

College Constitution [After Amendment of Spring 1975 and
incorporating prior document and
past amendments] ‡

Preamble

We, the members of the Bennington College community, jointly seek
to promote the exercise of individual responsibility
to moderate conflict between the organs of government
to provide forums for the discussion of affairs affecting
all members of the community
to clarify the locus of legislative authority
to insure continuity in the governance of the community.

Under the laws of the State of Vermont and under the charter of the
Bennington College Corporation, we therefore establish this constitution.

Article I. House Government & Student Representatives

- §1. The members of each house shall elect a House Chairperson
and an Assistant House Chairperson, or two Co-Chairpersons at the end
of each semester, to serve for a period of one semester. No
first term freshman or transfer student shall be eligible to
serve as a Chairperson.
- §2. It shall be the responsibility of the House Chairperson, or Co-
Chairpersons, to execute the regulations and conduct the business
of the house, employing those measures that may be necessary and
proper to fulfill the responsibilities put forth in this Constitution.
Chairpersons or Co-Chairpersons of college-owned houses shall serve
on Student Council. Each of these houses shall have one vote on
Student Council, whether they have one Chairperson or two. The
Chairperson shall enforce legislation that has been passed by the
house meeting, by the Student Government, or by the Community.
When enforcement proves impossible, the Chairperson shall report
offenses to the Student Council. Chairpersons shall be exempt
from the financial obligations of the house, except as members thereof.
- §3. Each house shall hold frequent meetings of all its members in order:
(a) To legislate on house business, such as quiet hours, and pets
in the house**;
(b) To deliberate and vote on matters of college policy whenever
requested by Student Council, or members of the house;
(c) To orient new students each term. ~~Officer of the House~~
Questions referred to house meetings for discussion by a proper
authority shall be discussed within two weeks.
- §4. Representatives for students living off campus shall be chosen
in a manner to be determined by Student Council, providing that
an effort is made to insure equal representation on Student Council
with the other houses.

‡ This assumes 'constitutionality' of the most recent amendment.

** See Administrative/Student Services Office document which bans
pets on campus. Also see Student Council minutes of 1974 and
Spring 1975 for the basis of Administrative action.

- §5. Off-campus representatives shall be elected in the first two weeks of each term. These representatives shall serve until elections are held in the following term. They shall be responsible for seeing that proper deliberation and voting takes place in the constituency they represent, and shall serve on Student Council.

Article II. Student Government & Electorate

- §1. Individual participation being essential to effective self-government,
- (a) Every student member of the community shall have the right of suffrage on every matter that is presented for a vote, and 15% of those eligible voters present at any election or balloting shall have the right to demand that voting take place by secret ballot if not already required [by the Constitution];
 - (b) All members of the student community shall have the right to nominate candidates for elective office, provided that they observe the provisions of the Constitution in offering such nominations;
 - (c) Every member of the student community shall have the right to petition the Student Council in any matter of college policy; and if students numbering 15% of the electorate shall petition the Student Council in support of specific legislation, the Student Council must refer the matter (with or without recommendation) to a vote in the house meetings;
 - (d) Members of the student community shall have the right to recall officials elected or appointed by students. A recall election shall be held when 15% of the appropriate constituency has petitioned for it, and an official shall be removed from office whenever a majority of those voting in a recall election or one-third of the eligible voters (whichever is larger) shall have voted for their recall;
 - (e) 15% of the student electorate may petition for a student or Community Meeting;
 - (f) Any election or balloting where less than 25% of the student electorate cast their vote shall be declared invalid.
- §2. The President of Student Council will be elected by the Student body at large. The President shall preside over Student Council, and Student and Community Meetings provided for in this Constitution, shall be responsible for preparing the agenda for Student Council, and shall be responsible for seeing that motions passed by Student Council are carried into effect. Only students who have served at

- §2. (continued) least one term on Student Council shall be eligible for the office of President. The President shall not concurrently hold the position of Student Council Representative. The Vice-President shall be elected by the student body at large from the current members of Student Council, and shall hold both positions concurrently. In the absence of the President, the Vice-President shall assume the duties of the President, until such time as the President returns, or new elections can be held. The President and Vice-President shall be elected at the beginning of each term and shall serve for one semester, until elections are held the following term. Student Council shall elect a Treasurer and a Secretary, and the Student Educational Policies Committee shall appoint a Secretary. The Treasurer and the Secretaries shall be paid from Student Council funds.
- §3. There shall be a Student Council, composed of Chairpersons of the houses, plus the off-campus representatives. It shall be the responsibility of Student Council:
- (a) To inquire into and deliberate upon matters of Student or College policy arising within the Council or presented to it for consideration by other agencies;
 - (b) To provide for expenditure of Recreation and Special Events funds;
 - (c) To establish housing regulations, run room drawings, and hear appeals on housing decisions;
 - (d) To conduct election and referendums and publicize the results;
 - (e) To plan the orientation of new students, in concurrence with the Director of Admissions;
 - (f) To conduct such other business of the Student Electorate as it deems necessary and proper.
- §4. In addition, the authority of Student Council shall extend to all infractions of rules by students, and to Constitutional matters solely concerning students or Student Government. It shall insure that provisions of this Constitution are observed by the Student Body, its officers and Representatives. It shall have the power to employ such penalties as it deems appropriate, up to and including the power to suspend or expel students.
- §5. Every student shall have the right to appeal to the President of the College to reduce a penalty imposed by Student Council. Sentences of suspension or expulsion must be appealed to the President of the College.
- §6. Student Council shall hold meetings at least once every two weeks. All meetings will be open. Student Council may refer matters of special importance, or where general student opinion is desired, with or without recommendation, to the Student body. It may call for discussion of such matters in House Meetings or at a Student or Community Meeting.
- Student Council shall execute the regulations and conduct the business

- §7. (continued) and shall also consult with faculty members of their divisions whenever the expression of student opinion is sought. The divisional representatives shall also study and discuss the class representatives' reports, bringing any general suggestions that emerge to the attention of the faculty, then sending these reports on to the President. The divisional representatives shall meet as a committee of the whole to discuss questions of educational policy being considered by the Faculty and/or Trustee Educational Policies Committees when its opinions as representative of the student body is sought.**
- §8. The Non Resident Term Committee: There shall be a Non Resident term Committee composed of one representative of each of the sophomore, junior, and senior classes, three members of the teaching faculty, the Director of the Non Resident Term Office, and the Dean of Studies, ex officio. One freshman shall be elected by vote of the student body every year at the end of the spring term and shall be a candidate for reelection each following year until she or he graduates, but all other candidates may be nominated by the student body at its discretion and according to the nomination procedures applying to student members [of the Community]. At the same time one faculty member shall be elected in a preferential secret ballot of the faculty to serve for a term of three years.† The Committee as a whole shall elect a faculty Chairperson at the first meeting in the fall term. This first meeting shall be called by the Director of the Non Resident Term Office and shall be held during the first month of the fall term. The Committee shall stand in the same relationship to the Non Resident Term Office as the faculty and student Educational Policies Committees do to the Dean of Studies. The Committee will serve the Director of the Non Resident Term Office in the capacity of a consultative body. The student, faculty, and administrative members of the Committee shall serve as liasons to their respective constituencies, and a representative must be present from each constituency for the Committee to transact business.

Article IV. The Administration

- §1. For the purposes of this constitution, the members of the administration shall be designated by the President of the college.
- §2. The administration exercises the authority necessary to carry out its policies adopted by constitutional authority where their execution is not otherwise provided for.
- §3. The President has the authority to recommend to the Trustees the appointment and reappointment of members of the faculty and administration, observing such recommendations as they may be adopted by the faculty affecting the nature of the advice that is to be employed in reviewing appointments

** read "Trustee Community Life Committee"

† Portions of this section are operationally outmoded. Consult current faculty and student handbooks for procedure.

- §4. The President has authority to recommend to the Trustees changes in the policies of the college on his or her own initiative or upon formal recommendation of the faculty or the community.
- §5. Nothing in this constitution shall abridge the authority of the President to act in all matters in which he or she is legally responsible for, or accountable to the Trustees for, the conduct of the college. Nevertheless, in cases in which the President finds it necessary to contravene legislation adopted by the community or one of its constituencies, he or she shall report the action both to the appropriate body of the community government and to the Trustees, and shall transmit to the Trustees any memoranda prepared for their consideration by the community or one of its constituencies.

V. Community Government

- §1. The Bennington College Community consists of the student body, the faculty, and the members of the administration and staff.
- §2. The Bennington College Community will normally meet in separate constituencies to deliberate upon matters of college policy, but nothing in this constitution shall be held to preclude a general meeting of the whole community on matters of general concern. The Community shall meet as a single group upon the call of the President, the Faculty Educational Policies Committee, or the Student Council; upon petition of 15% of the community to the Student Council, or when two constituencies have adopted divergent policies. In all cases, Community Meetings shall be presided over by the President of the Student Council or the President's delegated representative.
- §3. Amendment of Article III. may be proposed by any standing committee of the faculty, by a majority vote of the members of an academic division (by vote of one of the seven academic divisions) or by petition of one-fourth of the voting members of the faculty. An amendment shall be adopted when approved by a majority of those voting in a faculty meeting.
- §4. All voting on matters of community concern shall take place in the separate constituencies, as provided for in this constitution.
- §5. In all cases in which the interpretation of the constitution is in dispute, and in all cases where two or more competent constituencies disagree upon a policy affecting both or in which one constituency asserts a claim to competence that is disputed by another, the difference of opinion shall be referred to a Constitutional Council, to be composed of three members of the administration other than the President, three members of the teaching faculty, and three students chosen by preferential ballot of the student body from candidates nominated by a student.
No member of the administration or faculty shall be eligible for

§5. (continued) the Constitutional Council until he or she has been a member of the faculty for two years. No student shall be eligible for the Constitutional Council until he or she has served at least one term on Student Council or the Student Educational Policies Committee.

The Constitutional Council shall be a standing committee, presided over by one of its members. Its members shall be elected for one and one-half years, one member from each constituency being chosen each term. A majority vote of the Council shall be binding on all parties to a dispute, provided that no decision of this Council may abridge Article IV., §5 of this constitution. The Council shall publish its decisions when made, assigning reasons therefor, and shall publish both majority and minority opinions when it fails to reach a unanimous decision.

Article VI. Amendment

- §1. Amendment of Articles V and VI may be proposed by one quarter of the student body, the Student Council, the faculty meeting, or the members of the administration, and shall be adopted when approved by a majority of those students voting and a majority of student houses, a majority of the faculty, and a majority of the administration.
- §2. No amendment of this constitution may be voted upon until after a period of two weeks following the formal proposal of the amendment and its circulation to all members of the college community by the Secretary of the college.

Article VII. Ratification

- §1. This constitution shall be adopted when it has been approved by a majority of the students and a majority of the faculty voting in a referendum to be conducted by the present executive committee, provided that the total number of voters in each constituency is greater than 50% of the eligible voters.
- §2. When this constitution has been adopted, officers of the present community government shall conduct necessary elections and make such other arrangements as may be necessary to insure an orderly transfer of authority, provided that members of standing committees established under the present community government whose terms have not expired shall be entitled to continue in office for no longer than one semester. For the first student election under this constitution eligibility requirements shall be determined by the present executive committee on the basis of past experience.
- §3. Rules and regulations of the present community government shall remain in effect until changed by properly established constitutional authority.

Judicial Committee Resolution

At the behest of the President of Student Council, or at the request of the Housing Committee, a Judiciary Committee will be chosen by Student Council in the following manner.

1) following a request for the formation of the committee, the next meeting of Student Council will have selection of members for a judiciary committee as the first item of business on the agenda.

a) Nominations will be made by members of Student Council and can be for any member of the Student Body judged not directly involved in the case to be decided. Where disputes arise as to the selection of particular individuals, each case will be discussed and voted upon by Student Council, a simple majority necessary for exclusion. However, exclusion for any other reason than the one mentioned above, i.e. conflict of interest, may be overruled by the President of Student Council and the individual seated on the committee.

b) The only stipulation in selecting members is as follows:

Five (5) individuals will be selected with the provision that ~~at least one member be drawn from Student Council~~

~~and~~ at least one member be drawn from Student Council.

*this was deleted
from the motion
JB*

c) The President of Student Council will attend meeting ex-officio and will not have a vote at the proceedings. A Chairperson for the Committee will be selected from voting members by the entire committee as the first order of business. The Chairperson will thereafter preside at meetings, as well as carry out all necessary confidential correspondences. The Chairperson will be responsible for promulgating Committee decisions, which shall be arrived at through a majority vote. Dissenting opinions, if any, by members of the committee will be heard by the Student Council at the same time that the majority decision is presented.

Student Council, in relinquishing its judicial powers to this essentially 'executive' committee will have no power to alter or overrule committee decisions. However, in accordance with the Constitution, Article II, section 5, the following channels of appeal are open.

1) All sentences or punitive findings may be appealed to the President of Pennington College. A decision to suspend or expel a student is automatically subject to review by the President of Pennington College.

2) In addition, a member of the Judicial Committee or a member of Student Council, designated or not, upon hearing the evidence may prepare a brief explaining points of contention with the majority opinion and submit such a brief to the President of the College.

Each Committee when formed may draw up its own rules of procedure, provided they follow normal rules of evidence and observe current laws of due process. Any serious breach in ethical or professional conduct on the part of the Committee will constitute valid grounds for reversing its verdict on appeal.

Furthermore, in line with traditional legal proceedings, a student brought before the committee is entitled to choice of counsel to represent his or her defense. Although Judiciary Committee cases will be based on adversary proceedings, that is, with a plaintiff and a defendant, the committee shall be responsible for determining the facts of the case and will therefore have the power to call individuals before the committee to testify about the case in question.

It will be the duty of the committee to resolve disputes as quickly and amicably to both parties as is possible. The function of the committee is therefore to minimize disputes and not to act in a vindictive fashion. Never shall the Judiciary Committee have the power to pursue cases on its own initiative. After the resolution of each case or set of cases, the current Judiciary Committee will disband. Selection of a new committee will be in accordance with procedures described above. A voting member of the Judiciary may not serve two consecutive terms.

David Smallman, Student Council