

BENNINGTON COLLEGE COMMUNITY

CONSTITUTION

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.

ORGANS OF GOVERNMENT

I. The Community Council

The Community Council shall coordinate the action of the constituent groups of the Community as well as initiate and process appropriate legislation.

The Community Council shall be composed of the Community Chairman; the Community Secretary; the student chairmen of Student Educational Policies Committee, Judicial Committee, House Committee, Recreational Policies Committee and the Non-Resident Term Committee; one member of the Faculty, and one member of the Administration.

The Community Council shall meet on alternate weeks, presided over by the Community Chairmen.

The Community Council shall be expanded by five Faculty and Administration members to review and adjudicate conflicts created by the actions of the regular, nine-member Community Council, the Faculty Meeting or the Student Meeting.

The expanded Community Council shall be presided over by the President. In the event of tie, he shall cast the deciding vote.

II. The Faculty Meeting

The Faculty Meeting shall be composed of both teaching members of the Faculty and members of the Administration who have been accorded Faculty status.

The Faculty meeting shall be presided over by the President. It shall meet when appropriate.

III. The Student Meeting

The Student Meeting shall be composed of all student members of the Community.

The Student Meeting shall meet when appropriate, presided over by the Community Chairman.

IV. The Community Meeting

The Community Meeting shall be composed of all members of both the Faculty and Student Meetings.

It shall be called by the Community Council, and presided over by the Community Chairman.

LEGISLATIVE PROCEDURE

All legislative power shall be vested in the Faculty Meeting and the Student Meeting. Each shall be empowered to legislate both on matters exclusively under its jurisdiction and on matters over which it shares coordinate jurisdiction with the other Meeting.

I. Initiation of Legislation

Legislation may be initiated in any of the following ways:

- A. By recommendation of a majority of the Community Council.
- B. By recommendation of a majority of any of the constituent committees of the Community.
 - 1. Such recommendation shall be referred to the Community Council.
 - 2. The referring committee shall stipulate whether or not the recommendation is mandatory. Mandatory recommendations shall be referred by the Council to the appropriate legislative body or bodies with a statement of its opinion.
- C. By recommendation of the Administration.
 - 1. Such recommendation shall be referred to the Community Council through its administration member.
 - 2. The Administration member shall stipulate whether or not the recommendation is mandatory.
- D. By petition of one-tenth of the membership of the Student Meeting.
 - 1. Such petition shall be submitted to the Community Council.
 - 2. It shall stipulate whether or not the recommendation it embodies is mandatory.

E. By motion of either of the Meetings.

II. Determination of Jurisdiction

- A. When proposals are referred by either Meeting to the Community Council the Council shall initially determine jurisdiction and refer the proposal to the appropriate Meeting or Meetings. The Council shall notify both Meetings of its jurisdictional rulings.
- B. When proposals are initiated within the respective Meetings, the initial responsibility for determining jurisdiction shall rest with the Meetings themselves.
 - 1. If the Meeting resolves that the matter proposed for its consideration rests exclusively within its own jurisdiction, the Meeting shall act upon the matter at its discretion, reporting its action to the Community Council.
 - 2. If the Meeting resolves that the matter rests in an area over which jurisdiction is shared with the other Meeting, it may take no action, act affirmatively on the proposal and report its action to the Community Council for referral to the other Meeting, or refer the proposal to the Community Council for study and recommendation to both Meetings.
 - 3. If the Meeting resolves that the matter rests exclusively within the jurisdiction of the other Meeting, it may take no action or report the proposal to the Community Council for referral to the other Meeting. This referral may be mandatory.

III. Challenge of Jurisdiction

The jurisdictional decisions of the Community Council or of either Meeting may be challenged by an absolute majority of the members of either Meeting.

- A. A Meeting may vote that its proper jurisdiction has been denied, either by the Council or by the other Meeting. In such case the challenging Meeting may take action in any of the following ways:
 - 1. Assert its own jurisdiction in principle, but accept the measure adopted by the other Meeting. In such case its vote becomes a matter of record, to be taken into consideration by the Council and by the other Meeting in the future, in regard to similar cases.
 - 2. Assert its own jurisdiction but explicitly refuse to act on the matter at issue, thereby indicating its judgement that action on the matter at issue is inadvisable at that time.
 - 3. Assert its own exclusive or coordinate jurisdiction and pass its own legislation on the matter at issue.

B. The Jurisdictional ruling of the regular Community Council may be challenged by either Meeting when:

1. A Meeting votes to reject the Community Council's allocation of jurisdiction to it, in which case its action will be limited to an expression of its disagreement with the Council's judgement.
2. One challenges the jurisdictional claims of the other, as noted in Article III, Section A, paragraphs 2 and 3.

IV. The Determination of Jurisdictional and Substantive Conflicts

Jurisdictional conflicts or conflicts between measures adopted by the two Meetings on matters under their coordinate jurisdiction shall be determined by:

- A. The convention of a special Community Meeting, at which all members of both Meetings may be present and express their views on the matter at issue, at which attendance shall be obligatory for all members of the expanded Community Council.
- B. The action of the expanded Community Council upon the case in question, after the special Community Meeting, whereupon it shall refer the matter at issue to the appropriate Meeting or Meetings.
 1. Should the expanded Council determine that the matter falls under the jurisdiction of both Meetings, the matter will be referred to both for action.
 2. In the event that their respective actions on the matter differ, the matter will again be brought before the expanded Community Council for decision.
- C. In cases of disputed jurisdiction, the expanded Community Council may:
 1. Determine that jurisdiction belongs to one Meeting alone, in which case the Council may either approve that Meeting's action or refer the matter to the Meeting's reconsideration.
 2. Determine that jurisdiction belongs to both Meetings. In such case, the expanded Council may decide in favor of the measure of one Meeting or the other, or it may propose a third alternative, in which case its proposal shall be referred to each of the two Meetings for acceptance.
- D. In the event that conflict cannot be resolved in any of these specified ways, the expanded community Council shall make a final decision.

AMENDMENT OF THE CONSTITUTION

I. Initiation of Amendments

Amendments to the Constitution may be initiated in any of the following ways:

- A. By recommendation of a majority of the Community Council.
- B. By recommendation of a majority of either the Student Meeting or the Faculty Meeting. Such recommendation shall be referred to the Community Council.
- C. By Recommendation of a majority of any of the constituent committees of the Community. Such recommendation shall be referred to the Community Council.
- D. By recommendation of the Administration. Such recommendation shall be referred to the Community Council through its Administration member.

II. Passage of Proposed Amendments

To affect a change in the Constitution, the Community Council shall adhere to the following procedures:

- A. The Community Council shall call a special Community Meeting for discussion of the proposed amendment. The Council shall then refer the matter to both the Faculty and Student Meetings.
- B. Passage shall require two-thirds vote of the entire membership of the Faculty Meeting and two-thirds vote of the entire membership of the Student Meeting.