THE CONSTITUTION
OF THE UNIVERSITY OF OREGON

Ratified by the Statutory Faculty                   December 7, 2011
Date

Ratified by the University President                   December 15, 2011
Date

President Richard Lariviere

This Constitution replaces the Constitution of the University of Oregon as adopted by
the Statutory Faculty on 19 May 2010 and accepted by President Richard Lariviere on
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Prologue

We, the Professors and President of the University of Oregon, in recognition of the need for effective cooperation among its Constituent Groups, hereby agree that the Constitution of the University of Oregon defines the manner in which the Statutory Faculty shall exercise its governance obligations. This Constitution reflects the original collegial and consultative spirit embodied in the 1876 charter and aligns with subsequent codifications and clarifications of that Charter expressed in Oregon Revised Statutes. Any change to this Constitution shall occur only after approval by the Statutory Faculty and the University President. Any provision of this Constitution which is inconsistent with State Law is void.

Section 1: Governance Principles and Delegation of Governance Authority

1.1 The University of Oregon recognizes the scope of faculty governance prescribed by Oregon State Law as stated in ORS Chapters 351 and 352 and does not contradict Oregon State Board of Higher Education Internal Management Directives issued prior to the date of ratification of this Constitution.

1.2 The University of Oregon is governed by the President and the Professors in accordance with the 1876 University of Oregon Charter. ORS 352.010.

1.3 Sole faculty governance authority at the University of Oregon resides in the Statutory Faculty. This authority extends to all academic matters as commonly understood in higher education. The Statutory Faculty may delegate its authority but must retain oversight responsibility.

1.4 The Statutory Faculty exercises its governance authority through the Faculty Assembly.

1.5 The Statutory Faculty of the University of Oregon delegates its governance authority to the University Senate in accordance with SECTIONS 4–8. The Statutory Faculty shall carry out its oversight responsibility as described in SECTION 9.

1.5.1 The Statutory Faculty shall employ an Executive Coordinator, who shall report to the University President, and whose responsibilities shall include, but not be limited to, generating and maintaining public records, including a website, of all activities of the Statutory Faculty. In addition, the Executive Coordinator shall organize elections by the Statutory Faculty. This position is ex-officio and non-voting.

1.5.1.1 Should the University Senate President and Vice President so desire, the Executive Coordinator for the Statutory Faculty may also fill the position of Executive Coordinator for the University Senate, which shall include, but not be limited to, the obligation to report to the University Senate President and Vice President. The position of Executive Coordinator for the University Senate is ex-officio and non-voting.
Section 2: Definitions

2.1 PROFESSOR. In this document, professor as understood at the founding of the University in 1876, means “One that publicly teaches any science or branch of learning; particularly, an officer in ... a university ... whose business is to read lectures or instruct students in a particular branch of learning” (WEBSTER’S 1828).

2.2 CONSTITUENT GROUPS. In this document, Constituent Groups refers to the six groups to whom this document grants representation on the University Senate in accordance with SECTION 4.1.

2.3 STATUTORY FACULTY. In this document, Statutory Faculty is defined as the body of professors consisting of the University President, tenure-related officers of instruction, career non-tenure-track officers of instruction, and officers of administration who are tenured in an academic department. Membership in the Statutory Faculty is retained during sabbatical leaves. Retired and emeriti faculty members are not members of the Statutory Faculty, whether or not they have teaching responsibilities. The University President is the President of the Statutory Faculty.

2.4 FACULTY ASSEMBLY. In this document, Faculty Assembly refers to the Statutory Faculty when, acting as a body, it officially exercises the governance obligations detailed in SECTION 9.

2.5 VOTING UNIT. In this document, Voting Unit refers to a group of constituents with shared privileges and obligations with respect to voting for, and serving as, non-student senators. Membership in any one Voting Unit shall be limited to members of a single Constituent Group, or, if applicable, to a sub-division thereof as detailed in SECTIONS 4.1.2 and 4.1.3.

2.6 UNIVERSITY SENATE EXECUTIVE COMMITTEE. In this document, the University Senate Executive Committee refers to a committee, appointed by the University Senate President, whose responsibility it is to direct the practical affairs of the University Senate. The charge and membership of the University Senate Executive Committee shall be determined by the University Senate and stated in the University Senate By-laws.

2.7 PRESIDENTIAL VETO. In this document, a presidential veto consists of an email letter from the University President to all Members of the Statutory Faculty explaining the reasons for being unwilling to implement the wish of the Assembly as expressed by its vote (SECTIONS 7 and 9). This email letter shall be issued within 30 days following the Assembly vote.
Section 3:
Relevant Statutes and Regulations

3.1 Oregon Revised Statutes (May be altered only by the State Legislature)

3.1.1 ORS 352.010 Status of faculty. The president and the professors constitute the faculty of each of the state institutions of higher education and as such have the immediate government and discipline of it and the students therein. The faculty may, subject to the supervision of the State Board of Higher Education under ORS 351.070, prescribe the course of study to be pursued in the institution and the textbooks to be used. [Amended by 1987 c.246 §4; 1989 c.492 §3]

3.1.2 ORS 352.004 President of state institutions. The president of each state institution of higher education within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the institution, except as otherwise provided by statute. Subject to the supervision of the State Board of Higher Education, the president of the institution has authority to control and give general directions to the practical affairs of the institution. [Formerly 352.020; 2005 c.22 §249]

Section 4:
Composition of the University Senate

4.1 The University Senate shall consist of 51-54 voting members representing a total of six Constituent Groups. The groups (and the number of University Senate seats to be allotted to each group) are as listed below:

- Statutory Faculty (37 core members, plus 0, 1, 2 or 3, as indicated in SECTION 4.1.1)
- Librarians (2)
- Officers of Administration (3)
- Students (5)
- Classified Staff (3)
- Career Non-Tenure-Track Research Faculty (1)

4.1.1 The University Senate shall elect its President and Vice President from among the Statutory Faculty. The chair of the Academic Council (SECTION 8.5) shall also have a seat in the University Senate. If these officers are not drawn from the 37 core Statutory Faculty members of the University Senate, then they will be members of the Senate with full voting rights and the Statutory Faculty membership of the University Senate may rise to 40, raising the total membership to as high as 54.

4.1.2 Thirty-five of the 37 core Statutory Faculty senators shall jointly represent the College of Arts and Sciences and the professional schools and colleges, in such a manner that the fraction of University Senate seats in each category reflects
the fraction of FTE Statutory Faculty appointed in that category. No academic department will be represented by more than two senators.

4.1.2.1 Within the College of Arts and Sciences, Statutory Faculty senators shall jointly represent three Voting Units: Humanities, Natural Sciences and Social Sciences. The number of senators representing each Voting Unit shall reflect the fraction of FTE Statutory Faculty appointed in that unit.

4.1.2.2 Within the professional schools and colleges, Statutory Faculty senators shall jointly represent six Voting Units: the School of Architecture and Allied Arts, the College of Business, the College of Education, the School of Journalism and Communication, the School of Law, and the School of Music and Dance. The number of senators representing each Voting Unit shall reflect the fraction of FTE Statutory Faculty appointed in that unit.

4.1.3 Of the remaining two core Statutory Faculty senators, one shall represent the Clark Honors College and one shall represent a collective miscellany of academic units (e.g., research centers, teaching centers, museums) that includes one or more Statutory Faculty members. The number of senators representing each of these Voting Units shall be one, regardless of the size and composition of the unit.

4.1.4 At least once every 10 years hereafter, the University Senate shall adjust the distribution of seats among the 35 seats jointly allotted to the College of Arts and Sciences and the Professional Schools and Colleges, should reapportionment be required for continued compliance with SECTION 4.1.2. The Executive Coordinator of the Statutory Faculty shall notify the University Senate of the need for reapportionment.

4.1.5 The student members of the University Senate shall be drawn from the (student) academic senators as defined in the constitution of the Associated Students of the University of Oregon (ASUO), and chosen by the ASUO University Senate in a manner designed by the latter. The number of seats in the University Senate allotted to students shall remain at five, independent of future changes in the ASUO constitution. If a vacancy arises, the ASUO President shall appoint a replacement. A position may be refilled no more than once per term.

4.2 The term of office for elected non-student senators shall be two years, with the term of approximately half of the senators expiring each year.

4.3 The term of office for the student members of the University Senate shall be one academic year.

4.4 The immediate past University Senate President shall be an ex-officio non-voting member of the University Senate for the academic year following her/his term.
4.5 The University President, the Provost and the ASUO President shall be ex-officio non-voting members of the University Senate.

Section 5:
Eligibility for Participation in Elections for Non-student Senators

5.1 Eligibility for voting for, and serving as, non-student Senators, and for nominating candidates for non-student University Senate positions is limited to members of the non-student Constituent Groups listed in SECTION 4.1. Retired faculty members are not permitted to vote.

5.1.1 Members of a Constituent Group may nominate candidates for non-student positions in any Voting Unit within that group. Self-nominations are allowed. Nominees must indicate to the Executive Coordinator of the Statutory Faculty a willingness to serve.

5.1.2 Except as indicated below, members of a non-student Constituent Group shall be eligible to vote for, and to represent as senator, members of their own Voting Unit.

5.1.2.1 Voting Units for the Constituent Group of Statutory Faculty are as detailed in SECTIONS 4.1.2 and 4.1.3.

5.1.2.2 The Constituent Groups of Librarians, Officers of Administration, Classified Staff, and Career Non-Tenure Track Research Faculty are also the Voting Units for those groups.

5.1.2.3 Non-student constituents who are appointed at 0.50 FTE in each of two Voting Units shall declare, in a written memo to the Executive Coordinator of the Statutory Faculty, the unit in which they wish to be eligible for the purpose of participating in University Senate nominations and elections.

5.1.2.4 Senior Administrators (the president, the provost, vice presidents, vice provosts, associate or assistant vice provosts, associate or assistant vice presidents, deans, and associate deans or their equivalent) shall be ineligible for election to the University Senate.

5.2 The Executive Coordinator of the University Senate, a position defined in the University Senate By-laws Section 4.3 (http://senate.uoregon.edu/sites/senate.uoregon.edu/files/BYLAWSenateAdopted11May11_3.pdf), shall maintain a list of eligible non-student constituents in each Voting Unit.
Section 6:
Election Process for Non-student Senators

6.1 Elections for non-student senators shall take place each spring term.

6.2 The Executive Coordinator of the Statutory Faculty shall arrange for and conduct the election for non-student Senators. Nominating information shall be circulated to the members of each Voting Unit for either self-nomination or for nomination of another member. This process shall be facilitated by the Dean’s Advisory Council or by a similar elected body within each Constituent Group, when such a body exists.

6.3 Those receiving the most votes shall be elected. If a tie vote results in the election of more senators than available seats for a particular Voting Unit, a run-off election shall be held.

6.4 In the event of failure of the procedures of SECTION 6.2, the Executive Coordinator of the Statutory Faculty shall arrange the filling of vacancies by notifying the next eligible candidate, determined in descending order of the number of votes received in the most recent election by the Voting Unit. If there were no other eligible candidates, the following procedures shall be followed:

6.4.1 If the vacancy is for a Statutory Faculty senator, career non-tenure-track research faculty senator, or library system senator, the Executive Coordinator of the Statutory Faculty shall ask the Dean’s Advisory Committee or a similar elected body for the appropriate College, School, or Library System to appoint an eligible replacement from the Voting Unit in question. If, following such a request, a suitable replacement is not appointed within 14 calendar days during the fall, winter, or spring quarters, the Executive Coordinator of the Statutory Faculty shall appoint an eligible replacement selected using a random process from the Voting Unit in question.

6.4.2 If the vacancy is for an officer of administration senator or for a classified staff senator, the Executive Coordinator of the Statutory Faculty shall ask the OA Council and/or a similar representative body for the constituency in question to appoint an eligible replacement. If, following such a request, a suitable replacement is not appointed within 14 calendar days during the fall, winter, or spring quarters, the Executive Coordinator of the Statutory Faculty shall appoint an eligible replacement selected using a random process from the constituency in question.

6.4.3 Appointments made by the Executive Coordinator of the Statutory Faculty using a random process pursuant to SECTIONS 6.4.1 and 6.4.2 may be declined; however, if three such appointments are declined for a given position, the position will be declared vacant until the next election. Senators appointed under SECTIONS 6.4.1 and 6.4.2 serve until the end of the academic year and are eligible to stand for election for a full term.
Section 7: 
Authority of the University Senate

7.1 The University Senate shall recognize the responsibilities and limitations of the authority bestowed on it by the Statutory Faculty as described in SECTION 1. The governance authority conferred upon the University Senate may not be delegated in whole or in part to any officer or committee of the University Senate or to any other body.

7.2 Effective execution of the authority delegated to it requires that the University Senate express its views on University issues through appropriate Legislation, Policy Proposals and Resolutions.

7.2.1 Legislation. Legislation shall be limited to issues that relate to academic matters as commonly understood in higher education.

7.2.1.1 Legislation adopted by the University Senate shall become effective in 60 days unless otherwise specified, except for the contingencies in SECTION 7.2.1.2.

7.2.1.2 If the University President concludes that it is not in the best interest of the University to implement legislation adopted by the University Senate, s/he shall state so in writing to the Senate President and come to the University Senate, within 60 days of the University Senate action, to suggest withdrawal or amendment of the legislation. If the end of the 60 day period falls outside the academic year, the President shall come to the first Senate meeting in the fall. If the University Senate does not accept the President’s suggestion, and if the President and the University Senate fail to create mutually satisfactory legislation within 60 days after the President’s appearance in the University Senate, the University Senate President and University President shall then jointly call an Assembly to allow the Statutory Faculty to fulfill its oversight obligation according to the procedures outlined in SECTION 9. The decision of the Faculty Assembly, which supersedes that of the University Senate, shall be either vetoed (SECTION 2.7) or implemented by the President according to SECTION 9.4. Should action by the Faculty Assembly fail under the terms of SECTION 9.3, the President shall either implement or veto (SECTION 2.7) the University Senate legislation within 30 days after termination of the voting procedure.

7.2.2 University Policies. University Policies may be proposed by the University Senate and/or the University Administration.

7.2.2.1 Every new or revised University Policy proposal generated by the Administration shall be sent to the Senate President and reviewed by
the Senate Executive Committee, which shall determine whether the proposal warrants being brought before the University Senate. Following the determination, the Senate President shall place the proposal on the agenda of the next Senate meeting or inform the University President that the proposal does not need Senate consideration.

7.2.2.2 Policy proposals approved by the University Senate shall be immediately forwarded to the President for his/her action on behalf of the University within 60 days. Proposals approved by the University Senate go into effect only when they are posted in the Policy Library by the University President. (SECTION 10.2)

7.2.2.2.1 If the University needs to comply immediately with Federal, State or local statutes, or in case of an immediate emergency, the University President has the authority to issue a temporary, emergency policy or temporarily suspend an existing policy without following the procedures described in this Constitution. Each action of this type shall if possible be issued only after consultation with the University Senate Executive Committee and the Faculty Advisory Council, shall have a duration of no more than six months, and shall be non-renewable and non-extendable. If the President wishes to make the action permanent, the President shall submit the policy for adoption by the University Senate following the procedures described in SECTION 7.2.2 of this Constitution.

7.2.2.3 If the University President fails within 60 days to adopt and post on the Policy Library a proposal approved by the University Senate, s/he shall come to the University Senate, within 60 days of the University Senate action, to suggest withdrawal or amendment of the policy proposal.

7.2.2.3.1 In cases where a period longer than 60 days is necessary for Presidential action, the President shall inform the University Senate and shall keep the University Senate apprised of steps and progress toward the formal disposition of the matter at each subsequent University Senate meeting.

7.2.2.4 If the University Senate does not accept the President’s suggestion, and if the President and the University Senate fail to create a mutually satisfactory policy proposal within 60 days after the President’s final appearance in the University Senate, the University Senate President and University President shall then jointly call an Assembly to allow the Statutory Faculty to fulfill its oversight obligation according to the procedures outlined in SECTION 9. The decision of the Faculty Assembly, which supersedes that of the University Senate, shall be either
vetoed (SECTION 2.7) or adopted and implemented by the President within 30 days of the faculty vote (SECTION 9.4). Should action by the Faculty Assembly fail under the terms of SECTION 9.3, the President shall either veto (SECTION 2.7) or adopt and implement the University Senate policy proposal within 30 days after the termination of the voting procedure.

7.2.3 Resolutions. Resolutions shall be unrestricted in scope.

7.2.3.1 If the University President concludes that it is not in the best interests of the University to act as requested by a resolution of the University Senate, s/he shall explain to the University Senate within 60 days the reasons for inaction or for amended action.

Section 8:
University Senate Rules and Procedures

The University Senate shall adopt its own internal rules and procedures except for the following:

8.1 The seat of any senator shall be considered vacant if the senator is absent two times in one term from regularly scheduled meetings of the University Senate, unless the Executive Coordinator of the Statutory Faculty has been notified of the senator’s illness or absence on university business.

8.2 The University Senate shall normally meet during the academic year at least once in each month. The schedule, location and agenda of University Senate meetings shall be posted and those meetings shall be open to the public. The University Senate shall keep minutes of the meetings, and such minutes shall be accessible to the public. Valid exceptions shall be restricted to meetings dealing with faculty awards and to those specified by the Oregon Public Meetings law (ORS 192.640, 650 and 660). Upon including in the public record one or more of the above specified justifications for going into executive session, the University Senate President shall be allowed to close a meeting to non-senators.

8.3 In addition to current members of the University Senate, Statutory Faculty and Emeritus Faculty shall have the right to introduce motions to the University Senate and to participate in discussions. The President of the University Senate may confer priority to the floor to University Senate members when necessary to facilitate the business of the University Senate.

8.4 No motions shall be debated or voted on in the absence of a quorum. The quorum requirement is a simple majority of the prescribed membership (51-54, see SECTION 4.1) even if some University Senate positions are unfilled.
8.5 The University Senate shall establish, maintain, and be advised by, an Academic Council charged with bringing to the University Senate issues relating to the academic mission of the University with recommendation(s) for action.

Section 9: Oversight by the Faculty Assembly

9.1 A Faculty Assembly may be called by the University President alone, by the University President and University Senate President jointly, by the University Senate, or in response to a valid petition (SECTION 9.5) presented to the Executive Coordinator of the Statutory Faculty. When called for, the Faculty Assembly shall exercise its oversight responsibility in accordance with a three-step process detailed in SECTION 9.2.

9.1.1 For a Faculty Assembly called by the University President or by the University Senate, the agenda shall be composed by an Agenda Committee consisting of the President of the University, the President of the University Senate, the Vice President of the University Senate and the Executive Coordinator of the Statutory Faculty (ex-officio, non-voting).

9.1.1.1 Members of the Statutory Faculty, Emeritus Faculty, and members of the University Senate may submit motions to the Agenda Committee (SECTION 9.1.4).

9.1.1.2 Motions to be included in the agenda of an announced meeting shall normally be submitted not later than two weeks prior to the meeting of the Faculty Assembly.

9.1.1.3 The agenda shall normally be published at least 48 hours prior to the meeting of the Faculty Assembly.

9.1.2 For a Faculty Assembly called to resolve an issue between the University President and the University Senate, the only substantive agenda item shall be a motion to uphold the contested University Senate action.

9.1.3 For a Faculty Assembly called by petition, the only substantive agenda item(s) shall be the motion(s) in support of which the petitioners collected signatures in accordance with SECTION 9.5.

9.1.4 The Agenda Committee shall ensure that substantive motions are properly phrased and free of ambiguities. When appropriate, the Committee may ask that an estimate of the financial impact of the motion be included with the motion.
9.2 The three-step process leading to action by the Faculty Assembly shall begin with a “Statutory Faculty Meeting” -- an in-person meeting of the Statutory Faculty chaired by the University President, or a designee, in his/her role as President of the Faculty, in order to discuss the motion(s) on the agenda and, if appropriate, take action as detailed below. If the University President fails to call or chair the meeting, the University Senate President shall be responsible for the meeting. The second step is an online exchange of information and opinions regarding the motion(s) on the agenda, in preparation for the third step: an online vote by the Statutory Faculty. The process shall be guided by the following rules:

9.2.1 An annually updated, alphabetical list of members of the Statutory Faculty, linked from the “Assembly” web site, shall be maintained by the Executive Coordinator of the Statutory Faculty.

9.2.2 Within 60 days after an Assembly is called, a Statutory Faculty Meeting shall be held in consultation with the University Senate President.

9.2.3 Timely notice of a Statutory Faculty Meeting shall be given to the university community and the public at large, and, separately, to each member of the Statutory Faculty, the Emeritus Faculty, and the University Senate.

9.2.4 Statutory Faculty Meetings have no quorum requirements.

9.2.5 Unless specified otherwise, Statutory Faculty Meetings shall be conducted according to Robert’s Rules of Order.

9.2.6 Voting on substantive issues at a Statutory Faculty Meeting shall be limited to the acceptance or rejection of an amendment to the motion(s) on the agenda, and to requests to return a motion to the Agenda Committee for clarification.

9.2.7 A final vote on the motion on the agenda may not be taken at a Statutory Faculty Meeting.

9.2.8 Statutory Faculty, Senators, and Emeritus Faculty may participate in discussions during a Statutory Faculty Meeting, but, when voting is appropriate, only Statutory Faculty may vote.

9.2.9 A digital recording and minutes of the Statutory Faculty Meeting shall be available for inclusion in the online discussion following the Meeting.

9.2.10 No later than 14 days after the Statutory Faculty Meeting, a website devoted to discussion shall be made available by the Executive Coordinator of the Statutory Faculty. It shall include a summary, by the University Senate President, of the Faculty Meeting, along with the video-tape and the minutes of the Meeting.
9.2.11 The Executive Coordinator of the Statutory Faculty shall use official University email addresses to alert each member of the Statutory Faculty and the University Senate to opportunities for participating in the online discussion.

9.2.12 The Executive Coordinator of the Statutory Faculty shall also use conventional media to announce and explain opportunities for members of the university community and the public to take part in the online discussion.

9.2.13 Online discussion shall normally close after 14 days.

9.2.14 To begin the online voting process, the Executive Coordinator of the Statutory Faculty shall use email to notify members of the Statutory Faculty of the opportunity to vote via Duckweb. The notification shall include a link to Duckweb.

9.2.15 Votes shall normally be accepted for seven days.

9.2.16 Within seven days after the close of on-line voting, the Executive Coordinator of the Statutory Faculty shall post the results of the ballot on the Assembly web site.

9.3 In the online vote, a motion is passed when the number of aye votes exceeds the number of nay votes, except as noted below.

9.3.1 The motion to uphold the contested University Senate Legislation shall pass when the number of ayes exceeds one fourth of the Statutory Faculty membership and is greater than the number of nays.

9.3.2 A change in the Constitution requires that the number of ayes exceed one third of the Statutory Faculty membership and be greater than the number of nays, and that the University President ratify the change.

9.4 Motions passed by the Faculty Assembly shall become effective 30 days after the termination of voting or as specified in the motion, unless vetoed by the President.

9.5 The University Senate President shall call a Faculty Assembly to act on one or more motions when the following petition requirements are met.

9.5.1 For each motion to be voted on by the Faculty Assembly, the petitioners shall present the Executive Coordinator of the Statutory Faculty with the written text of the motion, together with the signatures of 40 members of the Statutory Faculty endorsing the motion.

9.5.2 Upon receipt of the written motion and the 40 signatures, the Executive Coordinator of the Statutory Faculty shall forthwith apprise the Statutory
Faculty of the petition, and provide the petitioners with a printed list of Statutory Faculty members, complete with titles and campus address, organized by departments.

9.5.3 Within 60 days of the petition announcement, the petitioners shall provide the Executive Coordinator of the Statutory Faculty with valid signatures from 20% of the Statutory Faculty endorsing the motion.

9.5.4 The Executive Coordinator of the Statutory Faculty shall make sure that the motion meets the standards of the Agenda Committee.

9.6 No issue that has been voted on by the Assembly shall be brought before either the Senate or the Assembly, for any reason, prior to the passage of one calendar year following the vote of the Assembly.

Section 10:
Governance Records

10.1 Governance Archive. To facilitate effective participatory governance, the University shall maintain an accurate on-line archive of all resolutions and legislation passed by the University Senate and/or by the Faculty Assembly. The Governance Archive shall be under the management of the University Archivist, who will establish the procedures by which the documents shall be secured and be conveniently available to the public.

10.2 Policy Library. The University shall maintain an on-line Policy Library, i.e., an electronically searchable compilation of current University Policies, verbatim as signed by the University President.