

University Senate

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Executive Summary of Revised University Constitution and Proposed Faculty Senate Constitution and Bylaws

As part of the process of creating a Faculty Senate, as mandated by a vote of the University Senate in April 2015, two ad-hoc committees, the University Senate Revision Committee and Faculty Senate Development Committee (hereafter just called “the Committee”), created three interlocking documents that together describe a system of collaborative governance at the University of North Dakota.

The UND Constitution: In order to create a Faculty Senate, the existing UND constitution had to be revised because the current document also articulated the University Senate that a Faculty Senate would supplant. As part of this necessary constitutional revision, the Committee outlined the reality of collaborative governance as it is currently exercised at the University of North Dakota, which is that this campus enjoys a vibrant Staff Senate and Student Government that collaborate on committees and initiatives with and as part of the University Senate and which would continue, by necessity, to work with a Faculty Senate.

The revised UND Constitution, then, describes three senates, each with its own purview and responsibilities, which, in the best interest of all parties, should communicate on a regular basis. Firmly rooted in principles of collaborative governance, this revised UND Constitution endorses not only collaboration among three senates but also the sharing of governance of the university in respective domains among faculty, staff, students, and the administration, while working within a system where the President is the State Board delegated ultimate university authority. In short, this document describes a university community with shared values and a shared mission.

Though it contains the core of the former University Constitution, this revised UND Constitution is less detailed than the current Constitution because it is acting as a constitution should in that it outlines a governance structure that is then filled in by other documents, in this case the Faculty Senate Constitution and Bylaws, Faculty Handbook, and Committee Manual, combined with the Constitutions and Bylaws of the Staff Senate and Student Government. This revised Constitution, like the current Constitution, however, does include provisions for amendment, should the campus at any time decide that it needs altering.

The New Faculty Senate Constitution: The Faculty Senate documents (both the Constitution and Bylaws) are based in the Faculty Senate documents of NDSU, which are being successfully used and which have been (as must any new governance documents) approved by the State Board of Higher Education.

The new Faculty Senate Constitution works with the revised UND Constitution to describe in greater detail the purview of the faculty as the academic and educational enterprise of the University. This document also lays out the relationship between the Faculty Senate and the faculty the Senate represents. That is, it replaces the existing University Council (which as described in the current UND Constitution was composed of faculty, administrators, and librarians and which had never reached quorum nor conducted any business save for providing a venue for the President’s State of the University Address) with the Faculty Council, which (by analogy with the US Constitution) is the “we the people” who delegate responsibilities to the Senate, but in whom ultimate authority resides and who meet yearly. This document also includes provisions for amendment.

The New Faculty Senate Bylaws: The Faculty Senate Bylaws provide even greater detail about the functioning of the Faculty Senate than the Faculty Senate Constitution, laying out guidelines for who can be senators (benefitted

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faculty with less than 50% of their effort/workload being contractually defined as administrative), and who the Senators would represent (most representing a college, though nine at large Senators would represent the entire university). Other details this document provides concern elections, duties of Senators and elected officers, and meeting requirements and procedures. The document's final section describes the Standing Committees (with further detail filled in by the Committee Manual) and the procedure for creating Ad Hoc Committees. This document also includes provisions for amendment.

The goal of the Committee as mandated by the Senate was to create an independent Faculty Senate that would function as part of a healthy and vibrant university. We (the Committee) believe that these three documents together do just that.

FAQs on Proposed University Constitution & Faculty Senate

1. **Question: Why is a new University Constitution being proposed?**

Answer: After two years of study, debate and proposals, and following a faculty referendum in support, the University Senate voted in April 2015 to create (1) a new Faculty Senate (comprised of faculty only) to replace the current University Senate (comprised of faculty, administrators, students and staff), and (2) two ad hoc committees charged with revising the current University Constitution, and creating a new Faculty Constitution and Bylaws, to reflect these changes during summer 2015.

2. **Question: Why is the new University Constitution being proposed at this time, especially in light of President Kelly's imminent retirement?**

Answer: The University Senate's April 2015 decision to make these changes in university governance was made with President Kelly's support and approval. The opportunity to reorganize the governance structures at UND continues to be an important institutional goal unrelated to President Kelley's retirement. As reflected in the April Senate meeting minutes, the University Senate's clear expectations were that the revised University Constitution and new Faculty Constitution would be approved and become effective in the fall of the 2015-16 Academic Year. President Kelly and Provost DiLorenzo, through his membership on the University Senate Executive Committee, have been intimately involved in the entire process of study, debate and decisions leading up to this proposal. As with other pending proposals and initiatives, it makes sense for this process to be concluded before President Kelly leaves UND.

3. **Question: Why is the new University Constitution so much shorter than the existing Constitution?**

Answer: Much of the existing Constitution repeats language contained elsewhere (for example, State Board Policy on Presidential powers), and contains "operational" language that more properly belongs elsewhere like the University Bylaws or Faculty Handbook (for example, when Senate meetings occur, and the requirements for faculty appointments and promotion). The new University Constitution leaves such matters to other appropriate governance documents. For example, it incorporates by reference the SBHE Policy that is the relevant source of authority for the University President's powers. Importantly, the new University Constitution creates a new Faculty Senate, which like its counterparts the Staff Senate and the Student Government, has its own Constitution that defines its powers in specific detail.

4. **Question: Doesn't the new University Constitution devalue the power of the Faculty by including the Staff Senate and the Student Government as part of the University's legislative branch, in addition to the new Faculty Senate?**

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Answer: No, for two reasons. One reason is that the existing University Constitution's failure to acknowledge the Staff Senate and the Student Government ignored the reality that they have power to recommend policy to the President, just as the faculty do now through the University Senate. Although faculty are the overwhelming majority of the existing University Senate, nothing in the existing Constitution gives University Senate actions supremacy over opposing actions of the Staff Senate and/or the Student Government. One example was the Student Senate's vote circa 2000 to retain the former athletic name/logo; the University Senate's opposing vote did not result in the name/logo terminating, nor did the Senate's vote force the President to immediately drop the name. Instead, he formed a committee to study the issue.

A second reason the new Constitution's reference to the Staff Senate and the Student Government as legislative bodies does not devalue the voice of the Faculty is that the new Constitution clearly states the scope of the new Faculty Senate's authority is in "all areas of faculty interest and concern, and has primary authority and responsibility crafting, reviewing, and approving policies concerning the academic and educational mission of the University." Art. I, § A. While the Student Government, as representative of student interests, might have a view on a particular academic policy, the new Constitution makes clear the Faculty Senate's purview is the broader advancement of the University's academic mission. It is hard to imagine a President who would reject the faculty's considered recommendation on a particular academic matter to placate student angst, especially against a backdrop of accrediting bodies that require her or his collaborative governance with faculty on academic matters.

5. **Question:** For the powers of the new Faculty Senate, the new Constitution uses the vague reference "all areas of faculty interest and concern, and has primary authority and responsibility crafting, reviewing, and approving policies concerning the academic and educational mission of the University," Art. I, § A, whereas the existing Constitution contains a list of eight specific powers of the University Senate, Art. II, § 1.3.a(1)-(8). Wouldn't it be better to use the latter's more specific language?

Answer: Perhaps, but probably not here. This document is the University Constitution, which as the University's overarching governance document, contains broad, non-specific categorical language describing the general purview of each of the three Senates. These broad categories provide flexibility to address new issues and changes not anticipated at the time the Constitution was ratified without the need for the intensive amendment process usually reserved for major changes.

The new Faculty Senate Constitution, on the other hand, does provide more specificity, expanding the new University Constitution's general category of academic and educational areas into two specific lists of items expected to be primary areas of faculty interest (for example, curricular matters, degree programs, research and scholarship, admissions standards, etc.). **Art. II, § 1-2.**

6. **Question:** Isn't the proposed Joint Communications Committee likely to become a "super-senate" with power to stop or change any senate's action, or a bottleneck for contentious issues, or a place for a President to delay or "water down" undesirable recommendations?

Answer: The sole purpose of the Joint Communications Committee is to facilitate communication among the three Senates, and thereby improve collaboration where appropriate. This communication and collaboration role among the four constituent groups (faculty, administrators, staff and students) is presently served by the University Senate Executive Committee, which will no longer exist once the current University Constitution is replaced. Nothing in the new University Constitution gives the Joint Communications Committee any power to stop, slow down or otherwise change the trajectory of any Senate's recommendation.