The faculty of the CVPA is called upon to approve or reject a revision of our college Constitution that includes the insertion of a supremacy clause and delegation clause (the language of which is included below). The upper administration has stated that if these clauses are not approved, our constitution will be dissolved.

The members of council unanimously expressed dissatisfaction with the manner in which this mandate was passed down. That said, the clauses that we have been asked to approve state in a matter-of-fact manner the actual reality of the power system of The University of Toledo: the Board of Trustees has the authority to require the clauses. The eligible full-time faculty of the CVPA must vote on the approval or rejection of these clauses, and they are encouraged to consider all relevant information before they submit their final votes.

Council members engaged in a prolonged discussion regarding the pros and cons of approving or disapproving the inclusion of the clauses in our Constitution. Specifically, we acknowledged that under the laws of the State of Ohio the BOT has the authority to dictate its wishes and that any new version of the Constitution won’t change that reality. We also were aware that a supremacy clause already existed in the CVPA Constitution, and that the old version required only a small amount of editing to meet the new requirements. Additionally, we recognized that in satisfying the mandate we protect the Constitution. Conversely, Council viewed the mandate and process that dictated the supremacy and delegation clauses as heavy-handed and contrary to the concept and spirit of shared-governance. Furthermore, we were concerned that the power of the University Council could negatively affect the future academic directions of the University.

The current complete revised draft of the Constitution is available for examination in two formats. There is a “redline” version, which shows both old and new text, and a final version, showing only the changes as if approved. Links to the documents can also be found on the CVPA Faculty Council web page. (Scroll to the links under 2012-13 Minutes and Documents.) Please keep in mind that with the anticipated structural changes to CVPA, it will be necessary to rework the Constitution after July 1.

The following two sections are extracted from pages 1 and 2 of the current revised draft. These are the main revisions being required by the Board.

The supremacy clause:
This Constitution is intended to be consistent with Federal and Ohio laws, the rules and regulations of the Ohio Board of Regents, the University Council Constitution as approved by the Board of Trustees of the University, and the Collective Bargaining Agreements. In matters that conflict, the University Council Constitution and Bylaws, the policies and regulations of the Ohio Board of Regents and the University of Toledo’s Board of Trustees, and the Collective Bargaining Agreements are the ruling documents.

Operating within these contexts, and within the provisions of the Constitution, the Faculty of the College of Visual and Performing Arts has responsibility for procedure development and program planning.

The delegation clause:
The authority and power of the College of Visual and Performing Arts to take the actions set forth herein have been delegated and, in the ordinary course of events, will continue to be delegated from the Board of Trustees through the President and Officers of the University to the College of Visual and Performing Arts. With regard to curricular matters, such delegation has been further delegated from the Faculty Senate and Graduate Council to this College Council.

Raymond Marchionni, chair
CVPA Faculty Council 2012-13
April 21, 2013