

THE UNIVERSITY OF NORTH DAKOTA CONSTITUTION

I. THE GOVERNING BOARD

The government of the University of North Dakota and the laboratories and stations associated with it by legislative act is vested by law in the State Board of Higher Education, hereinafter referred to as the Board. 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. In accordance with the experience and practice of this and other institutions of similar character, the Board entrusts the execution of all its plans and policies, together with the internal government and administration of the institution, to the President in consultation with the faculty and such other officers as the President may select.

II. THE UNIVERSITY LEGISLATURE

1. Legislative Bodies

- a. The University Legislature shall consist of the Council and its Senate. The faculty's legislative powers shall reside in the Council and its University Senate.
- b. The Council consists of the following: The President; the Vice Presidents; Associate Vice Presidents who concurrently hold faculty rank; the Registrar; the Director of Libraries; all deans; all department chairpersons; all of the benefitted faculty of any rank, including lecturer, instructor, assistant professor, associate professor, and professor; program directors, coordinators, assistant and associate deans who concurrently hold faculty rank; professional librarians; and such other academic personnel and administrative officers as the Council may designate.
- c. The University Senate shall consist of the following members:
 - (1) Ex officio Members: The President, the Vice Presidents, the Provost, the Registrar, the Director of Libraries, and deans.
 - (2) Council Members: The Council shall provide by legislation for the election of Council members to the Senate, for such terms and in such manner as the Council shall determine, but subject to these limitations: (1) no one may be eligible for election to the Senate who shall not have been a member of the Council for one full academic year by August 16 of the next academic year; (2) the total number of elected Council members on the Senate shall be three times the number of ex officio members; (3) the Council members of each professional school or college and the libraries shall have the right to elect to the Senate two of its members who are eligible for election to the Senate, with the exception of the College of Arts and Sciences, which shall have the right to elect eight senators, two each from the areas of Natural and Physical Sciences, Humanities, Social Sciences, and Fine Arts.
 - (3) Student Members: The number of student members shall be 14 voting members of the University Senate. The selection, length and beginning of the term for student members will be determined by the Student Senate.

- (4) Staff Members: The number of staff members shall be set at three voting members whose selection, length, and term shall be set by the Staff Senate.

2. Meetings

- a. The Council meets at least once a semester. Meetings of the Council shall be called by the chairperson of the Senate and/or the President of the University or as a result of a written petition presented to the Registrar and signed by thirty Council members. The chairperson of the Senate, in collaboration with the President of the University, shall determine and publish the agenda of Council meetings. Council meetings will normally be co-chaired by the chairperson of the Senate and the President of the University. A meeting called by written petition will be chaired by the chairperson of the Senate. The Registrar is the ex officio secretary for all meetings of the Council. The fall meeting shall include the opportunity for the President to present the annual state of the University address.
- b. The quorum of the Council necessary for the transaction of business at any meeting is twenty-five percent of the Council membership, unless otherwise provided by Council legislation.
- c. The Senate meets regularly once a month during fall and spring semesters. Additional meetings may be called by the chairperson of the Senate or on written petition signed by ten percent of the members of the Senate. The Registrar shall call the first meeting of each academic year; subsequent regular meetings shall be as scheduled by the Senate. The Senate elects a chairperson from among its elected members; the Registrar is ex officio secretary.
- d. The quorum of the Senate necessary for the transaction of business at any meeting is fifty percent of the Senate membership, unless otherwise provided by the Council or Senate legislation.
- e. Each Council member and Senate member is entitled to one vote at meetings of their respective bodies. No vote may be cast by proxy at any meeting of either the Council or the Senate.

3. Powers and Functions

- a. All legislative powers of the University government are vested in the Council. The powers of the Council shall include, but not be limited to:
 - (1) Requirements and methods for admission to the institution and questions related to advanced standing.
 - (2) Requirements for degrees and certificates.
 - (3) Determination of curricula, authorization of new courses of study, and changes in courses of study.
 - (4) Questions of scholarship and attendance, coordination of outside activities, class standing and credits, examination schedules, and the institution's catalog and calendar.

- (5) Institutional prizes, honors, and honorary degrees.
 - (6) General relations and interests of students, including health, conditions of living, regulations of social life, intramural and intercollegiate athletics, student organizations and publications.
 - (7) The general policies of the Library and the Division of Continuing Education.
 - (8) Acting as a consultant to the President in matters pertaining to: planning; organization or reorganization of the schools, colleges, and departments; disputes arising between or among schools and/or colleges; matters of budget apportionment; and decisions regarding physical resources.
- b. The Senate may exercise all of the powers of the Council, but subject to whatever limitations or instructions the Council may from time to time impose on the Senate in this regard. Any action of the Senate taken in the exercise of the Council's powers may be revoked and declared to be of no force and effect at any meeting of the Council. In the event of conflict between legislation of the Council and of the Senate, the legislation of the Council shall prevail.
 - c. The Council and the Senate shall make available to each Council member reports of all action taken at all meetings of the two bodies.
 - d. The Council and the Senate may form from the respective memberships permanent and ad hoc committees and delegate to such committees any powers or functions that are vested within the respective parent body. The Council and the Senate may also form or participate in, through designated members as representatives, committees composed partly of non-members of the Council.
 - e. All legislative actions regarding university policy undertaken by the Council, the Senate or its committees shall be submitted to the President for approval (SBHE 305.1 Presidents Authority and Responsibilities).
 - f. At each Senate meeting, the President or designee, shall report the President's position as related to legislative actions taken at the previous Council or Senate meeting. Should any legislative action regarding university policy be vetoed by the President, the President shall provide a rationale for the decision. For legislative actions passed at the May meeting of the Senate, the President shall report via the Senate listserv within 30 days as to his position taken on these legislative actions using established channels.

III. THE PRESIDENT

- 1. 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 University legislature, faculties, 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 Presidents Authority and Responsibilities)

2. It is the duty of the President, in consultation with the University legislature, to make recommendations covering the general policy of the institution and for securing and coordinating its parts. Although it is the duty of the President to make such recommendations covering general policy of the institution, whenever possible, recommendations should only be made to the Chancellor after first consulting the University legislature. However, prior to presenting any recommendations affecting the policy, status or mission of any school, college or department, in the absence of emergency conditions, the President shall consult with the faculty of that school, college or department using established channels.
3. It is the duty of the President to see that the rules and regulations of the Board and of the University legislature are enforced. It is, moreover, the duty of the President to consult through established academic organizational channels the faculties concerned on the appointment, promotion or dismissal of any member of the faculty. It is also the duty of the President to consult with the University Senate on matters having to do with planning, organization, budgeting and the use of physical resources. The right of the final decision in these matters, as well as all other University business, is reserved to the President. The President shall present in writing to the Chancellor the President's position in the matter in question if Board approval is required or to the secretary of University Senate if Board approval is not required. In cases of differences between the President and campus units, University Senate or the Council, an alternative position must be presented to the University Senate for consideration. If the alternative position is adopted by the Senate, the Chair of the University Senate shall present the alternative position in the matter in question, in writing, to the President for presentation to the Chancellor if Board approval is required.
4. Among the duties of the President, in cooperation with the faculty and responsible administrators, are the preparation of the budgets and reports to the Board; formulation of personnel recommendations to the Board pursuant to Board policy; the conduct of Commencement and other public exercises; and the calling of special meetings, except as provided for otherwise. Before submitting the biennial budget to the state legislature, through the Board, the President shall submit it to the University legislature for its information.

IV. ADMINISTRATIVE OFFICERS

1. The vice presidents, deans and chairpersons of the various schools, colleges, and divisions, and all executive officers of the University are appointed by the President. Before making such appointments, however, the President shall confer through established channels with the faculty and other appropriate University groups. All appointments shall be made solely with respect to the special fitness of the individual for the work demanded in the position. All University policies of affirmative action and equal opportunity employment shall be adhered to. The University shall, through its faculty and administration, develop procedures by which faculty members are evaluated and are recommended for tenure.

2. The area of administrative responsibility of each of the vice presidents is delineated and delegated by the President.
3. Chairpersons, and the departmental faculties involved, will make recommendations to the dean of each school or college regarding all appointments, promotions, or removals of professors or of other teaching staff. Deans will make recommendations regarding those appointments, promotions, or removals to the Vice President for Academic Affairs and Provost. If the recommendation is different from that made by the chairperson, the dean must provide a written explanation to the chairperson and that explanation should accompany the recommendation made to the Vice President for Academic Affairs and Provost. The Vice President for Academic Affairs and Provost will make recommendations to the President regarding those appointments, promotions, or removals. If the recommendation differs from that made by either the chairperson or the dean, the Vice President for Academic Affairs and Provost must provide a written explanation to both the chairperson and the dean, and that explanation must accompany the recommendation made by the Vice President to the President.
4. The deans have general oversight of the academic work in their divisions, and they make an annual report to the President on the condition of their units. They are charged together with the President and the vice presidents with responsibility for the well-being of the institution as a whole.
5. Before submitting their annual budget requests through established academic organizational channels, the deans shall first consult with their chairpersons concerning the needs of their departments and the college or school. The faculty should actively participate in the determination of policies and procedures governing salary increases.
6. Committees may be appointed at and by any level of University authority for the purpose of effectively carrying out the activities of the University.

V. THE FACULTIES

1. The University Faculty

The make-up and definition of the University faculty and its titles and ranks shall be established by the action of the Senate within current Board guidelines. The University faculty may, through the University legislature, express its position on any matter affecting the institution and may make recommendations to the Board and/or the President.

2. The Faculties of Schools and Colleges

The faculties of schools and colleges consist of those University faculty members giving instruction and/or conducting research in any of the schools or colleges of the University. Only the deans, professors, associate professors, assistant professors, and such other academic personnel as may be designated by the school or college faculty with the approval through established academic organizational channels of the President shall have the right to vote in matters affecting the general policy of any school or college. Each dean may call a meeting of the faculty of the dean's school or college whenever the dean deems it advisable,

and must call such a meeting when requested to do so by one-fourth of the dean's faculty. The President shall be informed of such meetings when matters of importance are under consideration. The faculty of each school or college shall consider the welfare of the group and may make recommendations to the President and University legislature consistent with University and Board policy.

3. Departmental Faculties

The departmental faculties consist of those University faculty members giving instruction and/or conducting research in the various departments or divisions of the schools or colleges. Each department or division chairperson may call a meeting of their departmental faculty whenever the chairperson deems it advisable, and must call such a meeting when requested to do so by one-fourth of their department's faculty. Each departmental faculty determines its own internal policies and organization of its own work, and makes recommendations regarding its curriculum and budgetary matters.

VI. THE SERVICE OF FACULTY AND ADMINISTRATIVE OFFICERS

1. Appointments

All members of the faculty and all administrative officers are appointed by the President following consultation through established channels as described in sections IV.1 and IV.3. All other employees are appointed by the chairperson of the department or head of the office concerned with the approval through established channels. All appointments shall be made solely with respect to the special fitness of the individual for the work demanded in the position. All University policies of affirmative action and equal opportunity employment shall be adhered to.

2. Promotions

The process for promotions shall be as described in section IV.3. Standards and procedures for promotions are designated by the University Senate consistent with current Board policy.

3. Terms of Employment

The terms of employment for faculty, staff, and other employees and current Board and University provisions and procedures relating to employment are to be published in the Faculty Handbook and/or other publications as appropriate. These are to be freely available to all faculty, staff, and other employees, and are to govern UND employment practices. The Faculty Handbook shall be edited, published and kept current and consistent with Board policy and this Constitution by the Executive Committee of the Senate.

4. Tenure, Dismissal, and Academic Freedom

- a. The University is a forum for ideas, and it cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. Tenure, academic freedom, and faculty rights are the foundation of UND practice with respect to faculty retention and dismissal and are basic to the University's mission of teaching, research, and service.

Tenure for a faculty member is recognition of continuous appointment to the faculty at the rank of instructor, assistant professor, associate professor, or full professor. The President shall make recommendations to the Chancellor concerning all requests for tenure.

- b. The services of a person with tenure shall be terminated only for adequate cause. Guidelines and procedures of due process for termination or dismissal for cause are established by the University Senate consistent with Board policy and are published in the Faculty Handbook.

The procedure for the notice of termination of services of faculty members, including those holding probationary appointments, shall be established by the University Senate and published in the Faculty Handbook.

- c. A person with tenure who has been recommended for dismissal may appeal the recommendation according to Board policies and current UND guidelines for implementing the Board's policy. The statement and guidelines are established by Senate action and published in the Faculty Handbook.
- d. The President shall approve all personnel actions, except the award or change in tenure status, involving all faculty members and other institution employees and shall notify in writing all persons of their tenure status upon appointment or upon any change of status.

5. Leaves: Faculty and Administrator Development

Faculty members and administrative officers may, consistent with Board policy (SBHE Policy 701.2 Developmental Leave), be granted developmental leaves of absence normally not to exceed one academic year, with or without financial assistance from the University in accordance with regulations and policies formulated by the University. Leaves may also be granted by the President as appropriate to the interests of the University.

In addition to the above, members of the faculty and administrative officers are urged to become members of national, regional, and state professional associations and to attend their meetings. The University and its colleges, schools, and departments will develop policies appropriate to available resources to provide assistance to faculty and administrative officers for participation in professional meetings and travel for the benefit of the institution.

VII. COMMUNICATION AND COOPERATION

1. Order of Communication and Reports
 - a. Communication or reports from University Senate or University Council pertaining to matters of business to be presented to the Chancellor, and through the Chancellor to the Board, shall be first presented to the President for examination.
 - b. In the same way, communication and reports to administrative officers shall, in general, be transmitted through all intermediary officers, but the right of the President to call for immediate reports from any members of the institutional and administrative staff, or the right of any member of the faculty or of any employee of the University to address the President directly, shall not be denied.
2. Spirit of Cooperation
 - a. It shall be the duty of all persons connected with the institution to cooperate with the Board in carrying out the purposes and policies of the Board, and it shall also be the duty of all such persons to cooperate with the President, who is the representative of the Board. Vice presidents, deans, chairpersons of departments and divisions may reasonably expect the cooperation of faculty members and employees who work with them in carrying out the policies approved by the President and faculty.
 - b. At the same time, all administrative officers shall be open to criticisms or suggestions made to them by faculty members and other persons working under their direction. All persons connected with the University are expected to deal with each other openly and professionally for advancement of the institution. Under such conditions a spirit of cooperation may be created at the institution. Such spirit cannot be created by legislation or constitution, but can be aided by principles and procedures fairly and conscientiously applied.

VIII. AMENDMENTS

1. Power to Amend

Amendments to the Constitution may be recommended to the President by the University Senate or amendments may be proposed to the University Senate by the President. Proposed amendments to the Constitution must have been approved at two meetings of the University Senate by a majority of the members present at those meetings.

Following that approval, the President shall submit the proposed amended Constitution to the Chancellor, according to Board policy (SBHE 331).

2. Notice Requirements

Prior to any meeting of the Board or of the University Senate or Council where an amendment to the Constitution is to be considered for adoption or recommendation, at least two weeks notice of such consideration of amendment at such meeting shall be sent to all members of the Board and the University Senate and Council respectively.

May 9, 1994; amended Feb. 5, 1998; amended June 26, 2003; amended February 6, 2014