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## Constitution, Draft, 1969

University of Dayton

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April 15, 1969

Father Roesch:

Herewith is an early draft of a Constitution for the University. The plan for the organization of a Board of Trustees has followed the guidelines in the Chapter on Educational Corporations in the Ohio Revised Code.

Some of the Articles and Sections included in this Constitution may not belong in this document, but they can be easily removed for inclusion elsewhere. By the same token, there may be other elements which have been omitted and should be included.

There seems to be no uniform set of governing or administrative documents for any particular type of educational institution. Although the document submitted herewith has been called a "constitution," it could just as well have some other title.

As a working document the Constitution has many weaknesses which I have not attempted to remove because there will be many changes. However, these are primarily in the areas of language, sentence structure, arrangement of subdivisions, etc. Such details will be attended to after there is agreement on just what should be included in this document.

Included is an outline of the Articles and Sections which should be helpful for obtaining an overview of the entire document.

In most instances I have attempted to describe conditions as they exist now, but in a few cases there are some changes; these may or may not be desirable.

At this point, what I need is some guidance from you and anyone else vitally concerned in University governance. At your convenience we should undertake a critical review of the document.

Sincerely,

# CONSTITUTION OF THE UNIVERSITY OF DAYTON

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## P R E A M B L E

The University of Dayton is an educational corporation chartered by the State of Ohio and governed by a self-perpetuating Board of Trustees. It is a Catholic institution of higher learning founded and conducted in the traditions of the Society of Mary (Marianists), a Catholic teaching order of men and women.

The Board of Trustees, in implementation of the Articles of Incorporation, has adopted this Constitution to define and establish the principles governing the internal organization and the working relationships of the component elements of the University. The guiding philosophy of management shall be based on the principle of government by consensus under a shared responsibility subject to reserved control vested in the Board of Trustees. Responsibility and authority subsidiary to the primary power of the Board is herein delegated to the President of the University and through him to the various Officers of the University, each of whom shall accept responsibility and assume authority for a specified but limited area of the University operation. The Board of Trustees assumes the primary responsibility for determining the overall policies of the University. Rules and regulations subsidiary to this Constitution, but not in conflict with its principles, shall be defined in bylaws, codes of regulations, and rules of operation approved by the Board of Trustees.

From  
Kunz, Management  
in Higher Education,  
pp. 71-75  
pp. 115-116



CONSTITUTION  
OF THE  
UNIVERSITY OF DAYTON

ARTICLE I: NAME

The name of this institution shall be the UNIVERSITY OF DAYTON, a corporation not for profit. The institution, founded by the Society of Mary (Marianists) in 1850, was incorporated in the State of Ohio on August 19, 1879 as St. Mary's Institute, on August 19, 1914 as St. Mary College, on July 7, 1920 as the University of Dayton, and rechartered on March 5, 1952.

## ARTICLE II: PURPOSES

The University of Dayton exists for the purpose of "establishing, maintaining and conducting, under the influence of religion, an institution of learning for the purpose of offering instruction in the arts and sciences; promoting education in all departments of learning and knowledge, and especially in these branches usually comprehended in the academic areas of colleges and universities; promoting the works of education, religion, research, public service, and public and private welfare; acquiring and holding for such and related purposes, money, real estate and other property; and to do all things necessary and proper to carry out the aforesaid and related objectives; and doing any and all things and engaging in such enterprises necessary and proper to the accomplishment of such purposes."

(Above statement with minor modifications is taken from the 1952 Articles of Incorporation)

## ARTICLE II: PURPOSES

The University of Dayton, by tradition, by legal charter, and by resolute intent, is a Marianist, Catholic institution of higher learning. As such, it seeks, in an environment of academic freedom, to foster principles and values consonant with Catholicism and with the living traditions of the Society of Mary. Operating in a pluralistic environment, it deliberately chooses the Christian world-view as its distinctive orientation in carrying out what it regards as four essential tasks: teaching, promoting research, serving as a critic of society, and rendering public service.

The University of Dayton has as its primary task to teach - that is, to transmit the heritage of the past, to direct attention to the achievements of the present, and to alert students to the changes and challenges of the future. It regards teaching <sup>how to</sup> as more than the mere imparting of knowledge; it attempts to develop in its students the ability to integrate knowledge gained from a variety of disciplines into a meaningful and viable synthesis.

The University of Dayton holds that there is harmony and unity between rationally discovered and divinely revealed truths. Accordingly, it commits its entire academic community to the pursuit of such truths. It provides a milieu favorable to scholarly research in all academic disciplines, while giving



priority to studies which deal with problems of fundamentally human and Christian concern. It upholds the principle of responsible freedom of inquiry, offers appropriate assistance to its scholars, and endeavors to provide the proper media for the dissemination of their discoveries.

The University of Dayton exercises its role as critic of society by creating an environment in which faculty and students are free to evaluate, in a scholarly manner, the strengths and weaknesses found in the institutions developed by man. While, as an organization, it remains neutral, objective, and dispassionate, it encourages its members to judge for themselves how these institutions are performing their proper tasks; to expose deficiencies in their structure and operation; to propose and to actively promote improvements when these are deemed necessary.

The University of Dayton recognizes its responsibility to support the legitimate goals and aspirations of the civic community and to cooperate with other agencies in striving to attain them. It assists in promoting the intellectual and cultural enrichment of the community; it makes available not only the resources of knowledge that it possesses, but also the skills and techniques used in the accumulation and dissemination of knowledge; and, above all, it strives to inspire persons with a sense of community and to encourage men of vision who can and will participate effectively in the quest for a more perfect human society.

### ARTICLE III: BOARD OF TRUSTEES

#### Section I: Membership

The government and corporate powers of the University shall be vested in a Board of Trustees composed of three classes of Trustees; (a) members of the Society of Mary; (b) members of the University of Dayton Alumni Association; (c) Trustees at large. No class of trustees shall have more than ten members, and the total number of members in class (a) and <sup>class</sup> (b) shall not be greater than the total number of members in class (c). Members of the Board of Trustees, except those in class (a), shall not be faculty members or otherwise employed by the University.

(a) Ten members of the Cincinnati Province, Society of Mary, shall be elected to the Board of Trustees from among the membership of the Province for terms of five years commencing on the date of their election or until their successors have been elected. Nomination and election shall be conducted in a manner prescribed by the Bylaws of the Provincial Council, Cincinnati Province, Society of Mary. The Provincial and the President of the University shall be ex officio voting members of this class on the Board of Trustees and their inclusion in this class shall not reduce the number of elected members. The result of the election of members in this class shall be certified by the proper officials of the Provincial Council, or other delegated authority, to the Board of Trustees and entered upon the records of the Board.

(b). the University of Dayton Alumni Association shall elect five members of the Association to serve five year terms on the Board of Trustees, commencing with the date of their election, or until their successors have been elected. Nomination and election of members of the Alumni Association shall be conducted in a manner determined by the Bylaws of the University of Dayton Alumni Association and the result shall be certified by the proper officials of the Association to the Board of Trustees and entered upon the records of the Board.



(c) Five members of the Board of Trustees shall be elected as Trustees-at-Large to serve five-year terms commencing with the date of their election, or until their successors have been elected. Nomination and election of Trustees-at-Large shall be supervised by a committee of the Board of Trustees. Electors shall consist of members of all three classes of Trustees, except that at the first meeting of the Board the electors shall consist solely of the members of the Board of Trustees in class (a) and class (b). The result of the election shall be entered by the Secretary upon the record of the Board.

In the selection of Trustees-at-Large due consideration shall be given by the Board of Trustees to representation from the various professions. It is therefore mandatory that each of the five Trustees-at-Large represent a different profession, including but not limited to the following: the business professions such as law, banking, and journalism; the medical profession; politics, labor, and government ( local, state, and national); and clergy (excluding members of the Society of Mary). The Bylaws of the Board of Trustees shall establish the procedure for the nomination of candidates for election to the Board of Trustees in a manner to insure as broad representation of the professions as possible.

*(see Bylaws  
pp. 256-7)*

*add  
businessmen  
educators*



### ARTICLE III: BOARD OF TRUSTEES

#### Section 1: Membership

The government and corporate powers of the University shall be vested in a Board of Trustees composed of the following three classes: (a) Province Trustees; (b) Alumni Trustees; (c) Trustees at Large. There shall be twelve Province Trustees representing the Cincinnati, New York, St. Louis, and Pacific Provinces of the Society of Mary; six University Alumni Trustees; twelve Trustees-at-Large. Elected members of the Board of Trustees shall not be faculty members or otherwise employed by the University. The term of office shall be six years for all members of the Board with a limit of two terms. The President of the University shall attend all meetings of the Board, but shall not have a vote.

(a) A total of twelve Province Trustees shall be elected as representatives of the four United States Provinces of the Society of Mary. Each of the four Provinces (Cincinnati, New York, St. Louis, Pacific) shall elect three of its members to serve for terms of six years commencing on the date of their election or until their successors have been elected. Nomination and election shall be conducted in a manner prescribed by the Bylaws of each Province. The result of the election of Province Trustees shall be certified by the officials of each Provincial Council, or other delegated authority, to the Board of Trustees and entered upon the records of the Board.

(a) A total of twelve Province Trustees shall be elected as representatives of the four United States Provinces of the Society of Mary. Six Trustees shall be elected from the Cincinnati Province and two each from the New York, St. Louis, and Pacific Provinces for six year terms. Upon the original election of Trustees the Cincinnati Province shall elect six trustees designating each one to serve one, two, three, four, five, or six year terms; the New York Province shall elect one Trustee to serve a one year term and one trustee to serve a four year term; the St. Louis Province shall elect one Trustee to serve a two year term and one to serve a five year term; the Pacific Province shall elect one Trustee to serve a three year term and one to serve a six year term. Thereafter upon the expiration of each term of office a Trustee shall be elected for a six year term commencing on the date of his election and until a successor has been elected. Nomination and election of trustees in this class shall be conducted in a manner prescribed by the Bylaws of each Province. The result of the election of Province Trustees shall be certified by the officials of each Provincial Council, or other designated authority, to the Board of Trustees and entered upon the records of the Board.

(b) One alumni representative shall be elected by the graduating class of each year from among its members to serve a term of six years or until a successor has been elected. Nomination and election shall be conducted in accord with regulations adopted by the Student Government organization of the University. The result of the election shall be certified by the Student Government President to the Board of Trustees and entered upon the records of the Board. There will be one Alumni Trustee on the Board during the first year, and an additional Alumni Trustee in each succeeding year until the total has reached six. Alumni Trustees having completed their term of service in this class shall be eligible for election as Trustees-at-Large. During his term of office an Alumni Trustee may not be registered as a student at the University of Dayton.

(c) Twelve members of the Board of Trustees shall be elected as Trustees-at-Large to serve terms of six years or until their successors have been chosen. Nomination and election of Trustees-at-Large shall be conducted by a committee of the Board of Trustees. Electors shall consist of members of all three classes of trustees, except that for the first election the electors shall consist solely of Trustees named in the Articles of Incorporation of 1952 or their successors. The result of such election shall be entered by the Secretary upon the records of the Board.

In the selection of Trustees-at-Large due consideration shall be given by the Board to representation from the various professions. It is therefore mandatory that no more than two trustees represent the same profession. Among the professions to be represented are the following: Law, Banking, and Journalism; Medical; Politics, Labor and Government (local, state, and national); and clergy (excluding members of the Society of Mary). The Bylaws of the Board of Trustees shall establish the procedure for the nomination of candidates for election to the Board of Trustees in a manner to insure as broad representation of the professions as possible.



## Section 2: Term of Office

The regular term of office of the Trustees shall be six years, but upon the original formation of classes of trustees one or more Trustees may be elected for one, two, three, four, and five year terms until the regular order can be established. The term of office of an equal number of trustees, as near as is possible, shall expire each year. Vacancies which occur in any class of Trustees in any manner except the expiration of time shall be filled only for the remainder of the term or until a successor is qualified and assumes office. Vacancies in class (a) of the Board of Trustees shall be filled by the appointment of the person who received the next highest number of votes in the most recent election in the Province for which the vacancy exists. Vacancies in class (b) of the Board of Trustees shall be filled by the appointment of the person who received the next highest number of votes in the election of the appropriate graduating class. Vacancies in class (c) of the Board of Trustees shall be filled in the manner prescribed for the regular election of Trustees-at-Large in Article III, Section 1 (c).

Section 2: Term of Office

The regular term of office of the Trustees shall be five years, but upon the original formation of classes of trustees one or more Trustees may be elected for one, two, three, and four year terms until the regular order can be established. The term of office of an equal number of Trustees in each class, as near as is possible, shall expire each year. Vacancies which occur in any class of Trustees in any manner except the expiration of time shall be filled only for the remainder of the term and until a successor is qualified and assumes office. Vacancies in class (a) and class (b) of the Board of Trustees shall be filled by the appointment of the person who received the next highest number of votes in the most recent election in such class of Trustees. Vacancies in class (c) of the Board of Trustees shall be filled in the manner prescribed for the regular election of Trustees-at-Large in Article III, Section 1 (c).

Section 3: Honorary Trustees

The Board of Trustees may from time to time elect Honorary Trustees whose total number at any time shall not exceed ten, who shall not have the right to vote or make motions, but who shall have the right to attend all meetings, participate in discussion and sit on committees, with full right to discuss but not to vote or make motions. Honorary Trustees shall be appointed for life. They shall not be counted in determining a quorum for the Board or any committee.

Section 4: Functions of the Board

The powers and duties of the Board of Trustees of the University of Dayton shall be:

- (a) to bear full and complete legal responsibility for the University of Dayton in its corporate capacity.
- (b) to formulate and promulgate such general policies as shall be deemed necessary for the development and administration of the University and in accord with the stated purposes of the University;
- (c) To appoint the President of the University who shall be directly responsible to the Board for the administration of the University and to appoint such other officers of administration of the University as deemed necessary for the conduct of its affairs and as designated in this constitution;

- (d) To make arrangements for the investment of the funds of the University, to control its general financial administration, and to approve the annual budget;
- (e) to authorize and supervise the construction of new buildings and to provide the necessary funds for its academic and physical development;
- (f) on the recommendation of the President of the University, to approve the appointment, promotion, and dismissal of faculty members and to formulate policies of remuneration, conditions of service, retirement provisions, and similar general policies pertaining to the Faculty;
- (g) to be the final court of appeals in disciplinary decisions resulting in the dismissal of a student;
- (h) To grant and confer academic degrees upon those  
v who, in the judgment of the Faculty of the University, may merit such distinction;
- (i) to delegate to the Administration and the Faculty the governance of the academic program of the University, retaining only the right of final approbation.



## Section 5: Officers of the Board

The officers of the Board of Trustees shall be Chairman, Vice Chairman, and Secretary, all of whom shall be members of the Board. The officers shall be chosen for one year terms at the first regular meeting of the Board in each calendar year.

The officers may be re-elected indefinitely.

(a) The Chairman shall preside at all meetings of the Board and shall decide all questions of order. It shall be his duty to see that the Bylaws of the Board are complied with and that its orders are properly executed. He shall, for and in behalf of the University and the Board, sign all instruments and documents authorized by the Board, except that such duties may be delegated to administrative officers.

(b) The Vice Chairman, in the absence of the Chairman, shall be invested with the powers and assume the duties of the Chairman.

(c) The Secretary shall be responsible for the calling of all meetings of the Board, shall keep accurate records of attendance and the proceedings of all Board meetings, and shall be the keeper of the seal and custodian of all documents committed to his care.

Substitute Clause

**Section 5: Officers of the Board**

The officers of the Board of Trustees shall be Chairman, Vice Chairman, both of whom shall be elected members of the Board and a Secretary who need not be a member of the Board. The officers shall be chosen for one year terms at the first regular meeting of the Board in each calendar year. The officers may be re-elected indefinitely.

Section 6: Meetings of the Board

Regular meetings of the Board shall be held at the University on the third Friday of January, April, July, and October of each year, with written notice of the agenda being sent to each member at least ten days in advance. Special meetings of the Board may be called at any time, on reasonable notice, at the discretion of the Chairman of the Board or the President of the University. The call for a special meeting shall state the nature of the business to be considered.

(a) Eleven members shall constitute a quorum of the Board of Trustees for the transaction of any business.

(b) The order of business at Board meetings shall be as determined by the Bylaws of the Board.

## Section 7: Dissolution of the Corporation

The corporation, known as the University of Dayton or its successor, may be dissolved upon a 3/4 vote of approval by the total membership of the Board of Trustees and the consent of the Provincial Council, Cincinnati Province, Society of Mary or its successor. The assets of the corporation shall be sold or otherwise disposed of in accord with the regulations of the statutes of the state of Ohio and as determined by majority vote of the total membership of the Board of Trustees and the members of the Provincial Council, Cincinnati Province, Society of Mary, meeting jointly upon the call of the Chairman of the Board of Trustees and within thirty days after the vote of dissolution by the Board of Trustees. It shall be the responsibility of the Chairman of the Board of Trustees to prepare, publish, and file all legal certificates and notices of dissolution as required by the Statutes of the State of Ohio.

ARTICLE IV: THE ADVISORY BOARD

(formerly Associate Board of Lay Trustees)

The President of the University, with the approval of the Board of Trustees, shall choose such persons, not to exceed thirty, to act as an Advisory Board. Members shall serve gratis for a term of six years and may be reappointed. The terms of one-third of the members shall expire every two years. The officers of the Advisory Board shall be a president, vice president and secretary, elected for two year terms. The President of the University shall be, ex officio, a member of the Advisory Board. The Board will act in an advisory capacity to the President and through him to the Board of Trustees. Meetings of the Advisory Board shall be held at least twice each academic year at the discretion of the President of the University. Notice of the meeting, including the agenda, shall be mailed to the members of the Board not less than ten days prior to the date of the meeting. The manner of selecting members of the Advisory Board shall be in accord with the provisions of the Bylaws which shall be adopted by the Advisory Board and approved or modified each two years at the first meeting following the election of officers.



## ARTICLE V: OFFICERS OF THE UNIVERSITY

### Section 1: Appointment

The officers of the University shall be a President, a Vice President of the University, a Provost, a Vice President for Public Relations and Development, a Dean of Students, a Business Manager, and such other officers and assistants as may be approved from time to time by the Board of Trustees upon the recommendation of the President. The Board of Trustees shall choose the President of the University in a manner prescribed by the By-Laws of the Board, and appoint all other officers of the University upon the recommendation of the President.

Section 2: The President of the University

The President of the University is the chief executive and administrative officer of the University. He is appointed by the Board of Trustees for a term of six years and may be reappointed indefinitely. He is the presiding officer of the Administrative Council and an ex officio member of the Board of Trustees and the Advisory Board. The Administrative Council shall serve in an advisory capacity to the President and shall consist of members indicated in Article VII, Section 2. The President shall be directly responsible to the Board of Trustees for the administration of the University, and shall have the authority to do all things necessary and proper to promote the general welfare of the University. His duties shall include, but not be limited to the following:

- (1) administer the government of the University as its chief executive by effectuating the policies and regulations approved by the Board of Trustees and in accord with the stated purposes of the University;

- (2) act as the official medium of communication between the University community and maintain amity and unity among all;
- (3) promote the general welfare and the academic well-being of the University by supervising the officers of the University, all its departments, and the student body;
- (4) represent the institution to the general public.

### Section 3: The Vice President of the University

The Vice President of the University shall be appointed by the Board of Trustees on the recommendation of the President of the University and shall hold office at the discretion of the President. He shall be responsible to the President for the supervision of student service functions of the University within the framework of the policies and procedures established by the Board of Trustees and the stated purposes of the University. These student service functions shall include the Office of Personnel Services, the Kennedy Memorial Union, the Office of Computer Services, and other duties as assigned by the President of the University. In the absence of the President of the University, or his incapacity, as determined by the officers of the Board of Trustees, the Vice President shall discharge the duties of President.

#### Section 4: Provost

The Provost shall be appointed by the Board of Trustees on the recommendation of the President of the University and shall hold office at the discretion of the President. He shall be responsible to the President for the supervision of the academic affairs of the University within the framework of the policies and procedures established by the Board of Trustees and the stated purposes of the University. He shall be the representative of the University Faculty in the administration of academic affairs and shall serve ex officio as the President of the Academic Senate. He shall also be the presiding officer of the Academic Council which shall serve as his advisory body. In the absence of the President and the Vice President or the incapacity of both of them, as determined by the Board of Trustees, the Provost shall discharge the duties of President.



**Section 5: The Vice President for Public Relations  
and Development**

The Vice President for Public Relations and Development shall be appointed by the Board of Trustees on the recommendation of the President of the University and shall hold office at the discretion of the President. He shall be responsible to the President for the supervision of academic publicity, alumni relations, development, and foundation relations of the University within the framework of the policies and procedures established by the Board of Trustees and the stated purposes of the University. He shall be the presiding officer of the Public Relations and Development Council which will serve as his advisory body.

Section 6: The Dean of Students

The Dean of Students shall be appointed by the Board of Trustees on the recommendation of the President of the University and shall hold office at the discretion of the President. He shall be responsible to the President for the supervision of non-academic student affairs of the University within the framework of the policies and procedures established by the Board of Trustees and the stated purposes of the University.

He shall be the presiding officer of the Student Welfare Council which shall serve as his advisory body. The Dean of Students shall also be the Moderator of Student Government.

Section 7: The Business Manager

The Business Manager shall be appointed by the Board of Trustees on the recommendation of the President of the University and shall hold office at the discretion of the President. He shall be responsible to the President for the supervision of the financial and business affairs of the University within the framework of the policies and procedures established by the Board of Trustees and the stated purposes of the University. He shall be the presiding officer of the Finance and Services Council which shall serve as his advisory body.

## ARTICLE VI: THE UNIVERSITY FACULTY

### Section 1: Membership

The University Faculty shall consist of the officers of the University, those persons appointed to the ranks of Professor, Associate Professor, Assistant Professor, and Instructor, and any other administrative officers and staff members who may be so assigned by the Board of Trustees upon the recommendation of the President of the University.

Section 2: Authority of the University Faculty

The Board of Trustees shall delegate to the University Faculty and the University Faculty shall accept the responsibility for exercising the legislative authority to initiate and formulate the educational and academic policies of the University in areas of their competence, including: student admissions, curriculum, subject matter, instruction, graduation requirements, new programs, faculty affairs, research, and all aspects of student life which relate to the educational process. The University Faculty may delegate any or all of its authority and responsibility to an elected body representative of the Faculty as a whole, provided only that the existence of such an organization be approved by the President of the University and the Board of Trustees. Decisions of the University Faculty or its representative body shall be submitted to the President and, when so determined by him, to the Board of Trustees for review and final approval.



### Section 3: The Faculties of the College and Schools

All authority in academic matters not exercised by the University Faculty or its representative body shall reside with the Faculties of the College and the Schools. Agencies for faculty participation in the government of the College and the Schools shall be present at each level where faculty responsibility resides. Channels of communication shall be established among students, faculty, administration and governing board, including:

- (a) circulation of memoranda and reports by board committees, the administration, faculty committees, and student organizations;
- (b) joint ad hoc committees;
- (c) standing liaison committees;
- (d) inclusion of faculty members and students on administrative bodies.

**Section 4: Meetings of the University Faculty**

**Meetings of the University Faculty shall be called by the Provost or the Faculty representative body.**

**Notice of such meetings, including the agenda, shall be mailed by the Provost to each member of the University Faculty at least five days before the date of the meeting. The agenda shall be determined by the Provost in consultation with other officers of the University in the case of those meetings called by the Provost. The agenda for those meetings called by the Faculty representative body shall be determined in a manner prescribed by that body. The Provost shall serve as the presiding officer for all meetings of the Faculty, except that in his absence the President of the University shall appoint the presiding officer.**

Section 4: Meetings of the University Faculty

There shall be a regular meeting of the University Faculty in September and April of each year. The general purpose of the meetings shall be in the nature of a report to the Faculty on the state of the University. Regular meetings shall be called by the Provost who shall send written notice of the meeting, including the agenda, to the faculty at least five days before the date of the meeting. The agenda for regular meetings of the Faculty shall be determined by the Provost after consultation with other officers of the University. Special meetings of the University Faculty shall be held as determined by the Provost or upon the call of the Faculty representative body. Notice of special meetings, including the agenda, shall be sent to the Faculty at least five days before the date of the meeting. The agenda shall be prepared by the Provost or the Faculty representative body, whichever called the meeting. The Provost shall be the presiding officer of regular and special meetings of the University Faculty, except that in his absence the President of the University shall appoint the presiding officer.

## ARTICLE VII: STANDING COMMITTEES

### Section 1: The Committees

The following shall be the standing committees of the University: The Administrative Council

The Academic Council

The Finance and Services Council

The Public Relations and Development Council

The Student Welfare Council

The Graduate Council

The Research Council

The Athletic Board

The Library Committee

The Admissions and Scholarship Committee

Additional standing committees may be established as determined by the President of the University with the concurrence of the Board of Trustees. Each standing committee shall adopt Bylaws and shall function in accordance with its Bylaws which set forth the manner in which it shall organize and conduct its affairs within the framework of University policies and regulations established by the Board of Trustees and the stated purposes of the University.

## Section 2: Committee Appointments

Members of the Standing Committees shall be appointed by the President of the University on the recommendation of the Chairman of each committee. Each Chairman shall be responsible for carrying out assigned duties according to the Bylaws of his committee. The Chairman shall be the presiding officer, call the meetings, provide for the keeping of minutes, and make them available at all times.

## Section 3: The Administrative Council

The Administrative Council shall consist of the President of the University, ex officio Chairman; The Vice President of the University; The Provost; The Vice-President for Public Relations and Development; The Business Manager; The Dean of Students; The Assistant to the President; and other members as determined by the Chairman of the Council. The Administrative Council shall function as the executive committee of the University and as advisory to the President on all matters concerning the University. The Council shall adopt Bylaws and reaffirm or amend them at the first meeting of each academic year.



#### Section 4: The Academic Council

The Academic Council shall consist of the Provost, ex officio Chairman, the Deans of the College and Schools, the Registrar, the Librarian, the Director of Admissions, and other members appointed by the President of the University on the recommendation of the Provost. The Academic Council shall function in an advisory capacity to the Provost on all matters of the administration of the academic policies of the University. The Academic Council shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

**Section 5: The Finance and Services Council**

The Finance and Services Council shall consist of the Business Manager, ex officio Chairman, the Comptroller, the Treasurer, the Purchasing Agent, the Physical Plant Director, and other members appointed by the President of the University on the recommendation of the Business Manager. The Finance and Services Council shall function in an advisory capacity to the Business Manager on all matters related to the financial administration of the University, including the management of the Physical Plant and auxiliary services. The Finance and Services Council shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

**Section 6: The Public Relations and Development Council**

The Public Relations and Development Council shall consist of the Vice President for Public Relations and Development, ex officio Chairman, the Vice President, the Assistant to the President, the Director of Personnel Services, the Coordinator of Federal Programs, the Director of Development, and other members appointed by the President of the University on the recommendation of the Vice President for Public Relations and Development. The Public Relations and Development Council shall function in an advisory capacity to the Vice President for Public Relations and Development on all matters related to Public Relations, Development, and Alumni Affairs. The Public Relations and Development Council shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

#### **Section 7: The Student Welfare Council**

The Student Welfare Council shall consist of the Deans of Students, ex officio Chairman, the Dean of Men, the Dean of Women, the Director of Psychological Services, the Director of the University Health Services, the Chaplain, the Athletic Director, and other members appointed by the President of the University on the recommendation of the Dean of Students. The Student Welfare Council shall function in an advisory capacity to the Dean of Students on all non-academic matters related to student affairs. The Student Welfare Council shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

**Section 8: Graduate Council**

The Graduate Council shall consist of the Dean for Graduate Studies and Research, ex officio Chairman, the Chairman of the Graduate Committees of the College and the Schools, and other members appointed by the President of the University on the recommendation of the Dean for Graduate Studies and Research. The Graduate Council shall function in an advisory capacity to the Dean for Graduate Studies and Research in all matters related to the graduate programs of the University. The Graduate Council shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.



Section 9: The Research Council

The Research Council shall consist of the Dean for Graduate Studies and Research, ex officio Chairman, the Director of the Research Institute, the Dean of the School of Engineering, the Dean of the College of Arts and Sciences, and other members appointed by the President of the University on the recommendation of the Dean for Graduate Studies and Research. The Research Council shall function in an advisory capacity to the Dean for Graduate Studies and Research in all matters related to the coordination of sponsored and contractual research activities. The Research Council shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

Section 10: Library Committee

The Library Committee shall consist of the Librarian, ex officio Secretary, and faculty representatives of the College and Schools appointed by the President of the University on the recommendation of the respective Deans. The Chairman of the Library Committee shall be appointed by and serve at the discretion of the President of the University. The term of office and the number of members of the Library Committee shall be determined by the Bylaws of the Committee. The Library Committee shall assist and advise the Librarian in the development of the Library and serve as a liaison agency between the Librarian and the Faculty and the Librarian and the Administration on all matters pertaining to the Library. The Library Committee shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

Section 11: The Admissions and Scholarships Committee

The Admissions and Scholarships Committee shall consist of the Director of Admissions, ex officio Secretary, the Director of Scholarships and Student Aid, the Registrar, and Faculty representatives of the College and Schools appointed by the President of the University on the recommendation of the respective Deans. The Chairman of the Admissions and Scholarships Committee shall be appointed by and serve at the discretion of the President of the University. The term of office and the number of members of the Admissions and Scholarships Committee shall be determined by the Bylaws of the Committee. It shall be the duty of the Admissions and Scholarships Committee to assist and advise the Director of Admissions and the Director of Scholarships and Student Aid on the admission of students within the framework of the stated admissions policies and standards and to determine, with the approval of the President of the

University, the awarding of scholarships and student aid. The Admissions and Scholarships Committee shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

Section 12: Athletic Board

The Athletic Board shall consist of members of the University Faculty, the University of Dayton Alumni Association, and the Flyers' Club.

Faculty representatives shall be appointed by the President of the University for two year terms and may be reappointed for an additional term. Alumni representatives shall be elected in accord with the provisions of the Constitution of the University of Dayton Alumni Association. The President of the Flyers' Club shall appoint one representative to serve on the Athletic Board in accord with the provisions of the Constitution of the Flyers' Club. The President of the University of Dayton Alumni Association shall be an ex officio member of the Board. The total number of representatives of the Alumni Association and the Flyers' Club, including appointed and ex officio members, shall not exceed the total number of Faculty representatives.



The Chairman of the Athletic Board shall be a Faculty representative and shall be appointed by the President of the University to serve at his discretion. The Athletic Board shall function in an advisory capacity to the Student Welfare Council through the Chairman of the Board on all matters related to intercollegiate and intramural athletic activities. The Athletic Board shall adopt Bylaws and affirm or amend them at the first meeting of each academic year.

ARTICLE VIII: ACADEMIC ORGANIZATION OF  
THE UNIVERSITY

Section 1: Description

The University of Dayton shall be organized under the  
~~following~~<sup>following</sup> academic units:

The College of Arts and Sciences

The School of Business Administration

The School of Education

The School of Engineering

The Office for Graduate Study and Research

The Technical Institute

The existing academic units may be altered or  
abolished and additional academic units may be  
established by the Board of Trustees upon  
recommendation of the President'.

## Section 2: The College and the Schools

The College and the Schools shall be the administrative and instructional units each consisting of a Dean, his staff, and the instructional members of the constituent departments.

The Dean of the College and of each School shall be appointed by the Board of Trustees upon the recommendation of the President of the University after appropriate consultation with the Faculty.

The term of office for the Deans shall be at the discretion of the President. It shall be the duty of each Dean to carry on the work of his College or School in accord with Bylaws adopted by the College or School and within the framework of the policies and regulations established by the Board of Trustees and the stated purposes of the University.

The Faculty of each College or School, or their elected representatives, shall affirm or amend the Bylaws of the College or School at the first meeting of each academic year.

Section 3: The Office for Graduate Studies  
and Research

The Office for Graduate Studies and Research shall be the administrative unit for the coordination of all graduate programs and research activities of the University. The Graduate Faculty shall consist of those members of the University Faculty who have been so assigned by their respective College and Schools according to the policies and regulations established by the Board of Trustees. The Dean for Graduate Studies and Research shall be appointed by the Board of Trustees upon the recommendation of the President of the University after consultation with the Graduate Council. The term of office shall be at the discretion of the President. The Dean for Graduate Studies and Research shall be responsible, in cooperation with the Deans of the College and the Schools, for the general supervision of the graduate work and the research activities of the University. He shall be

the presiding officer of the Graduate Council and the Research Council, both of which shall serve as advisory to the Dean in all matters related to graduate programs and research activities.



#### Section 4: The Technical Institute

The Technical Institute shall be the administrative and instructional unit for all academic programs related to the education of engineering and scientific technicians. It shall be a division of the School of Engineering and its Director shall be responsible to the Dean of the School of Engineering. The Director of the Technical Institute shall be appointed by the Board of Trustees upon the recommendation of the Dean of the School of Engineering and the President of the University after appropriate consultation with the Faculty of the Technical Institute. The term of office shall be at the discretion of the President. It shall be the duty of the Director to carry on the work of the Technical Institute in accord with Bylaws adopted by the Technical Institute and within the framework of the policies and procedures established by the Board of Trustees and the stated

purposes of the University.

The Faculty of the Technical Institute or their elected representatives shall affirm or amend the Bylaws of the Technical Institute at the first meeting of each academic year.

## Section 5: The Departments

A department shall be the instructional unit of the College, the Schools, and the Technical Institute.

It shall consist of a chairman and the instructional staff of the department. The chairman of each department shall be appointed for a term of four years by the Board of Trustees on the recommendation of the President of the University, the Provost, and the Dean of the appropriate College or School or the Director of the Technical Institute after consultation with the faculty members of the department. The chairman shall be responsible for carrying on the work of the department in accord with the duties affixed by the Bylaws of his College, School, or Technical Institute.

## ARTICLE IX: AMENDMENTS

Section 1: This Constitution may be amended at any regular or special meeting of the Board of Trustees by a vote of two-thirds of all members present, provided that a quorum shall be present and participating in the meeting and that such an amendment has been submitted in writing by the Secretary to each member of the Board at least ten days before the meeting.

Section 2: All former statutes, by-laws, rules and regulations in conflict with this Constitution are hereby repealed.

OR

Section 2: It is not the intention of this Constitution to modify or repeal any by-laws, rules, or regulations in effect at the time of the adoption of this Constitution. Any such changes shall be made only in accord with the rules and regulations established by the Board of Trustees.