic standards including the obligations of faculty, students, and the College. The Faculty shall also ensure the well-being and good governance of the College.

Section 2: Membership

The membership of the Faculty is defined in Article VIII of the By-laws of the Trustees of Hampshire College

Section 3: Dean of the Faculty

The Dean of Faculty is the chief academic officer of the College and administers the academic policies voted by the Faculty. The Dean of Faculty also represents the academic interests in all administrative and educational bodies.

Section 4: Faculty Meeting

The Faculty shall form a body to be called the Faculty Meeting for the conduct of the business delegated to the Faculty by Article VIII of the Bylaws of the Trustees of Hampshire College. Members of the Faculty Meeting shall be determined by the Faculty. The Faculty Meeting shall be convened by the President of the College and chaired by an elected member of the Faculty.

The Faculty Meeting shall meet to vote the nominations for degrees, faculty appointments, reappointments, and promotions; to hear reports of actions taken by the Executive Committee of the Faculty, Educational Policy Committee, and Community Council; or for any other business it deems appropriate.

Section 5: Executive Committee of the Faculty

The Executive Committee of the Faculty shall set the agenda for the Faculty Meeting. The membership and organization of the Executive Committee of the Faculty shall be set by the Faculty Meeting.

The Executive Committee of the Faculty shall receive and consider all requests from members of the College community for agenda items. It shall report to the Faculty Meeting on such matters as it deems appropriate.

In the event that the Faculty Meeting wishes to discuss any matter not presented to it by the Executive Committee of the Faculty, it may

do so by a simple majority vote of the Faculty Meeting members present at any meeting.

Section 6: School Meeting

Each School of Hampshire College shall form a body to be known as the School Meeting. The School Meeting shall be responsible for curriculum development and for instruction and assessment of the educational program of its School. Also, the School Meeting shall be responsible for consideration of appointment, reappointment and promotion of faculty members as specified by the Faculty Meeting and described in the Faculty Handbook.

The Membership of each School Meeting shall consist of those then holding faculty appointment within that School, any staff who are invited to join, and elected student members, to be elected by the then standing members of each School Meeting. The number of students allowed to become members of each School shall not be less than one-third of the number then holding faculty appointment within that School, excluding those then on leave.

Section 7: School Deans

Each School Meeting of Hampshire College shall elect a faculty member of the School to serve as School Dean. The term of office for each School Dean shall be set by the school meeting. The School Dean shall be responsible for administration of his or her School and the management of its budget. Also, the School Dean shall be responsible for representing the interests of his or her School within the administration.

Article III: Educational Policy Committee

Section 1: Jurisdiction

The Educational Policy Committee shall be responsible for such matters relating to the educational policy of the College as may be delegated to it by the Faculty Meeting. Such responsibilities may include, but are not limited to, the determination and approval of the curriculum; academic calendar, degree-requirements, and academic

standards. It shall encourage and promote innovative programs and educational experiments.

Section 2: Membership

The Educational Policy Committee shall consist of one regular full-time faculty member and one student from each School, one student at-large, two staff members, one School Dean, the Dean of Advising, and the Dean of Faculty ex officio. All members of the Educational Policy Committee shall have been affiliated with the College for at least one full semester. Each member shall be elected for a two year term.

Section 3: Conduct of Business

The Educational Policy Committee shall meet on a schedule sufficient to conduct its regular affairs during the academic year.

The Educational Policy Committee shall report to the Faculty Meeting.

Article IV: Community Council

Section 1: Jurisdiction

The Community Council shall be responsible for matters relating to the quality of life of members of the College community as well as the well-being of the College community. Such responsibilities shall include, but are not limited to, the determination of standards of student conduct; determination of student social, housing, and related health and safety policies; and regulation and funding of student organizations.

If the President deems that compelling circumstances so require, he or she may act directly on a matter within the jurisdiction of the Community Council. Such action by the President shall be effective only until the close of the next meeting of the Trustees of the College unless ratified by the Trustees or by the Community Council.

Section 2: Membership

The Community Council shall consist of one student from each House, elected by the residents of each House; one off-campus student, elected by the off-campus students; six at-large student representatives, elected by currently enrolled students; faculty members, being at least one from each school, selected by the Faculty Meeting or as it may delegate; two staff members, elected by the staff; one member of the administration, elected by the administration; two House professional staff members, elected by the House professional staff; and the Dean of Students Affairs or designee as an ex-officio, non-voting Member.

Each member shall be elected for a two year term.

Section 3: Dean of Student Affairs

The Dean of Student Affairs, and his or her designees, are the agents of the President, and represent students' interests in administrative bodies. The Dean of Student Affairs, and his or her designee, shall administer policy as set by the Community Council, subject to the review of the president. The Dean of Student Affairs may also apply modified policy as he or she deems appropriate and shall report on such actions taken as he or she deems appropriate or as requested by the Community Council.

Article V: Judicial Council

Section 1: Jurisdiction

The Judicial Council shall provide a forum to hear and decide matters of interpretation or grievance. Such matters may arise due to conflicting interpretations of policies, rules, or jurisdiction. Such matters may also arise due to perceived infractions of the Constitution of Hampshire College or any other rule, by-law, or standard for conduct.

The Judicial Council shall hear formal complaints against members of the administration, staff, and faculty alleging violation of the Norms of Community Living, as described in Article VIII, Section 3,

and shall have authority to decide the facts of such matters and, where a violation has been determined, to recommend to the President of the College an appropriate sanction. The recommendation shall include, as necessary, any mitigating extenuating, and/or aggravating circumstances discovered in the course of the Council's investigation. The President may accept or revise any recommendation of the Council or may seek additional advice from the Council or other bodies or individuals before making a final decision.

Any Governing Body may apply to the Judicial Council for a determination that its duly adopted acts and policies are not being carried out by the President as provided in this Constitution.

Any determination by the Judicial Council as to a matter of fact or of interpretation of this Constitution or of policies, rules, or jurisdiction, and the action of the President thereon, may be appealed to the Board of Trustees. It shall be in the sole discretion of the Board of Trustees whether to hear such appeal and by what procedure an appeal shall be heard.

Section 2: Membership

The Judicial Council shall consist of four students elected at large; four faculty members, at least one from each school, selected by the Faculty Meeting or as it may delegate; four staff members, elected by the staff; and one member of the administration, elected by the administration.

Each member shall serve for one year.

Article VI: Community Review Board

Section 1: Jurisdiction

The Community Review Board shall provide a fair and equitable forum to hear and decide formal complaints against students alleging violation of the Norms for Community Living, as described in Article VIII, Section 3, or any other rule, by-law, or standard for conduct.

The Board shall hear formal complaints against students alleging violation of the Norms of Community Living or any other rule, by-law or standard of conduct, and shall have the authority to decide the facts of such matters and, where a violation has been determined, to recommend to the Dean of Student Affairs an appropriate sanction. The recommendation shall include, as necessary, any mitigating, extenuating, and/or aggravating circumstances discovered in the course of the Board's investigation.

Any sanction by the Community Review Board may be appealed to the President and any matter of process may be appealed to the Judicial Council.

Section 2: Membership

The Community Review Board shall consist of three students, two faculty and one staff member. The Office of the Dean of Student Affairs shall randomly select three students and two student alternates who are in good disciplinary standing. The Office of the Dean of Student Affairs shall also select the two faculty members and the one staff member to serve on the board.

Each member of the board shall serve for one year.

Article VII: All-Community Meeting

The entire College community may be convened for special sessions upon the request of the President, Faculty Meeting, Educational Policy Committee, Community Council, or upon submission of a petition seeking such a meeting signed by at least fifty members of the College community. A petition must state specific issues to be considered by the All-Community Meeting as well as the proposed date and time for the meeting.

The agenda for any such meeting, shall be defined by the body or petition calling it.

Notice for such meetings shall be delivered to the Executive Committee of the Faculty, Educational Policy Council, Community Council, and the Judicial Council and shall be posted widely on-

campus no fewer than five business days prior to the convening of the meeting.

Article VIII: Norms for Community Living.

Section 1: Charge

Members of the Hampshire College community share a common concern for the individual person and his or her personal development. Each member of the College community has certain rights that afford personal protection and ensure that the College's commitment to learning and the advancement of knowledge through free inquiry will not be infringed. No member of this community shall violate the rights of any other member, as represented by the norms described herein.

Section 2: Membership

All persons affiliated with the College are considered members of the Hampshire community. The families of any of these members are members while they are on the Hampshire campus. All invited guests are considered members while they are on the Hampshire campus and are therefore expected to abide by College policies and rules.

Section 3: Rights

Right of Assembly. All members of the College community have a right peaceably to assemble and to petition for the redress of their grievances.

Right of Freedom of Communication of Ideas. All members of the College community have the right freely to express their ideas provided that the method of expression does not violate any other rights affirmed by this Constitution or any rule of conduct established hereunder. Any member of the College has the right to publish and distribute without interference. However, while such members may not be subject to prior restraint they shall be held accountable for any erroneous, malicious, slanderous or libelous statements that violate any other right affirmed by this document.

Right of Integrity. Every member of the College community is entitled to the Right of Integrity. The Right of Integrity is composed of three parts:

Academic Integrity: Every member of the College community has the exclusive right to his or her own academic work. To use or convert another's work as one's own for academic credit, public approbation, or monetary gain violates this right.

Business Integrity: Every member of the College community has the right to expect that any business conducted with any other member is free from malice and fraud.

Personal Integrity: Every member of the College community has the right to reasonable physical and personal privacy and the right not to have personal matters exposed to public view maliciously or in the absence of a proper business purpose. Every member of the College community has the right not to be the subject of slander or libel and not to have his or her character impugned.

Right of Personal Security. Every member of the Hampshire community has the right to be secure from physical abuse or threat of physical abuse and from malicious infliction of mental anguish by any person.

Article IX: Legal Remedies

Nothing in this Constitution shall create any legal claims or causes of action. The exclusive recourse for violation of any provision of this Constitution, including the Norms for Community Living, shall be to the College judicial system. However, this Constitution shall likewise not preclude legal claims or causes of action which would exist in the absence of this Constitution.

Adopted by the Trustees of Hampshire College on February 27, 1998.