

CONSTITUTION OF SHEPHERD UNIVERSITY

(as amended)

Preamble

The faculty and the staff of Shepherd University, responsible to the President of Shepherd University, who, in turn, is responsible to the University's governing board, meeting as a University Assembly, do hereby ratify and adopt this constitution.

ARTICLE I: NAME

The name of the organization is the Shepherd University Assembly.

ARTICLE II: UNIVERSITY ASSEMBLY

- Section 1.** The purposes of the University Assembly include:
- a. electing representatives to external bodies,
 - b. providing a forum for communication between and among the administration, faculty, and staff,
 - c. establishing and reviewing actions of the Faculty Senate, Classified Employees Council, Student Life Council, and the various councils,
 - d. processing constitutional revisions.
- Section 2.** The membership of the University Assembly includes all full-time regular employees of Shepherd University. A current list of the University Assembly membership is maintained in the Office of the University President and by the Assembly Secretary.
- Section 3.** The University President and the Assembly Cabinet coordinate the convening of a regular meeting in each fall and spring academic semester. The spring semester meeting is scheduled during the month of April.
- Section 4.** At the April University Assembly meeting, elections are conducted to choose the Moderator, who presides at these meetings, a Secretary, and a Parliamentarian.
- Section 5.** All meetings of the Assembly, including constitutional Assembly meetings, may consider only items specified by the agenda of such meetings.
- a. The Assembly Cabinet may call special Assembly meetings to consider constitutional amendments.
 - b. Other special meetings may be called at the request of the University President or the Assembly Cabinet.
 - c. A special meeting of the University Assembly must be called by the Assembly Cabinet when:
 - i) one-third of the Assembly faculty petitions the Assembly Cabinet for referenda to be considered solely by the Assembly faculty,

- ii) one-third of the classified employees petitions the Assembly Cabinet for referenda to be considered solely by classified employees, or
- iii) one-third of the entire Assembly membership petitions the Assembly Cabinet to consider other issues.

- Section 6.** A quorum shall consist of those present and voting.
- Section 7.** The University Assembly votes by secret ballot except on congratulatory or commendatory motions, or on those expressing thanks; such motions may be disposed of in the manner chosen by the Assembly.
- Section 8.** The Assembly Moderator will designate three Assembly Cabinet members to collect and count all ballots.
- Section 9.** The Faculty Senate, the Classified Employees Council, Student Life Council, the various councils, committees, and subcommittees created by this constitution shall determine their own rules and procedures. Unless otherwise specified, bylaws, rules, and procedures must be consistent with *Robert's Rules of Order*.
- Section 10.** When specificity is not prescribed within this document, the Faculty Senate and each council will determine the manner and method that shall be used to select membership to the various bodies created by this constitution.
- Section 11.** The Assembly and all of its constituent bodies shall meet in open session consistent with the State of West Virginia Open Meeting Law.
- Section 12.** On odd numbered years, at the April Assembly meeting, faculty elect one of its members to serve on the Advisory Council of Faculty and one to serve as an alternate member. The alternate member represents the faculty on the council in the absence of the elected member. The term of the representative and the alternate is for two years and begins on July 1. Members and alternates elected to this council may succeed themselves.
- Section 13.** At the April Assembly meeting, faculty elect one of its members to serve a two-year term as its representative to the Shepherd University Board of Governors. That faculty member may serve three successive terms. The term begins on July 1.

ARTICLE III: ASSEMBLY CABINET

- Section 1.** The University Assembly creates the Assembly Cabinet. The functions and responsibilities of the Cabinet include:
- a. to facilitate internal communication,
 - b. to set the agenda for, and call special meetings of the University Assembly, and
 - c. to notify the University President and Assembly members of such meetings.
- Section 2.** The membership of the Assembly Cabinet shall include:
- a. the Assembly Moderator,
 - b. the Assembly Secretary,
 - c. the President of the Faculty Senate
 - d. a representative of the Student Life Council who is a member of the Assembly,
 - e. the Chair of the Classified Employees Council, and
 - f. the Chair of the Strategic Planning Committee.
- Section 3.** The Assembly Moderator is chair of the Assembly Cabinet and conducts Cabinet meetings. The Cabinet meets to set agenda items for the Fall and Spring Assembly meeting. The Moderator communicates directly to Cabinet members whenever amendments to the Constitution are proposed, or when a Cabinet member feels a special meeting is needed. The Assembly Secretary records and distributes minutes of these meetings to Assembly members.
- Section 4.** A petition for a special meeting of the Assembly must be presented to the Moderator of the University Assembly, who must act upon the request at the next Assembly Cabinet meeting as the first order of business.
- Section 5.** The Assembly Cabinet sets the agenda for University Assembly meetings.
- Section 6.** The Assembly Cabinet establishes the Strategic Planning Committee.
- a. The committee recommends policies concerning long-range planning that will strengthen and support the University's mission.
 - b. The committee may create task forces as needed that include members from across the University.
 - c. The committee will report on its activities at the University Assembly and in the interim when appropriate.
 - d. Membership includes:
 - i) one faculty elected from each college,
 - ii) President of Faculty Senate,
 - iii) one dean, selected by Deans' Council
 - iv) one Vice President, selected by the University President
 - v) one representative of the Classified Employees Council,

- vi) the Chair of the Classified Employees Council,
- vii) one undergraduate student appointed by the Student Government Association,
- viii) one graduate student selected by the Graduate Council
- ix) the Vice President for Enrollment Management or designate
- x) two members appointed by the President of Shepherd University to ensure ethnic minority and gender representation,
- xi) the Provost

The chair will be appointed by the President from the membership of the committee.

ARTICLE IV: FACULTY SENATE

Section 1. Acknowledging the principle of faculty self-governance and recognizing the critical role faculty perform in the internal affairs of this institution, the University Assembly establishes the Faculty Senate.

Section 2. Meeting in open session, the Faculty Senate provides an opportunity for faculty to express their concerns, formulate policy, forward proposals to the University administration, and review policies developed by the University administration on matters pertaining to:

- a. instruction, research, service, and students,
- b. requirements for the granting of degrees,
- c. curricula requirements for general education,
- d. additions and deletions of courses and programs,
- e. students' admission, selection, and retention standards,
- f. professional development including criteria and faculty selection for sabbaticals and leaves of absence,
- g. academic freedom and tenure, and
- h. faculty evaluation for tenure and promotion.

Section 3. The Faculty Senate establishes and communicates to the administration faculty positions pertaining to:

- a. development of library, laboratories, computer facilities, telecommunications, and other aids to promote instruction, research, and experimentation,
- b. faculty salaries, retirement, fringe benefits, teaching loads, and
- c. such other academic and professional affairs that are in the interest of the University community.

Section 4. The constituency of the Faculty Senate includes all University Assembly members who are issued teaching contracts. Those holding administrative contracts are ineligible for membership in the Senate and as chairs of all Senate committees.

- Section 5.** The membership of the Faculty Senate includes one faculty representative elected by majority vote from each administratively recognized department, the faculty representative to the Advisory Council of Faculty elected by the Assembly each odd year, and one representative of the Library faculty. The officers of the Faculty Senate shall be the President, Secretary, and Parliamentarian.
- Section 6.** Any member of the University community may place items on the Faculty Senate agenda by informing the Faculty Senate President four business days in advance of the meeting.
- Section 7.** The Shepherd University Assembly establishes three permanent committees that report directly to the Faculty Senate. At the first meeting of the academic year, the Faculty Senate elects chairs from among its own membership for the Curriculum and Instruction Committee, the Admissions and Credits committee and the Core Curriculum Committee. Each chair's tenure is one full year.
- a. The Curriculum and Instruction Committee** considers changes in courses and curricula programs that have been forwarded to the committee by the various Colleges, by the Professional Education Unit Council, or by the Core Curriculum Committee. Policies that are passed by at least a 2/3-majority vote in committee shall be forwarded directly to the Provost. Other policies shall be forwarded to the Faculty Senate for further action. The committee meets at 3:10 p.m. on the second Monday of every month during the academic year. Membership consists of two voting faculty members from each College and one representative of the library faculty serving staggered two-year terms and the chair. No academic department or institute shall have more than one representative on this committee. Non-voting ex officio members include the following:
- i. Provost,
 - ii. Registrar,
 - iii. Director of Admissions,
 - iv. Director of the Honors Program,
 - v. Director of Academic Support,
 - vi. Director of Academic Advisement, and
 - vii. Core Curriculum Chair.
- b. The Admissions and Credits Committee** formulates admission and credit policies and supervises the enforcement of approved policies adopted by the Faculty Senate. The committee meets at 3:10 pm on the second and fourth Wednesdays of each month during the academic year. Committee membership consists of two voting faculty from each college serving staggered two-year terms and the chair. *Ex-officio* non-voting members include:
- i) the Provost,
 - ii) the Registrar,

iii) the Associate Registrar,

and ex officio voting members include:

- i) the Director of Admissions,
- ii) the Regents Bachelor of Arts Degree Program Director,
- iii) the Director of the Honors Program,
- iv) the Director of Academic Advisement,
- v) the Director of Academic Support, and
- vi) The Director of Financial Aid or his/her designee.

c. **The Core Curriculum Committee** considers and initiates proposals for course and programmatic change to the Core Curriculum. Changes to the curriculum that are passed by 2/3-majority vote in committee shall be forwarded to the appropriate body. Changes that increase or decrease the total number or distribution of hours require a majority vote of all University full-time faculty; the Committee Chair, the Senate's Parliamentarian, and the Registrar will supervise the vote. The committee meets at 4:10 PM on the third Wednesday of each month during the academic year. Committee membership consists of one member elected from each department serving a two-year term, one representative of the library faculty serving a two-year term, and the chair. Non-voting ex officio members include the following:

- i. Two students, elected by SGA
- ii. Registrar
- iii. Assessment Task Force, Chair
- iv. Retention Specialist
- v. Multicultural Student Affairs, Director
- vi. Service Learning, Director
- vii. Academic Support Center, Director
- viii. C&I Chair
- ix. FYEX Director.

Section 8. The Faculty Senate establishes additional permanent committees directly responsible to it, at its discretion and in accordance with its bylaws. A description of the responsibilities, operational procedures, and membership will be found in the Bylaws of the Senate.

ARTICLE V: ADMINISTRATIVE COUNCIL

Section 1. Established by the University Assembly, the purpose of the Administrative Council shall be to provide college-wide coordination of information and recommendations as requested by the President.

Section 2. The chair shall be the University President. The Administrative Council's membership shall include:

- a. such members of the Assembly as the University President may designate,
- b. one dean of a College,
- c. the Registrar, or designee,
- d. the Director of Admissions, or designee,
- e. a representative of the Public Information Office,
- f. a representative from the Athletics Committee,
- g. a representative of the Strategic Planning Committee,
- h. the Chair of the Classified Employees Council,
- i. the Chair of the Student Life Council,
- j. two members chosen by Student Government Association,
- k. the Faculty Senate President,
- l. the Assembly Secretary, who records and distributes minutes of this council to Assembly members, and
- m. a representative from the Scholarship and Financial Aid Committee.

Section 3. The recommendations of the Administrative Council shall be directed to the University President or his or her designee.

Section 4. The Administrative Council establishes the following committees. The University President will determine membership for each committee and will provide operational procedures for these permanent committees.

- a. **The Student Success Committee** provides recommendations, information, and training and serves as a resource to faculty, staff, and the administration about University-wide retention efforts and initiatives. The committee is charged with developing, implementing, and assessing the Student Success Plan.
- b. **The Diversity and Equity Committee** makes recommendations regarding policy and issues concerning race, ethnicity, culture, and gender. The committee advances the University's goals of achieving and maintaining a diverse staff and student body.
- c. **The Athletics Committee** shall be concerned with the development of athletics policies and other matters in conjunction with the intercollegiate athletics program.
- d. **The Calendar Committee** prepares academic calendars for review and reactions by the Administrative Council, the Faculty Senate, and the University President. The chair shall be the Registrar.
- e. **The Commencement Committee** coordinates all activities associated with commencement, including arrangements, publications, and social affairs that may be sponsored by the University as part of the ceremony.
- f. **The Enrollment Management Committee** is responsible for making recommendations regarding the comprehensive processes which will guide the University in achieving and maintaining optimum enrollment within the academic context of the institution.
- g. **The Scholarship and Financial Aid Committee** oversees awarding of financial aid.

- h. **The Technology Oversight Committee (TOC)** is responsible for developing a strategic plan for campus technology and for making recommendations to the University in accord with the technology plan. The TOC actively seeks input from all constituencies of the University campus. TOC recommendations for expenditure of the technology fee revenue are made to the Provost for presentation to and approval of the President’s Executive Council. The TOC monitors the use of the funds to ensure that they are expended as approved by the TOC.

The Chair of the TOC is a Dean of a College, appointed by the Provost. Beginning in the academic year 2001-2002, half of the membership—selected by lot by the TOC Chair – shall serve a one-year term; all other members shall serve a two-year term. Thereafter, all newly-appointed or elected members shall serve two-year terms. Terms are effective at the beginning of the academic year. There is no limit on the number of consecutive terms served. All members are voting members.

The membership shall be:

- a) two full-time, tenure-track faculty elected from each College
 - b) a Faculty Senate representative appointed by the Senate
 - c) the Director of Admissions, or designee, ex officio
 - d) the Vice President of Student Affairs, or designee, ex officio
 - e) the Dean of Libraries and Information Sciences, or designee, ex officio
 - f) the Registrar, or designee, ex officio
 - g) the Vice President for Finance, or designee, ex officio
 - h) two students chosen by the Student Government Association
 - i) the Director of Information Technology, or designee, ex officio
- i. **The Shepherd University Program Review Committee** is responsible for reviewing all baccalaureate academic degree programs. A degree program is an area of study approved as such by the institution and the Higher Education Policy Commission on the official inventory of degree programs. The Program Review Committee will put into place an evaluation procedure and set criteria for an on-campus program review process consistent with the West Virginia Higher Education Policy Commission “Policy Regarding Program Review.” Comprehensive institutional self-studies conducted in compliance with accreditation or institutional processes and completed within the previous 60 months may be used to provide the base line data for the review, with any necessary updating of factual information or interim reports to the accrediting body. The committee shall review each college program at least once during a five-year cycle. The committee review process for a given program will

be initiated and completed during an academic year. As part of its review process, the committee will utilize a minimum of two outside consultants for each program who shall have expertise in the program they shall review. The committee, per the Commission policy statement, ‘will develop a recommendation for action and present it to the institutional Board of Governors for action and referral to the Policy Commission.’” The Provost shall bring the Committee’s recommendations to the University President and the Board of Governors.

The Chair of the Shepherd University Program Review Committee is a Dean appointed by the Provost. Beginning as of July 1, 2001, half of the membership-selected by lot by the Program Review Committee Chair-shall serve a one-year term; all other members shall serve a two-year term. Thereafter, all newly elected members shall serve two-year terms. Terms are effective as of July 1 of each year. There is no limit on the number of consecutive terms that an individual may serve. All members are voting members.

The membership shall be:

- a) one full-time faculty member elected from each College
- b) the Dean of Teaching, Learning and Instructional Resources; ex officio
- c) such members as the Provost may deem appropriate, with the agreement of the committee.

- j. **The Shepherd University Graduate Council** will be responsible for developing and implementing an ongoing strategic plan for establishing and administering all graduate programs instituted at Shepherd University. The Council will report to the Provost.

As part of its charge the Graduate Council will develop specific policy criteria by which graduate studies will be conducted on campus. Among others these include:

Review and recommend faculty qualified to teach graduate courses;

Review and recommend graduate courses to be taught and notify the appropriate university committees;

Recommend programs to pursue and the best forum for their Implementation;

Recommend student admission and retention standards and policies;

Membership of the Graduate Council:

The chair of the Graduate Council will be the Dean of Graduate Studies and Continuing Education. Other members of the Council will include:

Two members elected from each College within the university; and the Director of Teacher Education, or designee, ex officio.

The Graduate Council also reserves the right to add or eliminate additional members that they deem necessary for the development and implementation of new graduate programs at Shepherd University.

Term of Service:

As determined by the members, half of the membership will serve a two-year term, while the remaining members will serve a three-year term.

There is no limit on the number of consecutive terms served.

All members are voting members.

- k. **The Shepherd University Institutional Review Board (IRB)** is responsible for implementing regulations of the Office for Human Research Protections (OHRP) and the principles outlined in the Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research, as well as all Shepherd University policies on research with human subjects. In addition, this Board will ensure that all federally-funded research conducted at this institution which involves human participants be in compliance with the Code of Federal Regulations (CFR) Title 45, Part 46.

Membership of this Board will be made up of no fewer than seven members. One member will be elected from each Academic College, while three members will be appointed by the President. Each member will serve a term of three years. At all times the membership must include at least one scientist, one non-scientist, one person otherwise unaffiliated with the University and one individual with expertise in the area of psychology or counseling.

The members of the IRB will elect one of the members to a three-year term as Chair, subject to the approval of the President. The Chair of the IRB reports to the Administrative Council and may be appointed to the Council at the discretion of the President.

1. **The Extended Learning Integrity Committee** will assure that the quality of the academic experience offered at the Martinsburg Center, as well as any other centers opened in the future, is consistent with benchmarks established by the University for degree progression, learning outcomes and student support. It will assure academic integrity and the quality of the academic experience through the monitoring of programmatic outcomes of programs that are offered in conjunction with secondary sites, including the Martinsburg Center and all other centers or sites that are established in the future for the purpose of delivering degree programs.

ARTICLE VI: STUDENT LIFE COUNCIL

- Section 1.** Established by the University Assembly, the purposes of the Student Life Council (SLC) include:
- a. establishing campus-wide student life policies,
 - b. providing for extracurricular programming,
 - c. developing policies and procedures for the student conduct system,
 - d. setting standards for and registering student clubs and organizations in conjunction with the Student Government Association (SGA).
- Section 2.** The Chair, Vice-Chair, Secretary, and Parliamentarian are elected from the voting membership of the Student Life Council. The Student Life Council's membership includes:
- a. the Dean of Students,
 - b. five members of the Student Affairs staff appointed by the Dean of Students,
 - c. four faculty, elected by the Assembly, each for a two-year term without succession, at least one of whom must be a member of the Graduate Faculty.
 - d. ten students:
 - i) an appointed representative of the Student Government Association,
 - ii) a representative of the Program Board,
 - iii) six undergraduate students elected at large in a campus-wide election for one-year terms, each of whom may serve two successive terms, and
 - iv) Two graduate students elected by the GSCE Deans Student Advisory Council for one-year terms, each of whom may serve two successive terms.
 - v) Student Membership Requirement: Students must have a 2.5 cumulative GPA to be nominated, serve and maintain a position on SLC.
- Section 3.** Student Life Council recommendations are communicated to the Administrative Council and/or the President.

Section 4. If a faculty representative elected by the Assembly is unable to fulfill the two-year term on the Student Life Council, the remaining Student Life Council faculty members will appoint another faculty member to fill the vacancy. At the next regularly scheduled Assembly meeting, a new representative will be elected. A faculty member serving as an appointed member under the conditions described above would be eligible for election to a two-year term.

ARTICLE VII: CLASSIFIED EMPLOYEES COUNCIL

Section 1. Established by the University Assembly, the Classified Employees Council:

- a. serves as a representative body of the classified employees of Shepherd University,
- b. provides a forum for discussion of classified staff concerns,
- c. encourages the improvement of working conditions for classified staff to increase the operating efficiency of the University,
- d. facilitates staff input into decisions which affect classified staff by making recommendations to the President and appropriate administrators,
- e. conveys classified employee concerns to the Shepherd University Board of Governors and to the Advisory Council of Classified Employees.

Section 2. The Council shall consist of the classified employee representative to the Shepherd University Board of Governors (non-voting); the classified employee representative to the Advisory Council of Classified Employees; the Staff Council Chair (non-voting); two classified employees from the administrative/ managerial sector (EEOC 1); two classified employees from the professional/ non-teaching sector (EEOC 3); two classified employees from the secretarial/ clerical sector (EEOC 4); two classified employees from the paraprofessional sector (EEOC 5); and two classified employees from the physical plant/ maintenance sector (EEOC 6/7). There shall be one alternate for each Classified Employees Council member in categories 1, 3, 4, 5, 6/7.

Section 3. The Council maintains minutes of its proceedings and distributes copies to interested Assembly members.

Section 4. Actions taken by this council are communicated to the Administrative Council.

Section 5. The Council conducts its business in compliance with the Shepherd University Classified Employees Council Constitution.

ARTICLE VIII: AMENDMENTS

- Section 1.** Any Assembly member may submit a typewritten proposal for amending this document to the Secretary of the Assembly Cabinet.
- Section 2.** The Secretary of the Assembly Cabinet shall read the proposed amendment to the Cabinet membership. The Assembly Moderator shall then call a Constitutional Assembly meeting.
- Section 3.** At least 10 class days prior to a called Assembly meeting, the Cabinet Secretary shall distribute to all Assembly members the precise wording of the proposed constitutional amendment, incorporating these changes into those portions of the existing document that will be affected by the proposed changes.
- Section 4.** At the called meeting of the Assembly, the Cabinet Secretary shall read the proposed amendment to the Assembly. This will be followed by formal discussion by Assembly members.
- Section 5.** By the fifth class day after the called meeting, the Assembly Cabinet, in consultation with University Communications and IT Services, will prepare online voting and electronically notify each Assembly member of the opening and closing dates of voting and give instructions on how to cast their ballot. Should electronic voting not be feasible, the Assembly Cabinet may revert to paper balloting. These ballots will be prepared and distributed to Assembly members by the fifth class day after the called meeting. Both electronic and paper voting will follow the procedures outlined in *Robert's Rules of Order* as closely as possible. All votes must be cast within five class days after the ballots are made available. The Assembly Moderator will designate Assembly Cabinet members to verify the results of the ballot measure(s) on the sixth day after distribution. The results will be recorded and distributed to all Assembly members.
- Section 6.** Passage of the amendment will require a two-thirds majority of the returned ballots.

ARTICLE IX: CUSTODIANSHIP

- Section 1.** This constitution and all amendments appertaining thereto, shall be maintained in the Office of the President of Shepherd University, by the Dean of Libraries and Information Sciences, and by the Assembly Secretary.
- Section 2.** All amendments must be listed numerically and by date of adoption under this article.

Amendments: as of October 2018