

# **AN INSTRUMENT FOR THE INTERNAL GOVERNANCE OF VALPARAISO UNIVERSITY**

## **Preamble**

Since the Administration, the Faculty, the Student Body and the Staff of Valparaiso University desire to create procedures and structures to accomplish the goals and objectives of the University in an atmosphere of mutual confidence, good order, academic freedom, respect for human dignity, and a commitment to the Christian faith in the Lutheran tradition, the Faculty of Valparaiso University hereby adopts this revised INSTRUMENT FOR THE INTERNAL GOVERNANCE OF VALPARAISO UNIVERSITY.

## **Article I. Authority**

Nothing contained in this Instrument shall be so construed as to nullify or diminish the powers, privileges, responsibilities, and prerogatives vested by law in the Board of Directors, the President, or the Faculty of the University in the Articles of Incorporation, Constitution, and Bylaws of The Lutheran University Association, Inc., as presently written or as they may from time to time be amended.

## **Article II. The Faculty**

### **Section 1. Faculty Jurisdiction.**

The Faculty of the University shall, subject to the authority of the President, have exclusive jurisdiction (legislative) over matters of curriculum, degree standards, accreditation, certification, professional programs, academic graduation requirements, matters which lie within the provinces of

- a) the Academic Freedom and Tenure Hearing Committee,
- b) the Faculty Concerns Committee,
- c) the Committee on Creative Work and Research,
- d) the Committee on Assessment,
- e) the Committee on Academic and Professional Standards,
- f) the Committee to Enhance Learning and Teaching,
- g) the Educational Policy Committee, and
- h) the Graduate Educational Policy Committee.

In addition, the Faculty (including appropriate administrative officers) shall have the exclusive right to advise the President on all matters affecting the appointment, promotion or tenure of members of the Faculty.

### **Section 2. Delegation of Functions to Faculty Senate.**

The Faculty, except when meeting in plenary session, delegates its advising and legislative functions to the Faculty Senate. All actions of the Faculty Senate may be modified or rescinded by the Faculty.

### **Section 3. Faculty Committees.**

The Faculty may create and determine the composition of such committees or other agencies as it sees fit to deal with matters within its province. It shall not, however, establish standing committees which duplicate functions and responsibilities delegated to the University Council

### **Section 4. Student Representation.**

Nothing in the Article shall be so construed as to prevent the Faculty from providing student representation on any of its committees or agencies.

### **Section 5. Meetings.**

The Faculty shall meet in regular session as required by the Bylaws of the Valparaiso University Association, Inc., and shall be called into special session by the President within ten days of receipt by the President of a request for such a meeting signed by at least thirty (30) percent of those persons holding faculty rank.

### **Section 6. Chair and Secretary.**

The President of the University shall serve as Chairman of the Faculty and the Registrar shall serve as its Secretary.

### **Section 7. Non-Faculty Meeting Attendance.**

The Faculty shall determine whether its meetings shall be open or closed to those persons who are not members of the Faculty.

## **Article III. The Student Body**

### **Section 1. Student Body Jurisdiction.**

The Student Body shall, subject to the authority of the President, have exclusive jurisdiction, through such agencies as it may from time to time establish, over student publications, and media organizations, the University Planning Council (or any other name by which future reference may be made), at least fifty percent (50%) of the representation of the body that governs the Student Organization Suite in the Harre Union,, the administration of the Honor System, student activities fees, student organizations, determination and self-enforcement of house rules in student living units, counseling within these living units, and such other matters as the President of the University may from time to time assign to its jurisdiction. It shall not, however, establish committees which duplicate functions and responsibilities delegated to the Faculty or to the University Council.

### **Section 2. Structure.**

The structure of student government shall be that provided for in the Constitution of the Student Senate as of December 6, 2010. This structure may be amended at any time after the adoption of this Instrument by the processes provided for in that Constitution.

### **Section 3. Faculty Representation.**

Nothing in this Article shall be so construed as to prevent the Student Body or any of its agencies from providing for Faculty representation on any of its committees or agencies.

### **Section 4. Adjudication Courts.**

The Student Senate shall, subject to authority of the President, have power to establish a Campus Judicial Board and such other courts as it may deem necessary to hear and adjudicate cases arising out of violations of rules and regulations, established under its authority in Article 3, Section 1, excluding those presently under the jurisdiction of the Honor Council, and to hear and adjudicate appeals brought to it from such minor councils as may exist within dormitories and other living units. In every case, the recommendations of any court established by the Student Senate shall be forwarded to the President for such action as he may see fit to take. And, in establishing any court or courts, the Student Senate shall provide proper safeguards for the confidentiality of the relationship between student and instructor and between student and counselor as well as for the fair treatment of all parties concerned.

## **Article IV. The University Council**

### **Section 1. Membership.**

All matters of mutual or common concern to the University, that is, those which are other than those specifically reserved to the Faculty in Article II or to the Student Body in Article III or this Instrument, shall, subject to the authority of the President, be under the jurisdiction of the University Council, which shall consist of administrators, staff, faculty members, and students according to the following approximate percentages:

Faculty	33%
Administration and Staff	33%
Students	33%

### **Section 2. Size.**

The University Council as constituted shall consist of forty (40) members: thirty-nine (39) plus the President of the University, ex officio. The percentages set forth in Section 2 of the Article shall not be altered except by the process by which this Instrument was adopted.

### **Section 3. Elected and Ex-Officio Members.**

Not more than one-third (1/3) of the representatives of the Faculty, Staff and Administration, nor more than one-third (1/3) of the representatives of the Student Body shall be members of the University Council ex officio, and the elected members shall be chosen in such a manner as to ensure the broadest possible representation of their constituencies.

### **Section 4. Length of Term.**

Members of the Council ex officio shall serve as members of the Council so long as they occupy the office by virtue of which they are members of the Council. Elected representatives of the Faculty, Administration and Staff shall serve for terms of two (2) years, one-half of the terms beginning every other year on the first day of the fall term. Elected representatives of the Student Body shall serve for terms of one (1) year beginning on the first day of the fall term. Each group shall make provisions for the election of representatives to complete unexpired terms.

### **Section 5. Chair, Vice Chair, and Secretary.**

The University Council shall elect a faculty Council member to be the presiding officer of the University Council and the Provost's Office will appoint a Secretary. The Council shall elect a Vice Chair, who shall preside in the absence of the presiding officer.

### **Section 6. Regular Meetings.**

Regular meetings of the University Council shall be scheduled at least once a month during the academic year. It shall adopt its own rules of order.

### **Section 7. Standing Committees.**

The Council, may, from time to time, establish such standing committees, special committees, and ad hoc committees as it may deem necessary or advisable for the orderly transaction of its business within the jurisdiction set forth in Section 1 of this Article. Representation on any committee shall be decided on the basis of the function of the committee by the Council at the time the committee is established.

Representation of special committees shall be listed in the University Council Bylaws. Students, Faculty, and Administration/Staff each shall ordinarily be entitled to one-third the voting seats; a three-quarters (3/4) vote of member present and voting shall be required for any deviation from this proportion. The

President of the University, the Provost, the Vice Presidents, the Academic Deans, the President of the Student Body, and the Chair of the Faculty Senate shall be ex officio, non-voting members of all standing committees. The Council may also, by a vote of the majority of the members present and voting, grant ex officio, non-voting membership on any committee to such persons as it may deem useful to the committee.

#### **Section 8. Non-Member Attendance.**

All meetings of the University Council and of its committees, except meetings of the Student Academic Fair Practice Committee, shall be open, and reasonable opportunity shall be provided for comments by that Council committee, as the case may be, prior to any vote; provided, that the Council or any of its committees may go into or schedule executive sessions by a majority vote of its members present and voting.

#### **Section 9. Jurisdiction.**

It shall be the primary responsibility of the University Council to recommend to the President those policies and objectives which define the specific character of Valparaiso University as an institution committed to the principles set forth in the Preamble of this Instrument. If, at any time, disagreement should arise as to the jurisdiction of the Council in any particular matter, the President shall, in his capacity as chief executive of the Board of Directors, decide the matter.

### **Article V. Steering Committee**

#### **Section 1. Membership.**

There shall be a Steering Committee comprised of the University President or representative, the Chair of the Faculty Senate, the Chair of the University Council, and the President of the Student Body.

#### **Section 2. Duties.**

The duties of the Steering Committee are to determine:

- 1) Which University deliberative body should first deal with matters not clearly delegated to Faculty Senate, Student Senate, or University Council.
- 2) A path or paths for deliberations where matters overlap jurisdictions of the three bodies.
- 3) Whether matters can be assigned appropriately to one of the current committees of the Faculty Senate, Student Senate, or University Council before establishing a new committee.

#### **Section 3. Meetings.**

The Committee shall meet in a timely manner upon the call of the President of the University or at the request of any two of the other members of the Steering Committee.

The assigning of issues or other matters to specific committees is in no way meant to interfere with the right of the President of the University to establish administrative committees to serve particular administrative concerns at any time.

### **Article VI. Adoption**

#### **Section 1. Approval.**

If this Instrument is adopted by the Faculty, it shall be submitted to a Student Body referendum; if a majority of the students voting in that referendum votes in favor of its adoption, it shall be submitted to the President of the University, and, if the President gives his approval, it shall become effective on the first day of August, 1995.

## **Section 2. Amendments.**

Amendments to this Instrument may be proposed by the Faculty Senate, the University Council, or the Student Senate, in each case by a two-thirds vote of the members present and voting. Any proposed amendment shall be submitted to the University Council. If the amendment is approved by a three-quarter vote of the members of the University Council present and voting at two (2) successive regular meetings, the amendment having been advertised in written form at least ten (10) days prior to the initial vote by the Chair of the University Council, it shall be submitted to the Faculty. If the Faculty adopts the amendment, it shall become effective on the day it receives the approval of the President of the University.

Approved by 3/4 vote of the University Senate on March 29 and April 19, 1995; revised April 1995; revised April 2011.

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### **Addendum**

A resolution of understanding approved by the University Senate on March 29, 1995, relative to the revision of the Instrument for Internal Governance of Valparaiso University.

In the transfer of the Educational Policy Committee from under the current University Senate to the new Faculty Senate, it is agreed that the following conditions will accompany that transfer:

1. That the number of faculty representatives shall be one more than the number of student representatives on the Committee.
2. That the Committee elect one of the faculty representatives as chair and, in keeping with Robert's Rules of Order, the chair shall have the vote on a motion only to break a tie.
3. That the minority on any issue shall have the right to submit a written and/or oral report to the Faculty Senate when the Senate is considering action on the issue.

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