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Constitution of the Academic Senate of the University of Dayton

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CONSTITUTION OF THE ACADEMIC SENATE OF THE UNIVERSITY OF DAYTON

Preamble

Article III, Section 5(a) of the Code of Regulations of the University of Dayton⁽¹⁾ provides for the delegation, from the Board of Trustees to the University Faculty, of the right to initiate and formulate the educational and academic policies of the University in areas of its competence. By the same authority, the University Faculty is vested with the right to delegate any or all of its authority and responsibility to an elected body representative of the University Faculty, on the condition that such delegation is effected through a document adopted by a vote of the University Faculty and approved by the President of the University and the Board of Trustees.

The University Faculty, by virtue of its promulgation and ratification of this Constitution of the Academic Senate of the University of Dayton, accepts this delegation of authority from the Board of Trustees. Through this Constitution, the University Faculty expresses its commitment to the ideal of active and meaningful participation of all elements of the University academic community in the process of initiating and formulating the educational and academic policies of the University.

The University Faculty recognizes that final authority to approve or reject educational and academic policies for the University remains with the President and the Board of Trustees. The University Faculty further recognizes that the University's commitment to high ethical and professional standards and to the promotion of critical inquiry and increased knowledge can be maintained only through responsible interaction and mutual respect. It is in that spirit that the University Faculty expresses its commitment to work closely with the University Administration at all stages in the initiation and formulation of educational and academic policy.

ARTICLE I: NAME

The representative body exercising the authority and responsibility of the University Faculty under the Constitution of the University of Dayton shall be known as the Academic Senate.

¹ https://udayton.edu/legalaffairs/_resources/gov-doc-parts/Code-of-Regulations.pdf

ARTICLE II: AUTHORITY AND RESPONSIBILITY

A. By its approval of this document the University Faculty delegates to the Academic Senate described herein its authority and responsibility under the University Code of Regulations (Article III, Section 5(b))⁽²⁾ in all matters except policies pertaining to academic freedom and tenure.

In the absence of policy determination of the Academic Senate, all discretionary powers in academic matters shall remain with the Provost, Faculty of the University, Deans, School and College Faculties, Departmental and Program Chairpersons and Departmental and Program faculties.

In the event of a conflict or dispute over the provisions of the Constitution of the Academic Senate and the Basic Governing Documents of the University of Dayton, (defined as the Amended and Restated Articles of Incorporation,⁽³⁾ the Code of Regulations, the Bylaws of the Board of Trustees,⁽⁴⁾ and the Regulations on Academic Freedom and Tenure,⁽⁵⁾ the provisions of the Basic Governing Documents of the University of Dayton shall prevail.

The President of the University shall resolve any disagreements involving the interpretation of the Constitution of the Academic Senate. The President shall communicate his or her resolution in writing in a timely manner.

In its role as a Court of Last Resort, the Board of Trustees may hear an appeal requested by the Academic Senate of a decision of the President of the University. The Academic Senate will present its position in writing to the President who will transmit it, together with a written statement of his or her position, to the Academic Policies and Programs Committee of the Board for review and presentation to the Board of Trustees. The Board of Trustees shall send its decision in writing to the Senate in a timely manner.

B. The Academic Senate shall exercise Legislative Authority, Legislative Concurrence, and Consultation as defined in this Article. Pursuant to Article III, Section 5(c) of the Code of Regulations of University of Dayton, all decisions and recommendations of the Academic Senate shall be submitted to the President of the University for approval and, when so determined, to the University Board of Trustees for review and final approval. The Board of Trustees shall send its decision in writing to the Senate in a timely manner.

1. Legislative Authority

Legislative Authority is defined as the right to initiate and formulate academic and educational policies that have significant University-wide impact as determined by the Academic Senate including amendment, revision, or rescission of existing policies. In considering which policies have significant University-wide impact, the Academic Senate shall analyze how these policies affect items such as program quality, content, economic

² https://udayton.edu/legalaffairs/_resources/gov-doc-parts/Code-of-Regulations.pdf

³ https://udayton.edu/legalaffairs/_resources/gov-doc-parts/Amended-and-Restated-Articles-of-Incorporation.pdf

⁴ https://udayton.edu/legalaffairs/_resources/gov-doc-parts/Bylaws-of-the-Board-of-Trustees.pdf

⁵ https://udayton.edu/provost/_resources/docs/August_2014_UD_FacultyHandbook_Final.pdf

feasibility, and consonance with the University mission. To be considered University-wide, the policy must apply to more than one educational unit. Legislative Authority shall not extend to the implementation or administration of such policies. Each legislative act shall contain a statement articulating its academic or educational purpose and justification. Legislative Authority shall extend, but not be limited, to policies covering the following topics:

a) Program Academic Affairs

Degree requirements, standards for development of curriculum program evaluations, curricular options.

b) University Academic Affairs

General curriculum degree requirements and honorary degrees.

c) Faculty Academic Affairs

Grievance process, standards of evaluation, sabbaticals, professional development, research, and promotions.

While the Academic Senate has the responsibility for discussion of all policies pertaining to academic freedom and tenure, policies regarding academic freedom and tenure do not take effect until the following conditions are met.

- More than 50% of the University faculty vote by written ballot;
- More than 50% of those voting approve of the proposed policies;
- The proposed policies are ratified by the President of the University and the Board of Trustees.

For purposes of voting on academic freedom and tenure proposals or policies, the University Faculty consists of all tenured and tenure-track faculty.

A list of those eligible to vote on policies pertaining to academic freedom and tenure will be maintained by the Provost and will be available to all eligible voting faculty.

d) Student Academic Affairs

Grading, attendance, examinations, cheating, plagiarism, grievances.

2. Legislative Concurrence

Legislative Concurrence is defined as the authority to review, to approve or disapprove, or to make recommendations concerning educational policies that are formulated or initiated by all Committees, Councils, and Boards. While retaining the right to initiate and formulate all the educational and academic policies of the University in areas of its competence, the

Academic Senate recognizes that various University Committees, Councils, and Boards are already engaged in an advisory capacity in such work. Therefore, all Committees, Councils, and Boards, including, but not limited to, the Graduate Council, Library Committee, and Research Council will recommend educational policies within their respective purviews. The Academic Senate will ordinarily act upon such policies by Legislative Concurrence. The Academic Senate, however, retains Legislative Authority in the above areas if it wishes to exercise that authority.

In addition, all policies concerning University Faculty participation in University admissions, size and composition of the student body, scholarships, and the selection, evaluation, and retention of Program Directors, Chairpersons, and Deans will be submitted to the Academic Senate for its concurrence.

3. Consultation

Consultation is defined as an exchange of information with the Academic Senate for the purpose of permitting the Academic Senate to propose or to comment upon policies that are other than academic and educational, including but not limited to the following:

- a. University budget priorities (not budgets) and financial concerns such as financial crises and cutbacks.
- b. University admissions.
- c. Academic calendar.
- d. Size and composition of the student body.
- e. Faculty compensation and other conditions of service.
- f. Composition of University committees, councils, and boards.
- g. Selection, review and retention of the President and Vice Presidents.
- h. Selection, evaluation, and retention of Program Directors, Chairpersons, and Academic Deans.
- i. Scholarships and financial aid.
- j. Extracurricular academic matters (e.g., concerts, lectures, etc.).
- k. Educational support programs.

The President of the University accepts the responsibility to consult the Academic Senate on policies that are judged to have a significant impact upon the academic and educational development of the University. The Academic Senate also has a right to initiate consultation with any University-wide committee, council, or board.

C. The Academic Senate shall have the authority to effectuate the powers delegated to it under Article II, Section A of this Constitution.

ARTICLE III: PROMULGATION

- A. Actions of the Academic Senate when acting in matters of Legislative Authority shall be recorded by the Secretary and communicated by the Secretary to the Provost, and by the Provost to the entire University Faculty and other appropriate parties.
- B. After notification of approval of any policy action by the Academic Senate, the University Faculty shall have eleven (11) class days in which to request a meeting of the entire University Faculty to address the issue. Such a meeting must be called by the President of the Senate upon receipt of a written petition that bears the signatures of at least twenty percent (20%) of the University tenured and tenure track Faculty. A vote of a majority of at least a majority of the entire University Faculty shall nullify any action of the Academic Senate.
- C. The Provost will take further action on a policy in accordance with the following:
 - 1. If no petition has been received within the eleven (11) class-day period or if a vote of the University Faculty failed to nullify the policy, the Provost shall immediately forward the policy document to the President for review and action.
 - 2. If the University Faculty voted to nullify an action taken by the Academic Senate, the Provost shall return it to the Academic Senate for reconsideration.
- D. An academic policy of the Academic Senate shall become effective when approved pursuant to Article II, Section B of this Constitution. Such policy shall be promulgated as official University policy by the Provost.
- E. In the event that the President of the University disagrees with all or part of a policy formulated by the Academic Senate under its Legislative Authority or Legislative Concurrence powers, the President shall inform the Academic Senate in writing and arrange for prompt consultation.

Should such consultation fail to resolve a disagreement between the President and the Academic Senate on a policy of the Academic Senate, the decision of the President shall prevail.

In its role as a Court of Last Resort, the Board of Trustees may hear an appeal requested by the Academic Senate of a decision of the President. The Academic Senate will present its position in writing to the President who will transmit it, together with a written statement of his or her position, to the Academic Policies and Programs Committee of the Board for review and presentation to the Board of Trustees. The Board of Trustees shall send its decision in writing to the Senate in a timely manner.

ARTICLE IV: COMPOSITION OF THE ACADEMIC SENATE

A. Membership

The Academic Senate shall consist of thirty-nine (39) members. All members shall be voting members. These members shall be determined as follows:

1. Faculty. All faculty who are tenure-track and tenured (excluding Assistant and Associate Deans and Assistant and Associate Provosts) shall be eligible to serve as unit representatives on the Academic Senate. There also shall be one part-time faculty representative and one full-time non-tenure track representative. There shall be twenty-four (24) members drawn from the above according to the following formula:

College of Arts and Sciences – eleven

 Humanities - five (at least 1 must be from fine arts)

 Natural Sciences – three

 Social Sciences – three

School of Business Administration – three

School of Education and Health Sciences – three

School of Engineering – three

School of Law – one

Librarians (University Library, Marian Library, Law Library) – one

Part-time faculty member – one

Full-time non-tenure track faculty member – one

2. Deans.

 College of Arts and Sciences

 School of Business Administration

 School of Education and Health Sciences

 School of Engineering

 School of Law

 University Libraries

3. Provost. (Votes only to break ties.)

4. Students. There shall be eight student representatives, one each from Humanities, Natural Sciences, Social Sciences, Business, Education, Engineering, and Graduate Studies

(including Law), and the Student Government Association's Vice President of Academic Affairs.

B. Election of University Faculty Representatives

1. Each of the units will elect from among their own members the number of representatives indicated under Article IV, Section A.1. All faculty who are tenure-track and tenured (excluding Assistant and Associate Deans and Assistant and Associate Provost's) shall be eligible to vote.
2. For full-time representatives, preliminary and final elections shall be conducted in separate stages in each academic area by the University Elections Committee from the current University *Faculty Roster* provided by the Provost. In conducting these elections the University Elections Committee shall be guided by the propositions which follow:
 - a) A preliminary ballot of all eligible faculty in an area shall be used to identify those receiving the largest number of votes.
 - b) The number of nominees presented on the final election ballot shall be approximately twice the number of members to be elected, but each nominee listed shall have accepted the nomination.
 - c) The tabulations of all election results showing the number of votes received by each person shall be forwarded to the Provost, who will announce the results and retain the records for the later use of the Academic Senate.
3. Elections shall take place in the [Spring](#) of the year, and all terms of office shall begin after the last Spring semester meeting of the outgoing Senate.
4. The term of office for all full-time tenured and tenure-track faculty members shall be three years. Each year the following members will be elected as indicated:

<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>
Humanities - 2	Humanities - 2	Humanities - 1
Natural Sciences - 1	Natural Sciences - 1	Natural Sciences - 1
Social Sciences - 1	Social Sciences - 1	Social Sciences - 1
Business - 1	Business - 1	Business - 1
Education - 1	Education - 1	Education - 1
Engineering - 1	Engineering - 1	Engineering - 1
Law - 1	Law - 0	Law - 0
Library - 0	Library - 0	Library - 1
Part-time - 1	Part-time - 1	Part-time - 1
Full time non-tenure track - 1	Full time non-tenure track -1	Full time non-tenure track - 1

5. The part-time faculty shall elect the part-time faculty representative in an election held each Spring term. The term of office shall be one year. The term shall begin after the last Spring semester meeting of the outgoing Senate.

6. The full-time non-tenure track faculty shall elect a representative in an election held each Spring term. The term of office shall be for one year. The term shall begin after the last Spring semester meeting of the outgoing Senate.
7. Nominees not elected to the Academic Senate shall be listed in the order of votes received, beginning with the highest, and shall, in that order, replace any individual who cannot complete his or her term of office.

C. Election of Undergraduate Student Representatives

1. One undergraduate student representative shall be elected from each of the following areas: Humanities, Natural Sciences, Social Sciences, Business, Education, and Engineering. The undergraduate student who is elected as SGA's Director of Academic Affairs will serve ex officio on the Academic Senate.
2. Elections shall be held in the Spring term of each year.
3. The term of office shall be one year. All terms of office shall begin after the last Spring semester meeting of the outgoing Senate.
4. Procedures for the elections shall be as follows:
 - a) Any undergraduate student in good standing may be nominated. Students nominated must be making satisfactory progress in a degree program as certified by their Dean.
 - b) Each student nominee shall submit to the Student Government Association a petition signed by a minimum of fifty students from his/her respective constituency.
 - c) Students electing the candidates must indicate in which School or College they are enrolled and vote for only one representative from this area.
5. The Student Government Association will supervise the elections.
6. Nominees not elected to the Academic Senate shall be listed by the Student Government Association in the order of the votes received, beginning with the highest, and shall, in that order, replace any student who cannot complete his/her term of office.

D. Selection of Graduate Student Representative

1. One graduate student representative shall be selected from the combined enrollment of the graduate areas of the University, including the School of Law.
2. The term of office shall be one year. The term shall begin after the last **Spring** semester meeting of the outgoing Senate.
3. The procedures for selection shall be as determined by the Graduate Leadership Council.

ARTICLE V: MEETINGS OF THE ACADEMIC SENATE

The Academic Senate shall convene under either Regular or Special circumstances as described hereinafter.

A. Regular Meetings

1. Regular meetings shall be called by the President of the Academic Senate and shall be held at least once in each of the fall and Spring terms.
2. The Agenda for Regular Meetings shall be established exclusively by the Executive Committee of the Academic Senate, except that an agenda item requested by petition of nine or more members of the Academic Senate or by twenty members of the University Faculty shall be included in the Agenda of the next Regular Meeting following its receipt. The Agenda must be submitted to members of the Academic Senate one week prior to the date of any Regular Meeting and communicated to the University through the appropriate campus media.
3. Regular Meetings of the Academic Senate shall be chaired by the President of the Academic Senate. Attendance by more than half of the Academic Senate membership shall constitute a quorum for conducting business at Regular Meetings.
4. The Academic Senate shall conduct its meetings using Robert's Rules of Order (latest revised edition) and shall appoint a parliamentarian.

B. Special Meetings

1. Special Meetings of the Academic Senate shall be called by the President of the Academic Senate in response to any one of the following actions:
 - a) A decision of the Executive Committee.
 - b) A written request from one third of the members of the Academic Senate.
 - c) A written request from one fifth of the University Faculty.
 - d) A written request from the President of the University.
 - e) A written request from one fifth of the full-time student body.
2. Except for emergencies, as determined by a majority vote of the Executive Committee, the Agenda for a Special Meeting shall be submitted to members of the Academic Senate one week prior to convening the Academic Senate and shall be communicated to the University through appropriate campus media. The Agenda must be approved by a majority vote of the Academic Senate at the outset of any Special Meeting.

3. Attendance by more than half of the total membership shall constitute a quorum for conducting business at Special Meetings.
4. The procedures for conducting business at Special Meetings of the Academic Senate will be the same as at Regular Meetings.

ARTICLE VI: PRINCIPLES GOVERNING THE OPERATION OF THE ACADEMIC SENATE

A. Communication/Liaison with University College and Schools

The Academic Senate shall regularly communicate a report of its activities to the Academic Affairs Committees of the College and Schools of the University and to the University Libraries. To this end, it shall keep regular minutes of its business and distribute such minutes to the members of the Academic Affairs Committees of the various College, Schools, Libraries, and the University Faculty on a regular basis. It shall also publicize its activities through the campus media.

B. Hearings and Plenary Sessions

All meetings of the Academic Senate and those of all of its committees shall, subject to reasonable rules and regulations, be open to all members of the University community, including University Faculty, staff, administrators, and students. Meetings shall be in executive session upon a vote of two-thirds of the Academic Senate or committee representatives in attendance.

C. Officers of the Academic Senate

1. The officers of the Academic Senate shall be a President, a Vice President, and a Secretary.
2. The President, the Vice President, and the Secretary of the Academic Senate shall be elected by the Senate from the elected members of the University tenured and tenure-track faculty serving on the Executive Committee, excluding the Deans' representative. Elections shall be held after the last Spring semester meeting of the outgoing Senate and prior to May 16th.

D. Committees of the Academic Senate

1. Creation of Committees

The Academic Senate shall create committees, both standing and otherwise, for the conduct of its business, pursuant to rules and regulations that it shall promulgate. Such committees shall be delegated responsibility for the development of policies in various areas as deemed appropriate.

2. Composition of Committees

Membership on committees shall be determined by the Academic Senate in accordance with the following principles: competence, expertise, and balance in representation.

Normally, at least one member of each committee shall be a member of the Academic Senate.

E. Executive Committee

1. Composition of the Executive Committee

The Academic Senate shall have an Executive Committee, which shall be constituted as follows:

- a. One University Faculty representative each from Business, Education, Engineering, Humanities, Law, Natural Sciences, Social Sciences, and Libraries.
- b. The Provost.
- c. One Dean.
- d. One undergraduate student and one graduate student (including Law).
- e. The President, the Vice President, and the Secretary of the Academic Senate shall represent their respective constituencies as delineated in paragraph E-1-(a) preceding.
- f. The officers of the Academic Senate shall be the officers of the Executive Committee.

2. Election of the Executive Committee

Vacancies on the Executive Committee shall be filled through elections by the incoming Senate after the last Spring semester meeting of the outgoing Senate and prior to May 16th.

3. Term of Office of the Executive Committee

The term of office of the Executive Committee shall be two years. Elections will take place in alternate years with staggered terms to allow continuity of membership. If a Senator is unable to complete his or her term of office, the Senate will elect a new representative from his or her area at the next meeting.

4. Meetings of the Executive Committee

- a) Meetings of the Executive Committee shall be held upon the call of the President of the Academic Senate or at the request of the Provost or a majority of the Executive Committee.
- b) Attendance by more than half of its membership shall constitute a quorum for conducting business at meetings of the Executive Committee.

- c) The Executive Committee shall conduct its meetings by some orderly process of its own devising.
5. Powers of the Executive Committee
- a) External Powers and Responsibilities
 - i. When the Academic Senate is adjourned or otherwise not in session, the Executive Committee shall exercise the Academic Senate's powers of Legislative Concurrence and Consultation, but not of Legislative Authority. The Executive Committee may, as it deems appropriate, convene the entire Academic Senate for the purpose of Legislative Concurrence or Consultation.
 - ii. The Executive Committee shall circulate minutes to all members of the Academic Senate on a regular basis.
 - iii. When the Executive Committee acts for the entire Academic Senate, its action shall be recorded by the Secretary and communicated to the entire University Faculty and other appropriate parties by the Provost.
 - iv. Any action of the Executive Committee can be reviewed and rescinded by the Academic Senate.
 - b) Internal Powers and Responsibilities
 - i. Set the Agenda for meetings of the Academic Senate.
 - ii. Appoint members of all Academic Senate committees.
 - iii. Facilitate the deliberations and actions of the Academic Senate, including coordination of activities among its committees.
 - iv. Coordinate Academic Senate activities, through the Office of the Provost, with University-wide Committees, Councils, and Boards.
 - v. Assure that committees of the Academic Senate:
 - (a) Adhere to the principle of mandatory consultation with University administrators affected by committee action.
 - (b) Are constituted in a way that reflects the charter of the committee.
 - (c) Receive clear directions concerning their powers and responsibilities along with appropriate deadlines.
 - (d) Report as charged.
 - (e) Conduct appropriate hearings on the topic under discussion.

- c) The Executive Committee shall have the power to establish temporary procedures in cases in which the Constitution provides no guidance, such procedures being subject to approval of the Academic Senate at its next meeting.
- d) The Executive Committee shall have the authority to take all action it deems appropriate for exercising the foregoing powers, such action being subject to approval by the Academic Senate.

ARTICLE VII: RATIFICATION AND AMENDMENT

A. Approval and Ratification

This Constitution shall be in effect when approved by a majority of at least a majority of University Faculty voting by written ballot and when ratified by the President of the University and the Board of Trustees. University Faculty voting shall occur only after the Constitution has been discussed at a general University Faculty meeting.

B. Amendment

An amendment shall be in effect when approved by the Academic Senate, by two-thirds of at least a majority of University tenure-track and tenured faculty voting by written ballot, and when ratified by the President of the University and the Board of Trustees. University Faculty voting shall occur only after the proposed amendment has been discussed at a general Faculty meeting.

ARTICLE VIII: ENABLING CLAUSE

If because of unforeseen and unavoidable circumstances, some provision of this Constitution cannot be met, the Academic Senate may continue to operate pending Constitutional Amendment, contingent upon a two-thirds vote of the members of the Academic Senate, approval of the President of the University, and in the absence of a contrary petition by a majority of the University Faculty.

Changed accepted by Academic Senate – April 21, 2017

Amended by the ECAS of Academic Senate – April 13, 2017; non-substantive edits to update language and formatting; changes previously approved by Senate to remove Dean of graduate school

Amended by the University Faculty -- March 21, 2011. See Doc. 2011-01

Amendment Approved by the President and the Board of Trustees -- May 19, 2011

Amended by the University Faculty -- September 25, 2006; See [DOC 2006-05](#)

Amendments Approved by President and Board of Trustees -- October 19, 2006

Amended by the University Faculty -- April 27, 2001

Amended by the University Faculty -- April 1, 1998

Amendments Approved by President and Board of Trustees -- May, 1998

Approved by the University Faculty -- April 2, 1981

Approved by the Board of Trustees contingent upon University Faculty approval of two additions and one revision -- May 21, 1981 Approved by the President -- June 1, 1981

Approved by the University Faculty with two additions and one revision requested by Board of Trustees and President -- October 1, 1981

ACADEMIC SENATE DOCUMENT

Approved by the Academic Senate, September 21, 1984

OBJECTIVE

This proposal is intended to document the formal responsibilities of the Vice President of the Academic Senate.

RATIONALE

The officers of the Academic Senate are identified in Section VI-C of the Constitution of the Academic Senate as the President, Vice President and Secretary. The responsibilities of the President and the Secretary are identified throughout the Constitution. For example, the President is responsible for calling and chairing regular meetings of the Academic Senate (V-A-1,3), calling meetings of the Executive Committee (VI-E-5), calling meetings of the entire faculty to discuss Senate action (III-B), and forwarding documents through the appropriate channels after Senate action (III-C-1,2). Likewise, the Secretary is responsible for recording Senate activity (III-A). However, responsibilities for the Vice President are never documented.

PROPOSAL The responsibilities of the Vice President of the Academic Senate are:

1. In the absence of the President of the Academic Senate, the Vice President will call and chair meetings of the Executive Committee of the Academic Senate.
2. In the absence of the President of the Academic Senate and with the approval of the Executive Committee of the Academic Senate, the Vice President of the Academic Senate will call and chair meetings of the Academic Senate and forward documents through appropriate channels after Senate action.
3. The Vice President of the Academic Senate will attend the meetings of the Educational Leadership Council.
4. The Vice President of the Academic Senate may serve as liaison between the Senate, its committees, and other University Committees, Councils, and Boards.