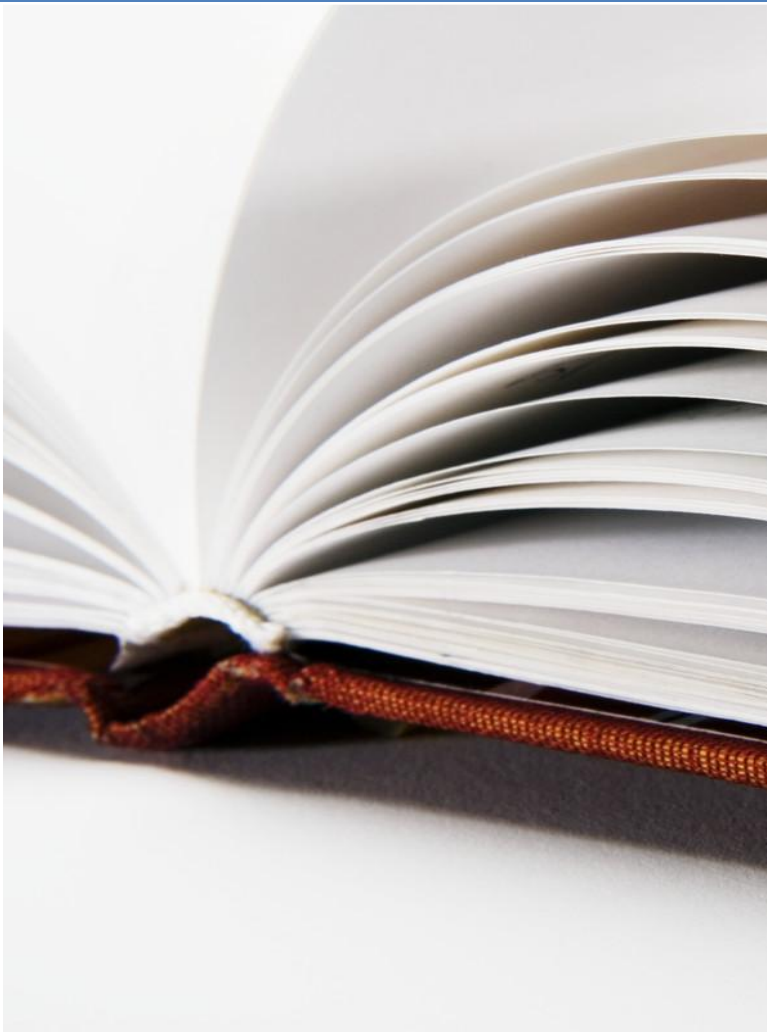


**BAYH COLLEGE
OF EDUCATION**

CONGRESS CONSTITUTION



Initially Approved
April, 1990

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CONSTITUTION

Revised 2010

Bayh College of Education

INDIANA STATE UNIVERSITY

A Constitution for Faculty Governance of the Bayh College of Education

PREAMBLE

The purpose of this Constitution is to provide the basis for faculty governance of the Bayh College of Education at Indiana State University.

Underlying principles of this Constitution:

1. This Constitution is for faculty governance of the college within the framework of the Constitution and ByLaws of the Faculty of Indiana State University.
2. This Constitution provides for participation in governance of the college by faculty and administration of the college, faculty of other colleges and schools within the university, students, alumni/ae.
3. Policy making authority resides primarily with the faculty of the Bayh College of Education and its representative body, the Bayh College of Education Congress, in cooperation with administrative leadership. This Constitution permits operational decisions by administrative personnel consistent with policy. In situations in which policy is undefined, reliance for immediate policy development and implementation resides in administrative personnel.
4. This Constitution ensures that the faculty and its representative body have an advisory and evaluative relationship regarding administrative responsibilities in the implementation of policy, and provides means by which faculty and their representative body shall be informed of policy decisions and their manner of implementation.
5. All participants in representative bodies designated by this Constitution are entitled to voice and vote, except that the dean, when he/she serves *ex officio* on any representative body, shall have voice but no vote.
6. Meetings of representative bodies engaged in policy making shall be open. Grievances and/or selection and retention of personnel may be conducted in closed executive sessions. Decisions made and vote count shall be matters of public record.

**ARTICLE I. THE FACULTY OF THE
BAYH COLLEGE OF EDUCATION**

Section 1. The Bayh College of Education Congress, defined in Article II hereinafter, is the representative body of the college faculty.

Section 2. The Executive Committee of the congress shall consist of its chair, vice-chair and secretary, the parliamentarian may serve as an alternate for any of the other three officers.

*Section 3. The Voting Faculty. For the purpose of governance, the term "*voting faculty of the Bayh College of Education*" are those persons who:*

3.1 are appointed with academic rank in a department of the college, except for the following: emeritus/a, visiting, special purpose or part-time temporary, acting appointees,

AND

3.2 are listed on the University payroll as receiving salary from budgeted college accounts,

OR

3.3 (*in the case where Article I, Sections 3.1 and 3.2 inappropriately exclude an appointee*) are explicitly identified by the Bayh College of Education Congress to be

3.31 actively engaged in the work of the Bayh College of Education

AND

3.32 unrepresented in the governance plan of the University faculty by any other subsidiary administrative unit, school, or college.

*Section 4. Department Defined. For the purpose of governance, a "*department*" is defined as a major academic subdivision, however titled, of the Bayh College of Education, to which faculty are assigned, which may now exist or be created.*

Section 5. Faculty Authority

5.1 *Policy Formulation*: The college congress shall have authority to formulate policy for the college regarding:

5.11 the curriculum and requirements for the granting of academic degrees

5.12 the facilitation of teaching and research

- 5.13 the structure of the college with reference to academic matters
- 5.14 standards for student admission and retention
- 5.15 faculty conduct and discipline
- 5.16 faculty appointments, retention, promotion and tenure
- 5.17 freedom of expression and academic freedom
- 5.18 aspects of student life which relate directly to educational processes
- 5.19 college research and service obligations to private or public agencies.

5.2 Consent: The congress shall have the authority to advise on and consent to the selection and retention of the chief administrative officer of the college.

5.3 Review: The authority of the congress to review shall include:

- 5.31 implementation of policy decisions
- 5.32 recourse for individuals affected by policy decisions.

5.4 Advisory: The congress shall have advisory authority on:

- 5.41 college budgets
- 5.42 faculty benefits, including salaries, insurance, retirement, and leaves
- 5.43 student conduct and discipline in the college
- 5.44 college physical facilities and their development
- 5.45 the academic calendar.

Section 6. Source of Authority. The Constitution of the Faculty of Indiana State University is the source of formal authority for the government of the faculty of the Bayh College of Education.

Specifically:

6.1 All authority exercised by the Board of Trustees, the Administration, the University Faculty, and the students is the Constitution and Laws of the State of Indiana. The authority of the University Faculty to participate in the determination of the policies of Indiana State University shall be consistent with the policies established by the Board of Trustees in the exercise of its constitutional authority.

6.2 Each college is guaranteed a representative form of government (*Article VIII, Section 1, Constitution of the Faculty of Indiana State University*).

6.3 Each college will submit an acceptable plan of internal government consistent with the Constitution and Bylaws of the Faculty of Indiana State University (*Article VIII, Section 2*),

AND

6.4 Each college shall be autonomous in matters of internal policy, subject to the provisions of the University Faculty Constitution and Bylaws and to the actions of the University Faculty and Faculty Senate pursuant to the University Faculty Constitution and Bylaws (*Article VIII, Section 3*).

Section 7. Scope of Authority

7.1 The authority of the faculty assembled shall be superior to that of any of its subsidiary organizations. The means by which this authority may be exercised is defined in Article I, Section 8 of this Constitution.

7.2 The authority of the faculty does not include that authority which is appropriately and specifically held by any of the following:

7.21 the ISU Faculty Senate

7.22 the ISU Student Government Association and any subsidiary which may in the future officially represent Bayh College of Education student government.

7.23 the internal governing bodies of the other schools and colleges of Indiana State University

7.24 the ISU Teacher Education Committee.

7.3 In the case of any conflict between the faculty government of the college and the organizations named in Article I, Section 7.2, the faculty of the college reserve the right to appeal to appropriate governing bodies if internal resolution within the college cannot be achieved.

Section 8. The Exercise of Authority

8.1 Meetings

8.11 *Quorum and majority vote of the faculty defined:* One-third (1/3) of the voting members of the faculty of the college shall constitute a quorum, except at an extraordinary meeting, which shall require two-thirds (2/3) of the voting faculty for a quorum. Matters requiring a vote of the faculty shall be decided by a greater than fifty percent (50%) majority of voting members present and voting, except in the case of a vote to override a

Dean's veto, which shall require a majority of greater than two-thirds(2/3) of those present and voting.

8.12 Ordinary Meetings: The faculty of the college shall hold at least two (2) ordinary meetings each academic year. Ordinary meetings of the college faculty may be called by the dean, the executive committee of the congress, or on petition of ten (10) percent of the voting members of the Bayh College of Education faculty. Such petition shall be delivered to any member of the executive committee of the congress. Ordinary meetings shall be announced by the dean or congress secretary at least one (1) week in advance. Actions requiring a faculty vote require that a quorum of one-third (1/3) of the voting faculty be present, and such actions shall be confined to the passing of resolutions and the introduction of legislative proposals to be voted on by the entire voting faculty of the college by mail ballot as defined in Article I, Section 8.2.

8.13 Extraordinary Meetings: The dean or the executive committee of the congress shall have the power to determine that an emergency exists which require convening the faculty. An extraordinary meeting shall also be called by the executive committee on petition of fifteen (15) percent of the voting members of the faculty directed to any member of the executive committee. Notice of the extraordinary meeting shall be in writing and include a meeting agenda. There shall be at least one working day between delivery of the meeting notice and the meeting itself. Whoever calls the meeting is required to present evidence that each voting member of the faculty was informed of the meeting or, if that was not possible, of the reason therefore.

Upon determination that the required quorum of two-thirds (2/3) is present, whoever initiated the calling of the meeting shall present a motion calling for an extraordinary meeting of the faculty. Discussion on the motion shall be confined to the information upon which the judgment was made that an emergency exists. If the faculty assembled vote to hold an extraordinary meeting, the group assembled shall consider only those matters specified on the agenda published.

If an extraordinary meeting is called and fewer than two-thirds (2/3) of the voting faculty are present, but one-third (1/3) of the voting faculty are in attendance, actions shall be confined to the introduction of legislative proposals concerning the matter or matters on the agenda, and which are to be voted on by the entire voting faculty by mail ballot. Without a quorum, no action may be taken.

8.14 The dean of the Bayh College of Education shall preside over meetings of the faculty. Should the dean be absent, his/her designate shall preside.

8.2 Faculty Vote by Mail Ballot: Within one (1) week of a faculty meeting at which legislative proposals have been introduced, the secretary shall prepare a ballot vote on the measures and send it to each voting faculty member as defined in Article I, Section 3. Ballots shall be returned to the secretary within two (2) weeks of the date on which they were sent. Ballots shall be counted and recorded in the presence of the executive committee of the congress. Proposals in question shall be determined by a majority greater than fifty percent (50%) of valid votes cast.

8.3 Executive Authority: The authority of the faculty will ordinarily be exercised by congress as outlined in Article II and III of this Constitution and in the Bylaws.

8.4 Faculty Veto: The faculty shall have the power to veto, no later than thirty (30) days following official publication of the minutes, any action of the college congress.

8.41 An ordinary or extraordinary meeting of the college faculty shall be called as provided for in Article I, Section 8.12 or Article I, Section 8.13 for the purpose of discussing the congressional action in question.

8.42 The voting procedure and quorum requirements shall be determined by the type of meeting called (ordinary or extraordinary).

8.5 Dean's Veto: The dean of the college shall have the power to veto no later than thirty (30) days following official publication of the minutes any action of the congress. In matters requiring approval of the dean, failure on the part of the dean to give the required approval within thirty (30) days of action by congress shall constitute a dean's veto.

8.51 An ordinary or extraordinary meeting of the faculty may be called as provided in Article I, Section 8.12 or Article I, Section 8.13 to discuss the dean's veto.

8.52 The voting procedure and quorum requirements, determined by the type of meeting called (ordinary or extraordinary) shall be followed to determine the will of the faculty. A two-thirds (2/3) majority of the voting faculty shall override a dean's veto. In no case may the dean veto a duly constituted vote by the faculty which overrides a dean's vote.

ARTICLE II. ORGANIZATION OF THE FACULTY GOVERNANCE

Section 1. Relationship and Function

1.1 *Relationship*: As stated in Article I, Section 6, Subsection 6.3 of the Constitution of the college, the authority of the faculty will ordinarily be exercised by a governing body as outlined in Article II and III of this Constitution and the Bylaws. The name of this governing body shall be the Bayh College of Education Congress. The relationship of the Bayh College of Education Congress to the University Faculty and Faculty Senate is described in Article I, Sections 6 and 7 of this Constitution.

1.2 *Function*: The Bayh College of Education Congress shall constitute the representative governing body of the faculty of the college. The authority of the congress shall include the power to formulate policy, give consent, exercise review, and provide advice as outlined in Article I, Section 5.

Section 2. Structure and Composition

2.1 *Membership*: All members of the Bayh College of Education Congress shall have a voice. Only faculty and administrative representatives shall have a vote, save the dean, who will not vote. The Congress shall be composed as follows:

2.11 The dean of the Bayh College of Education--ex officio.

2.12 *Faculty Representatives*: Two faculty members from each college department.

2.13 *Administrative Representative*: One member of the faculty of the college who is currently serving as department chairperson.

2.14 *Other Faculty Representative*: One faculty member whose academic appointment is outside the college, who teaches special methods courses on a teaching curriculum.

2.15 One undergraduate student enrolled in a teaching curriculum.

2.151 One graduate student enrolled in a master's, specialist, or doctoral program in the college.

2.16 One graduate of the Indiana State University Bayh College of Education who neither is nor has been a faculty member at Indiana State University.

2.2 *Terms*: Faculty representatives shall serve two years. Each department will elect one new representative each year to serve a two-year term.

The administrative representative shall serve one year and be elected by the Administrative Council.

All other members, with the exception of the dean, shall serve one-year terms.

With the exception of the dean, no person shall serve more than four consecutive years.

2.3 Manner of Election

2.31 Departmental Faculty Representatives: At the beginning of the fall semester each department shall elect one person for a one-year term and one person for a two-year term. In subsequent years each department shall elect one person for a two-year term at the first department faculty meeting of the academic year.

2.32 The Administrative Representative: At the beginning of the fall semester the administrative council shall elect one member of the faculty serving an administrative appointment as department chairperson for a one-year term.

2.33 Other Representatives: The executive committee of the congress shall nominate and present to congress an undergraduate student, a graduate student, and a special methods faculty member for confirmation as representatives. The Alumni Association shall select an eligible alumna/us representative.

2.4 Vacancies: In the case of a vacancy of a representative selected by a unit, the unit will be responsible for filling the seat with an eligible representative within thirty (30) days.

2.5 Quorum: A quorum shall consist of one half of the voting membership of the congress.

2.6 Meetings: The new congress shall hold its first meeting in September and at least monthly throughout each academic year. The times and dates of regular meetings shall be determined at the beginning of each semester.

**ARTICLE III. OPERATING PROCEDURES OF
THE BAYH COLLEGE OF EDUCATION CONGRESS**

Section 1. Officers of the Bayh College of Education Congress

1.1 The officers of the Bayh College of Education Congress shall be a chairperson, a vice-chairperson, a secretary who will also serve as the secretary to the Bayh College of Education faculty, and a parliamentarian. The chairperson, vice-chairperson and secretary shall constitute the executive committee. The parliamentarian may serve as an alternate on the executive committee for any of the other three officers.

1.2 Officers shall serve for one year but may be re-elected.

1.3 The officers shall be elected by the congress at the first meeting of the academic year following its election, (i.e., the organizational meeting specified in Article II, Section 2.4 above). This election shall be conducted by the chairperson of the congress for the previous year or, in his/her absence, another officer from the previous year.

Section 2. Meetings

2.1 The congress shall meet at least once each calendar month, September through May, at a regularly-designated place and time. The congress may also meet during the months of June, July, and August.

2.2 Additional meetings of the congress may be called by the chairperson, the dean, the executive committee, or by a petition to any member of the executive committee from three (3) or more members of the congress.

2.3 Congress meetings shall be open to members of all components of the college community except when the need for executive session arises to discuss grievances and/or matters of selection and retention of personnel, as provided in the Preamble to this Constitution, Section 6.

Section 3. Agenda and Minutes

3.1 An agenda for each meeting shall be compiled by the executive committee except in emergencies. This agenda shall be distributed to the faculty of the college and to special methods faculty, and to all representatives at least four (4) week days prior to each regular or special meeting. One (1) copy of the agenda for each meeting shall be distributed to each non-faculty component unit represented on the congress. The agenda shall serve as the official order of business for the meeting. Any changes or additions to the agenda must be approved by a two-thirds (2/3) majority of congress members present and voting.

3.2 Minutes of the congress shall be distributed to members of the congress and faculty of the college and to special methods faculty. One (1) copy of the minutes shall also be distributed to each non-faculty component group represented.

3.3 Copies of minutes of each meeting and voting records of congressional actions shall be retained in the offices of the dean and the secretary of the congress. These duplicate records are the official records of the Bayh College of Education Congress.

Section 4. Quorum. One-half (1/2) of the elected membership of the congress shall constitute a quorum.

Section 5. Approval of Motions. A motion before the congress is passed when a quorum is present and when approved by a greater than fifty percent (50%) majority of those present and voting.

Section 6. Rules of Procedure. The congress shall adopt rules of procedure acceptable to the majority of those congress members present and voting at each annual organizational meeting, (i.e., the meeting at which the officers of congress are elected for the academic year). The congress will function according to these rules at all subsequent meetings during that academic year and the following summer. Rules of procedure may be amended or suspended at any meeting by a fifty percent (50%) majority of members of congress present and voting.

Section 7. Committees

7.1 The congress shall create such ad hoc or standing committees as are necessary to provide for the implementation of faculty authority outlined in Article I, Section 5.

7.2 In all matters pertaining to the rights of faculty members (ex: Article I, Section 5, Subsections 5.15, 5.16), committees concerned with implementing policy and review (*Article I, Section 5.3*) shall be comprised only of the faculty members of the Bayh College of Education.

7.3 In all matters pertaining to the rights of students, (ex: Article I, Section 5, Subsections 5.14 and 5.18), committees concerned with implementing policy and review (*Article I, Section 5.3*) shall include students enrolled in a teaching curriculum or graduate program, respectively.

**ARTICLE IV. AMENDMENTS,
BYLAWS AND ADOPTION PROCEDURES**

Section 1. Amendments: Amendments to this Constitution require approval by a two-thirds (2/3) majority of the congress and by a greater than fifty percent (50%) majority of the members of the faculty of the Bayh College of Education voting on the amendment in accordance with Article I, Section 6.2.

Section 2. Bylaws: Bylaws to this Constitution shall be initiated by the congress, approved by a two-thirds (2/3) majority of the congress and by a greater than fifty percent (50%) majority of the members of the faculty of the Bayh College of Education voting on the bylaws in accordance with Article I, Section 6.2.

Section 3. Adoption and Revision of this Constitution

3.1 This third revision (2007) of the Constitution shall become effective upon approval by a two-thirds (2/3) majority of the congress and by a greater than fifty percent (50%) majority of the voting members of the faculty of the Bayh College of Education voting on the revision. The responsibility for distribution of the proposed Constitution and supervision of the voting resides with the secretary of the Bayh College of Education Congress.

3.2 A decision to review this entire Constitution for possible revision may be made by the dean of the Bayh College of Education, the executive committee of congress, or by vote of a greater than fifty percent (50%) majority of congress. Any review shall be conducted in a manner specified by congress.