

University of North Dakota
DRAFT University Constitution
Draft current as of November 10, 2015

Preamble

Institutions of higher education are vital and dynamic forces in society that exist to serve the public good. Their fundamental responsibilities are the discovery, application, transmission, and preservation of knowledge through teaching, research, creative activities, and service. Public universities bear a distinctive responsibility to the commonwealth that created and support them, as well to the larger society to which they contribute.

The governance of an institution of higher education must, by spirit, design, and structure, inform, empower, and enable a community of faculty scholars, administrators, staff, and students to carry out their individual and collective responsibilities with maximum efficiency, effectiveness, and integrity to advance the institution's mission.

The governance and operation of the University of North Dakota (the University) are the common responsibilities of the North Dakota State Board of Higher Education (the Board), the Chancellor of the North Dakota University System (the System), the University President, the President's designated administrative officers, and the University's faculty, staff, and students.

In light of these considerations, be it understood that:

Whereas the University of North Dakota's mission is to "serve the state, the country, and the world community through teaching, research, creative activities, and service"; and

Whereas the heart of the University's mission is the academic and educational enterprise, for which the University's faculty have primary authority and responsibility; and

Whereas the execution of the University's mission requires a community of interest, mutual respect, and joint effort among the governing board, administration, faculty, staff, and students; and

Whereas the attainment of the University's mission compels the creation and establishment of a governance structure that is stable, adaptive, responsive, and collaborative;

Therefore, the University of North Dakota does hereby enact a Constitution with the approval of the Board, University President, and the University's constituent membership of faculty, staff, and students, this day, the ____ of 2015.

Preface

Section 1. University Mission

Established in 1883, the University of North Dakota's mission is to "serve the state, the country, and the world community through teaching, research, creative activities, and service" (University of North Dakota [Mission](#)). The University's mission revolves around the academic and educational enterprise. The University plays a distinctive role as the state's flagship institution in serving the citizens of the state of North Dakota, the nation, and the world.

The University is a member of the North Dakota University System, whose mission is “to enhance the quality of life for all those we serve and the economic and social vitality of North Dakota through the discovery, sharing and application of knowledge” ([SBHE Policy 100.4](#)).

Section 2. University Values

UND is a collaborative institution, with faculty, staff, students, and administrators engaged in a collective educational enterprise that serves the state of North Dakota and beyond.

Members of the University community share common values that include:

- Academic freedom of thought, inquiry, and scholarly and artistic expression
- Collaborative governance based on the inclusive participation and contributions of all members of the University community
- Respect for each member of the university community and accompanying civility, integrity, and professionalism in dialogue and debate
- Open and transparent processes to generate meaningful and productive outcomes
- A diverse, welcoming, and inclusive campus environment
- A spirit of empowerment and innovation

Guided by these shared values, and using our exceptional talents, we in the University community serve and contribute to the welfare and future of our local, state, tribal, national, and global communities.

Section 3. Overview of Governance Structure

University governance is complex, and requires effective channels for faculty, staff, student, and administrative participation in University affairs. This Constitution hereby establishes an organizational structure to facilitate effective communication, collaboration, and coordination among all campus constituents and their representatives. The main governance bodies include an executive branch and a legislative branch.

The executive branch is composed of the University President and designated administrative officers. The legislative branch is composed of the Faculty Senate, Staff Senate, and Student Government (the three Senates, or the Senates) and associated committees.

The three Senates derive their authority from this Constitution and their respective constituent groups of faculty, staff, and students, who as plenaries retain all delegated powers. The Senates and any committees established pursuant to their respective Constitutions and Bylaws constitute the main representative bodies for policy discussion and formulation within their respective purviews of authority.

Final authority for institutional governance matters rests with the University President in the fulfillment of the President’s delegated responsibilities from the Chancellor of the North Dakota State Board of Higher Education and the Board itself ([SBHE Policy 305.1](#)). The Board has final authority in all matters affecting the institution and exercises jurisdiction over its financial, educational, and other policies, and its relation with the state and federal governments ([SBHE Policy 100.6](#)).

Article I. The University of North Dakota Legislature

Collaborative governance at the University shall be enacted by the three Senates. The Senates shall govern the three main constituent groups of the campus community: faculty, staff, and students. Each unit shall elect representatives to their respective Senate – the Faculty Senate, the Staff Senate, and the Student Government.

- A. Faculty Senate – The authority of the Faculty Senate shall derive by delegation from the whole of the faculty (the Faculty Council) at the University of North Dakota as defined in the Faculty Senate Constitution. The Faculty Senate shall have the authority to exercise all of the legislative powers of the Faculty Council, subject to the constraints and limitations placed upon it by the Faculty Council. The Faculty Senate is responsible for legislating in all areas of faculty interest and concern, and has primary authority and responsibility for the advancement of the academic and educational mission of the University. See the [UND Faculty Senate Constitution and Bylaws](#).
- B. Staff Senate – The authority of the Staff Senate shall derive by delegation from the whole of the benefitted staff (the Staff Council) at the University of North Dakota as defined in the Staff Senate Constitution. The Staff Senate shall have the authority to exercise all of the legislative powers of the Staff Council, subject to the constraints and limitations placed upon it by the Staff Council. The Staff Senate is responsible for legislating in all areas of staff interest and concern. See the [UND Staff Senate Constitution and Bylaws](#).
- C. Student Government – The authority of the Student Government shall derive by delegation from the whole of the students (the Student Body) at the University of North Dakota as defined in the Student Government Constitution. The Student Government shall have the authority to exercise all of the legislative powers of the Student Body, subject to the constraints and limitations placed upon it by the Student Body. The Student Government is responsible for legislating in all areas of student interest and concern. See the [UND Student Government Constitution and Bylaws](#).
- D. Standing and Other Committees – Each of the three Senates may have Standing Committees with specific charges and responsibilities in accordance with the Constitutions and Bylaws of the three Senates. Standing Committees report to the Senate by which they were created, and may be composed of any combination of faculty, staff, and students deemed necessary by the Senates where appropriate. Where directed by their respective Senate, a Standing Committee may or will collaborate with a Standing Committee of another Senate. Each of the three Senates also may appoint special Ad Hoc Committees as needed.

A Joint Communications Committee shall meet regularly with representatives of the University Administration in order to ensure effective communication, collaboration, and coordination among the Senates and with the Administration on all matters of joint or individual concern. Membership will include each Senate's President and Vice President, as well as one elected representative from each Senate, and three administrators: the Vice President of Academic Affairs, the Vice President of Student Affairs, and the Vice President of Finance & Operations. The powers not delegated to the Joint Communications Committee by the Constitution, nor prohibited by it to the Senates, are reserved to the Senates respectively, or to their respective constituencies.

Article II. The President

The President is the executive head of the University and the laboratories and stations associated with it. The President is the official medium of communication between the Chancellor and, through the Chancellor, the Board, on the one hand, and the three Senates, faculty, staff, administrative officers, student organizations, and students, on the other. The President is responsible to the Chancellor for institutional policy and administration and accordingly has supervision over all of the institution's officers and all of the institution's interests, subject to the state laws and the rules and regulations of the Board ([SBHE Policy 305.1](#)).

The President shall ensure that the rules and regulations of the Board are enforced. The President shall consult through established organizational channels with the appropriate Senate(s). In cases of differences between the President and a Senate or its respective Council or Body, the President shall present a written alternative position for consideration. The Senate shall consider the President's alternative position, and present in writing the Senate's position on the matter to the President. The final authority resides in the President. If Board approval is required, the President shall forward all perspectives to the Chancellor for consideration.

The President shall deliver a State of the University Address each academic year to the faculty, staff, students, administrators, and community. The President of the Faculty Senate shall determine the time and place of the address, and preside over the meeting.

Article III. The Employment of Faculty and Staff

All members of the Faculty and the Staff are appointed pursuant to University and Board policy.

Policies and procedures established by the University President and the Board set the terms on Faculty appointments, promotions, terms of employment, tenure, dismissal, academic freedom, and leave. See the [UND Faculty Handbook and the UND Organization and Services Guide](#).

Policies and procedures established by the University President and the Board set the terms on Staff appointments, promotions, terms of employment, dismissal, and leave. See the [UND Human Resources department](#).

Article IV. Amendments

Amendments to the Constitution may be recommended to the University President by the three Senates individually or collectively, or such amendments may be proposed to the Senates by the President. Proposed amendments to the Constitution must be approved at two meetings of each Senate by a two-thirds majority of the members present at those meetings. A Senate may elect to take no position on a proposed amendment. Following receipt of the decisions of the three Senates, the President shall decide whether to amend the Constitution as proposed. If approved, the President shall submit the proposed amended Constitution to the Chancellor, according to Board policy ([SBHE Policy 331](#)).

Prior to any meeting of the Board or of the three Senates where an amendment to the Constitution is to be considered for adoption or recommendation, at least two weeks' notice shall be sent to all members of the Board and the respective Senate(s).

Article V. Ratification

This Constitution shall become effective upon ratification by a majority of affirmative ballots cast during an election of University Council members, as defined by and pursuant to the existing UND Constitution, and approval from the UND President and the North Dakota State Board of Higher Education. Upon ratification and approval, this Constitution shall supersede the existing UND Constitution (2014, as amended).

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