

To: Members of the Moorhead State College Community May 3, 1973

From: R. A. Hanson, Chairman, Moorhead State College Constitution
Committee

The Moorhead State College Constitution Committee has concluded its work in preparing a draft of a Constitution for consideration by the component electorates. Mr. Peter Nelson, Special Assistant Attorney General, assigned to the Chancellor's Office, has reviewed the Constitution and has made a few minor suggested changes which were incorporated into the proposed Constitution at the last meeting of the Constitution Committee. At its meeting on April 26 the Constitution Committee voted unanimously to approve the Constitution as it is herewith submitted for your consideration. Included also are certain bylaws which are considered by the Committee to be essential to establishing the new governmental structure.

The Governing Rules of the College provide that the Constitution must now be submitted to the students, faculty and staff for separate elections. A six-member Election Committee consisting of two people appointed by the chief officer of each of the three Senates will conduct the required elections. If the vote is favorable from all three electorates the Constitution will be submitted by President Dille to the State College Board for their final consideration.

The faculty and staff will receive mail ballots which will be due by 5:00 p.m., Wednesday, May 16.

The students will vote on May 16 at designated polling places. Voting hours will be from 9:00 a.m. to 5:00 p.m. The polling places will be: Student Union, Hagen, MacLean and Nemzek Halls. There will be two questions on the ballots - one concerning approval of the Constitution and the other concerning approval of the bylaws.

Election Committee
Janet Paulsen, Chairman
Everett Warren
Perry Anderson
Sandra Steger
Chester Kelly
Sharon Ferris

MOORHEAD STATE COLLEGE
Moorhead, Minnesota

Proposed
Constitution of Moorhead State College

Preamble

Moorhead State College was established in 1887 by act of the Legislature. As a public institution of higher education within the Minnesota State College System, it is under the direct control of the State College Board. The Board and the College are committed to the advancement of learning, to the preservation of intellectual freedom, and to the principle that responsibility for internal government is shared by the members of the College Community. To serve and promote these ends this Constitution is established.

Article I. External Government and the College Community

Section 1. External Government

The Legislature, representing the people of Minnesota, exercises ultimate control over the College by virtue of its authority to enact and amend laws pertaining to the State College System and to provide resources for the operation of public institutions.

The Minnesota State College Board, established by law, is directly responsible for the operation, control, and general management of the State College System. The powers and duties of the Board are set forth in the State College Board Rules. Although the Board is empowered by law to govern the College, it delegates through the Rules a certain authority, with commensurate responsibility, to the President of the College and to the several components of the College Community. While it cannot divest itself of its legal responsibilities, the Board will not act on any matter for which its Governing Rules call for the participation of the College Community without first obtaining the advice and recommendations of the President and the appropriate agency of internal government as transmitted to it by the President.

Under the relevant provisions of the Minnesota Statutes, and at the direction of the State College Board, Moorhead State College is charged with the responsibility of providing programs in higher education involving teaching, research, and public service responsive to the needs of the State and the people of Minnesota. In carrying out this responsibility, the College shall be governed within the framework of the State College Board Rules, this Constitution, and such bylaws and other regulations as may later be properly adopted.

Section 2. The College Community

The College Community includes students, faculty members, administrators, and professional staff members, as herein defined.

A. Students

A student is any person currently enrolled for academic credit at the College.

B. Faculty

A faculty member is any person who currently holds an appointment in the College at the rank of professor, associate professor, assistant professor, instructor, or such other academic ranks as the College may establish.

C. Administration

An unclassified administrator is an unclassified employee whose normal duties involve less than one half of his time devoted to teaching, research, counseling, or service in support of instruction. Any unclassified administrator who holds academic rank is also a member of the Faculty.

D. Staff

A staff member is any person the nature of whose appointment in the College causes him to fall within the meaning of the term "professional support personnel" as used in the State College Board Rules. Persons in the Civil Service and other employees of the College who are not principally faculty members, students, or unclassified administrators are members of the staff.

Article II. The College Community and the Rights of Individuals

Section 1. Exercise of Fundamental Rights

All members of the College Community, as citizens or residents of the country, enjoy the same freedom of speech and peaceful assembly and the same right of petition that other citizens or residents enjoy. The College shall not employ institutional powers to limit or infringe these ordinary rights either on or off the campus. At the same time, all members of the College Community have certain responsibilities imposed on them by virtue of their membership and status in a particular component; and their possession of the rights herein asserted does not absolve them of the obligation to fulfill those responsibilities.

Section 2. Public Law and the Authority of the College

At all times and places a member of the College Community is subject to public laws. The College, although it cannot impose civil penalties, may impose appropriate penalties for violations of its own regulations.

Article III. Students

Section 1. Rights and Responsibilities of Students

A. Rights of Students

Among the aims of the College are the transmission of knowledge, the pursuit of truth, and through these but less directly the improvement of society. Freedom of inquiry and expression are indispensable to the attainment of these aims. Students should be encouraged to develop the capacity for critical judgment that is necessary for sustained and independent learning. Because the student's freedom to

learn and the faculty member's freedom to teach are inseparable aspects of a common undertaking, the standards of academic freedom detailed in this article are essential to any community of scholars. The freedom to learn depends upon appropriate conditions in the classroom, on the campus, and in the larger community. College students are expected to exercise their freedom with responsibility, but the obligation to secure and respect the freedom of students to learn is shared by all members of the College Community.

B. Responsibilities of Students

Implicit in the recognition of their rights is the obligation of students to accept their responsibilities toward the College Community.

1. One important responsibility of the student is to advance his own education. This includes the obligation to fulfill assignments, to participate in discussion and other activities appropriate to his courses, to increase his scholarly competence in the discipline being studied, and to engage in whatever independent work is necessary for satisfactory academic progress.
2. The student's obligation to his fellow students requires conduct which shows respect for the rights of all. In seeking to bring about change, a student should rely on reasoned argument and should refrain from adopting methods or resorting to acts which interfere with the opportunity of others to pursue their education.
3. Beyond his obligations to himself, to his fellow students, to his instructors and to the staff, the student, like other members of the College Community, has a more general responsibility to the institution as a whole. That responsibility includes the observance of regulations and policies of the College.

Section 2. Relationships in Academic Matters

A. Protection of Freedom of Expression

A student shall be free to take exception to the data or views offered in any course of study and to reserve judgment about matters of opinion. He is, however, responsible for learning the factual content of any course in which he is enrolled for credit and equally responsible for presenting an intelligent defense or discussion of any arguable position that he may take. The instructor, in the classroom and in conference, shall encourage free inquiry, responsible discussion, and the expression of opinion on all matters fit for such expression.

B. Protection Against Improper Academic Evaluation

The College, through duly established regulations or policies, shall undertake to protect the student against prejudiced or capricious academic evaluation. A student's performance in a

course is properly to be judged solely by the degree of success with which he meets reasonable academic standards determined and communicated by the instructor. Analogously, when a student is called upon to evaluate the performance of members of the faculty, he is under a serious obligation to make his judgments in the same spirit of fairness to which he himself is entitled.

C. Protection Against Improper Disclosure

While judgments of an individual student's ability and character may be provided under appropriate circumstances, any information concerning a student's views, beliefs, political associations, or personal relations which other members of the academic community may acquire in the course of their work as administrators, instructors, advisers, or counselors shall be considered confidential, to be revealed to specified categories of individuals or organizations only on the written request of such a student or former student. The improper disclosure of such confidential information about students shall be considered a breach of professional ethics. The College, through appropriate regulations, shall specify the conditions of legitimate disclosure of information contained in the records of students.

Section 3. Other Activities and Affairs of Students

A. Freedom of Association

Students shall be free to organize and join associations to promote their common interests. The College may specify the terms under which students may use its facilities for out-of-class activities.

B. Freedom of Inquiry and Expression

Students are entitled to academic freedom not only in the classroom but also in college activities outside the classroom.

1. Students, whether individually or collectively, are free to examine and discuss all questions of interest to them, including questions related to institutional policies, and to express their opinions both publicly and privately. They are free to support causes by orderly means which do not disrupt the operations of the College. And they may participate, through regularly established procedures, in the formulation and application of the regulations and policies which govern them. It is understood that in their public acts or statements students or groups of students represent themselves but not the entire College Community.
2. Students shall be allowed to invite and hear any person of their own choosing. Routine procedures required by the College in connection with the appearance of a speaker on the campus shall be designed only to ensure that there is an orderly reservation of facilities and adequate preparation for the event (including reasonable assurance of financial responsibility) and that the occasion will be observed in a manner befitting an academic community. The appearance of speakers does not

necessarily imply approval or endorsement, either by the sponsoring group or by the College, of any views expressed.

C. Participation in College Government

As members of a component of the College Community, students shall be free to express their views on issues of institutional policy and on matters of particular interest to themselves. Further, in accordance with the Governing Rules of the State College Board and the provisions of this Constitution, students may participate in appropriate ways in the government of the College.

Section 4. Procedural Standards in Disciplinary Actions

The College shall formulate and publish both a clear statement concerning the conduct of students and an explicit code of disciplinary procedure. It shall be understood that in any allegation of misconduct the basic principle of due process, upon which the code of disciplinary procedure must rest, requires that an accused student be informed of the nature of the charge against him and that he be given a fair opportunity to refute it. Accordingly, the code shall define the authority and jurisdiction of judicial bodies within the College and the disciplinary powers and responsibilities of college officials; shall identify the kinds of penalties that may be imposed and explain the relation, if any, between civil and criminal penalties imposed by a court of law and penalties imposed by the College; shall recognize the right of the student to be assisted in defense by an adviser or counsel of his choice; shall establish suitable procedures for formal and informal hearings; shall describe the possible disposition of cases; and shall assert the right and state the conditions of appeal.

Article IV. Faculty

Section 1. Academic Freedom and Tenure

A. Academic Freedom

Academic freedom in research is essential to the advancement of knowledge; academic freedom in teaching is fundamental to the advancement of learning. It is the policy of the College to maintain, within the law, complete freedom of inquiry, discourse, teaching, research, and publication. Important aspects of academic freedom include the following:

1. Subject to the adequate performance of his other academic duties, a teacher must be free to engage in research and creative work and to publish the findings or results without censorship.
2. Likewise, in the classroom, a teacher must be free to discuss his subject; and it is expected that he will do so in a responsible manner, as befits the best standards of the academic profession.

B. Tenure

Tenure confers on its holder (a) an appointment at his highest permanent rank for a continuous and indefinite term within the College and (b) a sufficient degree of economic security to make the profession of college teaching attractive to men and women of ability.

1. Economic security, like academic freedom, is indispensable to the success of the College in fulfilling its obligations to its faculty members and students and to society. After the successful completion of a probationary period of service, a faculty member shall be granted permanent or continuous tenure unless financial exigency or the bona fide discontinuance or reduction of a program or department of instruction makes the granting of tenure impossible.
2. No administrative assignment, including that of department chairman, shall entail tenure. All persons in administrative posts serve at the discretion of the President of the College. While serving in an administrative post, however, a person shall not sacrifice his rank or tenure as a faculty member.

Section 2. Other Rights and Responsibilities of the Faculty

A. Rights of the Faculty

Faculty members shall have the right to participate in the government of the College and to take part, as citizens or residents of the country, in political activities.

1. Faculty members shall be free to express their views on issues of institutional policy and on matters of special interest to themselves. They shall have a voice in the formulation of college policies by representation on the Faculty Senate, the Faculty Advisory Council, and on various committees and other agencies of college government, as well as by participation in formal actions of the Faculty as a body.
2. Faculty members shall be free to engage in political activities. When necessary, on timely application and for a reasonable period, a leave of absence may be granted for the duration of an election campaign or a term of office. The conditions of such a leave shall be set forth in writing; and the leave shall not affect the status of a faculty member unfavorably, except that time spent on the leave shall not be treated as probationary service unless otherwise agreed to, in writing, by the faculty member concerned and the President of the College.

B. Responsibilities of the Faculty

As a person dedicated to the advancement of knowledge and to the service of his fellow men, the faculty member is obligated to

perform his duties in a manner consistent with the generally acknowledged standards of the academic profession and with the terms of his contract.

1. The faculty member's primary responsibility to his subject is to seek the truth and to state the truth as he sees it.
2. The faculty member's responsibility to his students is to teach in accordance with the best scholarly standards of his discipline. By rigorous self-scrutiny, by fairness and courtesy, and by a genuine regard for students as individuals, he should seek to create the environment most hospitable to learning. In this endeavor, he devotes his energies to developing and improving his competence as a member of the teaching profession.
3. The faculty member's obligations to his professional colleagues derive from common membership in the community of scholars. In the exchange of criticism and ideas he shows respect for the right of others to express opinions; and his professional judgments of colleagues are impartial. On all appropriate occasions, he acknowledges his indebtedness to others in matters of scholarship and research.
4. The faculty member's chief obligation to the College is to be an effective teacher and scholar. He observes stated rules and regulations of the College yet guards vigilantly his right of criticism. When he speaks or acts as a private person, he avoids creating the impression that he speaks or acts for his department or for the College. And when considering either resignation or the temporary interruption of his service, he gives due regard to the effect that the timing of his decision may have upon the academic program of the College.

C. Committees on Rights and Responsibilities of the Faculty

Two standing committees, the Advisory Committee on Faculty Rights and the Faculty Hearing Committee, shall be elected by and from the Faculty. The principal functions of these committees are to guarantee the observance of provisions in the Governing Rules of the State College Board concerning the rights and responsibilities of faculty members and to discharge such other appropriate duties as the Faculty may assign them.

Section 3. Terms and Conditions of Faculty Appointments

A. Statement of the Terms of Appointment

The terms and conditions of every appointment to the Faculty, and of any subsequent extensions of an appointment or any special understandings bearing upon an appointment, shall be stated in writing, and a copy of the document in question shall be given to the faculty member.

B. Types of Faculty Appointments

With the exception of special appointments clearly limited to a brief association with the College, every appointment at the rank of instructor or any higher rank shall be one of three kinds: (1) an appointment with continuous tenure, (2) a probationary appointment, or (3) a fixed-term, non-probationary appointment. Further, all appointments to the Faculty shall be made without regard to race, religion, sex, political views or affiliations, or national origin.

1. An appointment with tenure shall be for a continuous and indefinite period and may be terminated only by (a) retirement, (b) acceptance of resignation, (c) demonstrable financial exigencies, or (d) dismissal for cause.
2. A probationary appointment shall be for a stated period of time and shall be subject to renewal. The total period of continuous service prior to the acquisition of tenure shall not exceed seven years (including all previous full-time service at the rank of instructor or higher rank in other institutions of higher learning), except that the probationary period at this College may extend to as many as four years even if the total eligible service in the profession thereby exceeds seven years. Time spent on leave of absence shall not count as probationary service unless the individual faculty member and the President of the College agree to the contrary, in writing, at the time the leave is granted. Regardless of the stated period of time or other provisions of an appointment, written notice that a probationary appointment is not to be renewed shall be given to the faculty member in advance of its expiration, as follows: (a) not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment expires during an academic year, at least three months in advance of its expiration; (b) not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment expires during an academic year, at least six months in advance of its expiration; and (c) at least twelve months before the expiration of an appointment after two or more years of service at the College. Normally, the College shall make every effort to notify faculty members of the terms and conditions of their renewed contracts, subject to approval by the State College Board, by April 15; but in years when the Legislature meets, the College shall provide such information as soon as possible after legislation is complete. During the probationary period the College shall decide whether or not the faculty member is to be granted tenure. Although the College may confer tenure at any time during the probationary period, a probationary appointment entails

no assurance that it will be renewed or that tenure will be granted.

3. A fixed-term, non-probationary appointment shall be for a stated period of time. For a faculty member holding such an appointment, notice of a decision not to reappoint him is unnecessary because the appointment is understood to be terminated automatically at the end of a stated period. Nevertheless, the College may offer to renew such an appointment or to offer a probationary appointment to a faculty member who has held a fixed-term, non-probationary appointment; in the latter circumstance, if the earlier service in a fixed-term, non-probationary appointment immediately precedes the probationary appointment, it shall count as eligible service toward the acquisition of tenure.
4. An appointment involving only off-campus teaching, evening teaching, part-time teaching, or summer-school teaching shall not count toward eligibility for an appointment with tenure unless the President of the College and the faculty member concerned agree in writing to the contrary and the agreement has been approved by the State College Board. Ordinarily, whenever a faculty member holding a part-time appointment is granted tenure, it shall be understood that such status applies only to the smallest proportion of time for which he has been appointed. Any alteration of this understanding shall be agreed to, in writing, by the President of the College and the faculty member concerned.

Section 4. Resignation and Nonrenewal or Termination of Faculty Appointments

The severance of a faculty member's employment at the College may result either from the voluntary resignation of an appointment by the faculty member or from the nonrenewal or termination of an appointment by the College. In the latter circumstance, whenever the College declines to renew a probationary appointment or proposes to terminate an appointment with tenure or a probationary or fixed-term, non-probationary appointment before the end of a stated period, the affected faculty member shall be entitled to a review (including a hearing if one is requested) in accordance with the procedures set forth in the Governing Rules and other regulations of the State College Board.

A. Resignation by the Faculty Member

A faculty member may resign his appointment effective at the end of an academic year, provided that he gives notice in writing at the earliest opportunity but not later than May 15 or ten days after receiving notice of the terms of his appointment for the coming year, whichever date occurs later. A faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he would otherwise be denied substantial professional advancement or other opportunity.

B. Nonrenewal or Termination by the College

The nonrenewal of a probationary appointment, or the termination of an appointment with tenure or of a probationary or fixed-term, non-probationary appointment before the end of a stated period, may be effected by the College, subject to the following conditions and limitations concerning cause, financial exigency, and the discontinuance of programs or departments of instruction:

1. Termination of an appointment with tenure, or of a probationary or fixed-term, non-probationary appointment before the end of a stated period, may be effected by the College for adequate cause. The cause for dismissal must be related, directly and substantially, to the fitness of a faculty member in his professional capacity and may be deemed to exist when a faculty member can no longer be relied upon to perform his duties or functions in the College in a manner consonant with professional standards. Moreover, a decision to terminate an appointment because of physical or mental disability must be based on clear and convincing medical evidence; and, if the affected faculty member so requests, that evidence shall be reviewed by the Faculty Hearing Committee before a final decision is made. Whenever it is proposed to dismiss a faculty member in any of the circumstances just described, the proceedings shall be undertaken and carried out in accordance with the procedures set forth in the Governing Rules of the State College Board.
2. Whenever a decision not to renew a probationary appointment or to terminate an appointment with tenure is based upon financial exigency or the bona fide discontinuance of a program or a department of instruction, the faculty member concerned shall be given notice as soon as practicable (never less than one year in advance in the case of a faculty member on tenure or in his third or subsequent year of service, nor less than the time required for notice in Section 3 above in the case of a probationary faculty member in his first or second year of service); or, in lieu of the notice required herein, he shall be given severance salary for the period during which he would normally have been employed. Before terminating an appointment with tenure or declining to renew a probationary appointment because of the abandonment of a program or a department of instruction, the College shall make every effort to place the affected faculty member in another suitable position within the College. If, because of financial exigency or the bona fide discontinuance of a program or a department of instruction, an appointment with tenure is terminated, the released faculty member's position shall not be filled by a replacement within a period of two years unless the released faculty member has been offered reappointment and has been given a reasonable time within which to accept or decline it.

Article V. Administration

Section 1. The College President

A. Presidential Responsibilities

The State College Board assigns full responsibility and authority for the College to its President, who is accountable to the Board through the Chancellor. The President is responsible for the development and enforcement of the College Constitution, for all College Regulations, for all college budgets, and for various college policies and administrative procedures.

B. Selection of the College President

The authority to appoint State College Presidents rests with the State College Board. Participatory responsibility in the selection process, however, is given to the faculty members, students, and staff of the Colleges. Promptly after it becomes known that a new president must be selected, the Committee on the Constitution and Bylaws shall declare the need for an ad hoc committee to make recommendations to the Board, and shall instruct the three Election Boards to conduct elections, to the committee, of four faculty members, two students, and one staff member, and shall request the President or Acting President to appoint one administrator to the committee.

Section 2. Structure of Administration

The President is responsible for developing and maintaining an effective structure of college administration, including the designation of administrative positions and the responsibilities of persons holding them. In particular, after consulting with the appropriate Advisory Councils, the President is responsible for the establishment and dissolution of committees and other agencies of college government (with the exception of those agencies established by this Constitution) and for the appointment of persons for specified terms of service upon such agencies.

Article VI. Staff

Section 1. The Status of Members of the Staff

Members of the Staff provide services that contribute to the educational purpose of the College. All members of the Staff who are employees in the Civil Service are governed and protected by the Rules of the State Department of Civil Service. All members of the Staff who are not also employees in the Civil Service shall be governed and protected by the provisions of this Constitution.

Section 2. Rights and Responsibilities of the Staff

A. Rights of the Staff

1. Staff members shall have the right to participate in the government of the College and to take part, as citizens or residents of the country, in political activities.
2. Staff members shall be free to express their views on issues

of institutional policy and on matters of special interest to themselves. They shall have a voice in the formulation of college policies by representation on the Staff Senate, the College Assembly, the Staff Advisory Council, and on various committees and other agencies of college government, as well as by participation in formal actions of the Staff as a body, provided, however, that no representative body created by this Constitution shall have authority to represent staff members on matters involving terms and conditions of employment as defined by the Minnesota Public Employment Labor Relations Act, and that this Constitution shall not interfere with, modify, or nullify any rights now or hereafter established for staff members through the collective bargaining process.

B. Responsibilities of the Staff

The staff member is obligated to perform his duties in a manner consistent with the generally acknowledged standards of his occupation and with the terms of his employment. His primary responsibility is to serve the College in the most conscientious manner possible, for the ultimate benefit of the entire College Community.

Article VII. College Government

In accordance with the Governing Rules of the State College Board, the College shall establish principal agencies for the representation and participation of each component of the College Community in the internal government of the institution. The College shall also create such other agencies--including boards, councils, committees, departments, faculties, and other appropriate bodies--as may be necessary for the reasonable and proper conduct of institutional affairs and for the representation of the legitimate interests of individuals and groups.

Section 1. Senates of the College Community

Each component of the College Community--the Students, the Faculty, and the Staff--shall be represented by a Senate, with adequate provision for representative membership under the terms set forth in this article and with these stipulations: (a) that the President of the College and the Vice President for Academic Affairs shall be ex officio members of the Faculty Senate, (b) that the Vice President for Administrative Affairs shall be an ex officio member of the Staff Senate, and (c) that all other eligible persons shall become members of a Senate only through their election by the component to which they belong. Each Senate shall be the principal agency for the representation and participation of the corresponding component in the government of the College and shall be directly responsible only to that component. The several Senates shall be chiefly concerned with those matters which the Governing Rules of the State College Board designate as major responsibilities of the components they represent. Matters for consideration may be submitted to the appropriate Senate by any individual or by any board, council, committee, department, faculty, or other duly established body within the College. But a Senate shall not preempt the ordinary functions and responsibilities of College Committees or other subordinate agencies of college government; and therefore, except in the case of a bona fide emergency declared by the President of the College or his designee, matters falling within the proper purview of a subordinate agency shall not be acted upon by a Senate before the agency in question has considered them or, having failed to consider them, has been given a reasonable period of time in which to do so. Actions taken by a Senate on issues falling within its proper sphere of responsibility constitute recommendations to the President of the College and shall be deemed to be sustained unless suspended or overruled by him within thirty days.

A. The Student Senate

The Student Senate shall be composed of fifteen members, of whom three shall be officers: a President, a Vice President, and a Secretary-Treasurer; and all members shall be elected at large by and from the student body.

1. A quorum shall consist of two thirds of the members.
2. Any person who meets the College's definition of a full-time student shall be eligible for election to the Student Senate, with the following exclusions:
 - a. Members of the Student Advisory Council shall be ineligible to serve.
 - b. Students who by the time an election is held have not yet completed forty-eight credits of undergraduate college work, calculated by the quarter system, shall be ineligible for election to the office of President, Vice President, or Secretary-Treasurer.
3. Members of the Student Senate shall be elected for terms of one year, to begin the academic quarter immediately following the election. The terms shall be staggered, with five expiring each quarter. The President shall be elected during the fall quarter, the Vice President during the winter quarter, and the Secretary-Treasurer during the spring quarter.
4. The Student Senate shall meet at least once each month, and more often as necessary, during the regular academic year.
5. Individuals who are members of the Student Senate at the time this Constitution is adopted shall not have their terms of membership foreshortened by any provision herein. Neither shall the continuing service of such members prevent the election of new members or their assumption of office, except that a person elected President, Vice President, or Secretary-Treasurer shall not assume the duties of the office in question until the term of the previously elected officer has expired (unless such an officer shall have resigned). Any consequent enlargement of the Student Senate, being temporary in nature, is hereby authorized.

B. The Faculty Senate

The Faculty Senate shall be composed of twenty-three voting members: twenty-one members elected at large by and from the Faculty and two members, the President of the College and the Vice President for Academic Affairs, ex officio.

1. A quorum shall consist of a simple majority of the members.
2. A qualified person shall be eligible for election to the Faculty Senate after completing six months of membership on the Faculty. However, simultaneous membership on the Faculty Advisory Council and the Faculty Senate is not permitted. Eligibility for election to either body shall be affected by this prohibition.

3. Members of the Faculty Senate shall be elected for terms of three years. The terms shall be staggered, with seven ending each year.
 - a. A senator whose term is expiring shall be ineligible for immediate re-election but shall again become eligible for election in the spring of the academic year following the expiration of his term.
 - b. The annual election shall be held early enough to permit the newly elected senators to take office at the last regular meeting of the current academic year.
 - c. At the beginning of the last regular meeting of the current academic year, which shall be convened by the retiring Chairman, the Faculty Senate shall elect a Chairman, a Vice Chairman, and a Secretary for terms of one year, to begin immediately upon election. The retiring Chairman shall preside until a new Chairman has been elected, at which point the new Chairman shall assume office and shall oversee the election of the other officers.
 - d. A member of the Faculty Senate whose term as an officer is expiring shall be ineligible to succeed himself immediately in the office he has held.
 - e. The President of the College and the Vice President for Academic Affairs shall be ineligible to hold any office in the Faculty Senate.
4. The Faculty Senate shall meet at least once each month, and more often as necessary, during the regular academic year.
5. The Faculty Senate may hold special meetings of the elected members only, upon a request to the Chairman by at least one-half of the elected members. Upon receiving such a request (which may, but need not, be made during a meeting of the Senate), the Chairman shall call a special meeting of the elected members only, without undue delay but with regard to the requirements for proper notice.
6. Individuals who are members of the Faculty Senate at the time this Constitution is adopted shall not have their terms of membership foreshortened by any provision herein.

C. The Staff Senate

With the exception that no area shall be without at least one senator, the Staff Senate shall be composed of the following: (a) the Vice President for Administrative Affairs, ex officio, and (b)

for each twenty persons or major fraction thereof, one senator elected by and from the staff members in these occupational segments: (1) Clerical; (2) Custodial and Janitorial; (3) Maintenance and Engineering; and (4) Technical and Administrative. Reapportionment, which shall be supervised by the Staff Election Board in collaboration with the Vice President for Administrative Affairs, shall take place once each year and early enough for the results to affect the regular election occurring in the same year, except that no senator shall have his term of membership fore-shortened as a consequence of reapportionment.

1. A quorum shall consist of a simple majority of the members.
2. Any member of the permanent Staff shall be eligible for election to the Staff Senate.
3. Members of the Staff Senate shall be elected for terms of twenty-four months, to begin the first of June. Whenever the number of senators to represent an occupational segment is even, one-half of the terms shall begin each year. Whenever that number is odd, the even number of terms nearest one-half of the total shall begin in the even-numbered years and the other terms shall begin in the odd-numbered years. Deviations caused by reapportionment shall be corrected by the Staff Election Board, at the earliest regular election, by the declaration of a one-year term together with any special rules thereby made necessary for the election.
 - a. A senator whose term is expiring shall be ineligible for immediate re-election but shall again become eligible for election in the spring of the academic year following the expiration of his term.
 - b. The annual election shall be held early enough to permit the newly elected senators to take office at the regular meeting in June.
 - c. At the beginning of the regular meeting in June, which shall be convened by the retiring Chairman, the Staff Senate shall elect a Chairman, a Vice Chairman, and a Secretary-Treasurer for terms of one year, to begin immediately upon election. The retiring Chairman shall preside until a new Chairman has been elected, at which point the new Chairman shall assume office and shall oversee the election of the other officers.
 - d. A member of the Staff Senate whose term as an officer is expiring shall be ineligible to succeed himself immediately in the office he has held.
 - e. The Vice President for Administrative Affairs shall be ineligible to hold any office in the Staff Senate.

4. The Staff Senate shall meet at least once each month, and more often as necessary, from September through June.

Section 2. The College Assembly

The College Assembly, a body advisory to the President and drawing its members from the several Senates and the Administration, shall consist of thirteen persons, as follows: (1) the President of the College; (2) the Vice Presidents for Academic Affairs, Administrative Affairs, and Student Affairs; and (3) nine elected members of the several Senates, three each chosen by and from the Student Senate, the Faculty Senate, and the Staff Senate.

A. Responsibilities

The principal function of the Assembly, which is not a legislative body, shall be to make recommendations to the President on issues arising from questions of jurisdiction or from conflicting actions taken by Senates or other agencies of college government.

B. Meetings

The Assembly shall meet on call of the President, who shall preside unless he elects to absent himself from all or part of a particular meeting, in which case he shall appoint temporarily another member of the Assembly as presiding officer.

Section 3. Advisory Councils

For each component of the College Community--the Students, the Faculty, and the Staff--there shall be an Advisory Council, partly elected by and from its component and partly appointed by the President of the College. The principal function of each Council shall be to advise the President on confidential matters affecting individuals within its component; and among these confidential matters are considerations of the eligibility and fitness of such individuals for presidential appointment to committees and other agencies of college government. For the purpose of considering all confidential matters, the Councils shall meet in executive session. When called upon by the President, the Advisory Councils shall also make recommendations concerning the number and nature of those agencies of college government which are not specifically established and defined in this Constitution or the Bylaws of the College Community; and for the purpose of considering such recommendations, the Councils shall meet in open session.

A. The Student Advisory Council

The Student Advisory Council shall be composed of six students, of whom four shall be elected at large by and from the student body and two shall be appointed by the President of the College.

1. A quorum shall consist of four members.
2. The term of membership shall be twelve months, beginning with the winter and spring quarters. Terms shall be staggered, with three expiring at the beginning of the winter quarter and three at the beginning of the spring quarter.
3. Members of the Student Senate shall be ineligible to serve.

4. The Student Advisory Council shall elect a Chairman, a Vice Chairman, and a Secretary, and shall formulate its own rules of procedure.

B. The Faculty Advisory Council

The Faculty Advisory Council shall be composed of nine faculty members, of whom six shall be elected by and from the Faculty and three shall be appointed by the President of the College. With respect to the Faculty, the Council shall make specific and confidential recommendations to the President on retention, tenure, meritorious service, academic rank, leaves of absence, and the appointive membership of councils, committees, and other agencies of college government.

1. A quorum shall consist of six members.
2. The term of membership shall be twenty-four months, beginning the first of September. The terms shall be staggered, with four or five terms, alternately, expiring each year.
3. A member whose term is expiring shall be ineligible for immediate re-election or reappointment but shall again become eligible for election or appointment in the spring of the academic year following the expiration of his term.
4. Simultaneous membership on the Faculty Senate and the Faculty Advisory Council is not permitted. Eligibility for election to either body shall be affected by this prohibition.
5. The Faculty Advisory Council shall elect a Chairman, a Vice Chairman, and a Secretary, and shall formulate its own rules of procedure.

C. The Staff Advisory Council

The Staff Advisory Council shall be composed of seven staff members, as follows: (a) one person elected by and from the staff members in each of these occupational segments: (1) Clerical; (2) Custodial and Janitorial; (3) Maintenance and Engineering; and (4) Technical and Administrative; and (b) three persons appointed by the President of the College. With respect to the Staff, the Council shall make recommendations concerning discretionary actions affecting the status of employees.

1. A quorum shall consist of four members, provided that at least one person from each occupational segment is present.
2. The term of membership shall be twenty-four months, beginning the first of September. The terms shall be staggered, with three or four terms, alternately, expiring each year.
3. A member whose term is expiring shall be ineligible for immediate re-election or reappointment but shall again become eligible for election or appointment in the spring of the academic year following the expiration of his term.

4. Members of the Staff Senate shall be ineligible to serve.
5. The Staff Advisory Council shall elect a Chairman, a Vice Chairman, and a Secretary, and shall formulate its own rules of procedure.

Section 4. College Committees and Other Agencies of College Government

The committee system is an essential aspect of sound college government, in part because of the lengthy and detailed studies which often are necessary before informed decisions can be made for the College. At Moorhead State College, all committees identified as College Committees are characterized by having members from at least two components of the College who are appointed by the President, after consultation with the appropriate Advisory Councils, in relative numbers reflecting the degree of responsibility which their components have for the matters concerned. College Committees have specific areas of responsibility delegated to them by the President and the Committees are expected to conduct studies and make recommendations to him. All actions by College Committees are subject to review by the appropriate Senate or Senates. No statement herein shall be construed to prohibit other types of committees from being established by components, senates, academic departments, and other subdivisions or agencies of the College.

Section 5. The Committee on the Constitution and Bylaws

In May of each year the President of the College, after consultation with the several Advisory Councils, shall appoint appropriate numbers of persons representing the Administration and the components of the College Community to a Committee on the Constitution and Bylaws. Membership on this Committee involves an obligation to serve, upon appointment by the appropriate Senate, on an Election Board for the component to which a member belongs.

- A. The members shall serve for one year or until their successors have been appointed.
- B. The Committee shall have general supervision of the activities of the Election Boards of the several components, of questions concerning the substance and interpretation of the Constitution and Bylaws of the College, and of proposals to amend these documents.

Section 6. Election Boards

The presiding officer of each Senate, after taking office and after consulting the other newly elected officers, shall appoint an Election Board consisting of at least three members of the component concerned, one of whom shall also be a member of the Committee on the Constitution and Bylaws, and shall designate as chairman one of the members of the Board. The Election Boards are subordinate to the Committee on the Constitution and Bylaws; and if unforeseen or difficult questions should arise in connection with any election or referendum, a Board shall consult the Committee, and the Committee, after considering the matter, shall rule on the question at issue.

Section 7. Meetings of Components

Because the several components of the College Community differ considerably in their size and in the nature of their pursuits and obligations, meetings cannot be of identical kinds and cannot be conducted in identical ways. Meetings of components shall be treated as follows:

A. Student Meetings

Meetings of large numbers of students may be held, subject only to the reservation of suitable facilities, for such purposes as disseminating information and discussing issues but not for transacting business. Students shall participate in the transaction of business through their elected representative body, the Student Senate, and through other agencies of college government on which they are represented.

B. Faculty Meetings

Once during each academic quarter (excluding summer sessions), the President of the College shall convene a regular meeting of the Faculty and shall preside, except that, in his absence, the Vice President for Academic Affairs shall preside. A special meeting of the Faculty may be convened at any time by the President or, in his absence, by the Vice President for Academic Affairs; and a special meeting shall be convened if a petition requesting one is signed by ten percent of the voting members of the Faculty and filed with the President. Except in the case of an emergency declared by the President or, in his absence, by the Vice President for Academic Affairs, notice of a regular or special meeting, together with agenda, shall be sent by mail to all resident members of the Faculty at least one week in advance.

C. Staff Meetings

Twice each year, the President of the College or the Vice President for Administrative Affairs shall convene and preside at a regular meeting of the Staff. A special meeting of the Staff may be convened at any time by the President or the Vice President for Administrative Affairs; and a special meeting shall be convened if a petition requesting one is signed by ten percent of the voting members of the Staff and filed with the President or the Vice President. Except in the case of an emergency declared by the President or the Vice President for Administrative Affairs, notice of a regular or special meeting, together with agenda, shall be sent by mail to all members of the Staff at least one week in advance.

Article VIII. Regulations, Policies, and Administrative Procedures

Regulations, policies, and various administrative procedures are necessary for the responsible conduct of institutional affairs and their development is hereby authorized. Although precise definitions are difficult to make, it shall be understood that regulations, policies, and administrative procedures must come into being through the legitimate processes of college government; that different degrees of formality and distinctions of kind must be recognized and provided for; and that, for all these instruments, appropriate and reasonable communication within the College is a necessary prerequisite to their use by persons in authority and their observance by members of the College Community.

Article IX. Initiative and Referendum

Measures involving initiative or referendum that do not entail amendments to the Constitution or Bylaws shall be treated in the manner set forth in the Bylaws. The particular bylaws concerning initiative and referendum shall stipulate appropriate conditions and procedures for all components of the College Community.

Article X. Authorization and Approval of Amendments to the Constitution

Section 1. Repeal of Existing Constitutions

The legal adoption of this Constitution shall automatically repeal any earlier Constitution of the College and any component thereof, together with any dependent bylaws. Similarly, the legal adoption in the future of any new constitution shall automatically repeal this Constitution and any dependent bylaws.

Section 2. Amendment of the Constitution

Amendments to this Constitution shall be made in accordance with the provisions set forth in this article and in the Governing Rules of the State College Board.

A. Formal Procedures

Proposals for amendments to this Constitution--including the proposed adoption of new provisions and the repeal of existing provisions--shall be made either (1) by the Committee on the Constitution and Bylaws, (2) by one or more of the several Senates, or (3) by petition of twenty-five sponsors from each of at least two components of the College Community. In either of the latter two cases, the proposed amendment shall be submitted in writing to the Committee on the Constitution and Bylaws. Whenever an amendment is proposed, the Committee shall solicit written recommendations from members of the College Community concerning the proposed amendment and shall hold one or more hearings, as necessary, at which members of the College Community may testify.

1. In the event that the Committee then recommends the adoption of an amendment to the Constitution, it shall publish the text of its proposed amendment to the College Community and, simultaneously, shall transmit copies of that text to the several Election Boards. Not earlier than fifteen days after the publication of the text (none of the fifteen days to fall between the end of one regular academic year and the beginning of another or within official recesses or examination periods), the several Election Boards shall conduct general elections, by secret written ballot, on the question of adopting the proposed amendment, unless the provisions of paragraph (2) below are invoked.
2. If, before the end of the period of fifteen days as defined in paragraph (1) above, fifty persons (other than a Senate or group of original sponsors) from each of at least two components of the College Community indicate, by petitions filed with the appropriate Election Boards, that they are dissatisfied with the amendment proposed by the Committee and

that they endorse instead the amendment proposed by a Senate or group of original sponsors, the Committee shall publish the text of the amendment originally proposed and the several Election Boards shall put that amendment on the ballot in place of the amendment proposed by the Committee and shall conduct general elections under the conditions set forth in paragraph (1) above. But if the amendment originally proposed is subsequently defeated or fails to gain approval because of an insufficient vote, then the Committee on the Constitution and Bylaws may instruct the several Election Boards to put the displaced amendment proposed by the Committee on a new ballot and again to conduct general elections under the conditions set forth in paragraph (1) above.

3. If, after soliciting written recommendations from members of the College Community and holding one or more hearings, the Committee concludes that no amendment should be adopted, it shall publish the reasons for its conclusion to the College Community. But if fifty persons (other than a Senate or group of original sponsors) from each of at least two components of the College Community then indicate, by petitions filed with the appropriate Election Boards, that they endorse the amendment proposed by a Senate or group of original sponsors, the Committee shall publish the text of the amendment originally proposed and the several Election Boards shall conduct general elections under the conditions set forth in paragraph (1) above.

B. Review and Ratification

All proposed amendments to the Constitution shall be reviewed by the President of the College before any elections are held, but their review shall not in itself forestall an election. The conduct of elections, the interpretation of their results, and the submission of amendments to the State College Board for ratification shall conform to the provisions of the Governing Rules of the Board.

Article XI. Authorization and Approval of Bylaws

Bylaws proposed simultaneously and together with this Constitution shall be adopted or rejected in accordance with the provisions of the Governing Rules of the State College Board concerning the adoption and ratification of college constitutions and, if adopted, shall become effective upon the ratification of this Constitution. Thereafter, bylaws for the entire College Community or any of its components shall be enacted, amended, or repealed in accordance with the procedures set forth in Article X above concerning amendments to the Constitution, with the following exceptions: (1) in the case of bylaws affecting the entire College Community, separate general elections shall be held within each component, but in the case of bylaws not affecting the entire College Community, separate general elections shall be held only within the components concerned; (2) proposals to enact, amend, or repeal bylaws affecting only one component may originate by petition within that component alone; (3) the Committee on the Constitution and Bylaws shall determine whether a measure affects the entire College Community or one or more of its components; and (4) measures concerning bylaws shall be adopted and shall become effective if they are passed by a simple majority of the votes cast in each of the required elections and are approved by the President of the College.