

The Constitution of the University of Austin

We the Founders of the University of Austin (hereinafter, "UATX"), in order to establish an institution of higher learning that champions the pursuit of truth, scientific inquiry, freedom of conscience, and civil discourse, and that is independent of government, party, religious denomination and business interest in all matters, do ordain and establish this Constitution of UATX.

Article I. The Board of Trustees

Section 1. All control over and management of the affairs and funds of UATX shall be vested in the Board of Trustees (hereinafter, "the Trustees"), which may do all such lawful acts that are not prohibited by law, the Certificate of Formation, or the Bylaws, and which shall consist of at least eight and at most twenty persons.

Section 2. Each Trustee shall serve for a term of seven years, with no Trustee serving more than two consecutive terms. Trustees must take at least a one-year sabbatical after a second term before serving a third term.

Section 3. A new Trustee shall be elected by at least three-quarters of the existing Trustees. A new Trustee shall have the option to serve only for an initial three-year term.

Section 4. The Trustees shall meet at least quarterly. At each meeting the President of UATX shall report to the Trustees on the state of UATX.

Section 5. The Trustees shall be responsible for appointing the President and determining the President's compensation. The election of the President shall be by at least two thirds of the Trustees.

Section 6. A discretionary decision of the President may be reversed by an affirmative vote of a simple majority of the Trustees.

Section 7. The Trustees may dismiss the President if at least two thirds of the Trustees vote to do so. A vote to dismiss must be preceded by a formal warning at the quarterly meeting prior to the vote. However, in exceptional circumstances, the Trustees may vote by a two-thirds majority for the immediate suspension of the President.

Section 8. A meeting of the Trustees shall not be considered to have a quorum if fewer than three quarters of Trustees are in attendance.

Section 9. A Trustee may be removed by majority vote of the Trustees in the following circumstances: chronic incapacity, persistent failure to attend meetings, or misconduct, such as being convicted of a crime.

Section 10. The Trustees shall at least every five years commission an external and independent review of UATX.

Article II. The President and Officers

Section 1. All executive powers over UATX herein granted shall be vested in a President.

Section 2. The President shall, subject to the oversight by the Trustees, have ultimate responsibility for the management of UATX, including the employment of all staff, including the Deans of the Centers (hereinafter, “the Deans”) and the Directors of the Institutes (hereinafter, “the Directors”).

Section 3. The President shall appoint as a deputy a Provost, who shall be the Chief Academic Officer.

Section 4. The President, having considered the advice of the Provost, shall make all appointments and promotions of teaching staff, including the Deans.

Section 5. Before he or she enter on the Execution of the Office, the President shall take the following Oath or Affirmation: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the University of Austin, and will to the best of my ability, preserve, protect and defend the Constitution of the University of Austin.”

Section 6. The President shall serve a term of six years (unless dismissed under Art. I, Sec. 7). The Trustees may choose to reappoint a President for further terms, including for a period shorter than six years, at the Board’s discretion.

Section 7. The Provost shall serve a term of six years. With the consent of the Trustees, expressed by majority vote, the President may choose to reappoint a Provost for further terms, including for a period shorter than six years, at the Board’s discretion.

Section 8. The Chief Financial Officer shall be responsible for the budget of UATX. The Chief Financial Officer shall present the annual budget to the Trustees, which shall require their approval by majority vote.

Article III. The Deans and Councils

Section 1. The Deans shall be responsible for instruction at UATX.

Section 2. The Deans shall also be responsible for the recruitment and promotion of teaching staff, subject to the discretion of the President (per Art. II, Sec. 4).

Section 3. The Deans shall also be responsible for the admission of students.

Section 4. The Deans shall also be responsible for the examination of students.

Section 5. The Deans shall be responsible for making such regulations with regard to academic standards and discipline as they see fit, so long as these do not conflict with the Constitution.

Section 6. Each of the Deans shall report on academic matters to the Provost and on financial matters to the Chief Financial Officer.

Section 7. The Deans shall serve terms of five years. The President may choose to reappoint a Dean for further terms, including for a period shorter than five years, at the President’s discretion.

Section 8. The Provost and Deans shall together constitute the Academic Standards Council, which shall have responsibility for the maintenance of academic standards at UATX.

Section 9. The President, Provost and Deans shall together constitute the Disciplinary Council, which shall have responsibility for the enforcement of the regulations set out in the Faculty and Student handbooks and otherwise promulgated by the Deans.

Section 10. In all cases of academic or disciplinary misconduct, the accused shall enjoy the right to a speedy and public hearing, before an impartial jury composed of six people (four instructors and two students), and shall be entitled to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; and to have the assistance of counsel for his or her defense.

Section 11. The Academic Standards Council and the Disciplinary Council shall each submit an annual report to the Trustees.

Article IV. The Adjudicative Panel

Section 1. The judicial power of UATX shall be vested in seven persons (hereinafter, “the Adjudicative Panel”).

Section 2. The members of the Adjudicative Panel (hereinafter, “the Panelists”) shall be appointed by the Trustees with the votes of at least three-quarters of the Trustees.

Section 3. The Panelists will serve terms of four years. The Trustees may choose to reappoint a Panelist for further terms.

Section 4. The Panelists shall not be employees of UATX.

Section 5. The Adjudicative Panel may choose to hear any case in which an action taken by an employee or student of UATX is alleged by another employee or student to violate this Constitution. Actions include all rules and regulations issued by the Deans and other officers of UATX, as well as rulings of the Academic Standards and Disciplinary Councils.

Section 6. Any employee or student may submit a written petition to the Adjudicative Panel for a hearing. The Adjudicative Panel is under no obligation to explain its reasons for declining a petition.

Section 7. When the Adjudicative Panel elects to hear a case, three Panelists shall review the case within sixty days from submission of all evidence and shall convene in person, locally or remotely, before rendering a decision. The Adjudicative Panel shall select one person in the majority to draft the final opinion and that opinion shall be binding.

Section 8. The Adjudicative Panel may recommend disciplinary action to the Disciplinary Council in cases where an unconstitutional action is found to have taken place, but the ultimate decisions on any sanctions or punishments shall be taken by the Disciplinary Council.

Section 9. The Adjudicative Panel shall submit an annual report to the Trustees.

Section 10. A Panelist may be removed by majority vote of the Trustees in the circumstances described in Art. I, Sec. 9.

Article V. The Institutes

Section 1. Whereas the Centers shall be the sole providers of instruction at UATX, there may also be Institutes engaged in research and the dissemination of ideas by other means.

Section 2. The Institutes shall be responsible for raising their own funding.

Section 3. Each Institute shall have a Director.

Section 4. The Directors shall serve terms of four years. The Provost may choose to reappoint a Director for further terms, including for a period shorter than four years, at the Provost's discretion.

Section 5. Each of the Directors shall report on academic matters to the Provost and on financial matters to the Chief Financial Officer.

Article VI. The Bill of Rights

Section 1. UATX shall not require or favor affiliation with any political or religious organization.

Section 2. All decisions regarding admissions at UATX shall be made on the basis of demonstrated academic capability and capacity for creativity or leadership. Due weight shall be given to standardized tests, performance in public examinations, and other empirical measures of aptitude. All decisions regarding graduation from UATX shall be made on the basis of academic achievement and demonstrated capacity for creativity or leadership. At the margin, admissions decisions may take into account individual circumstances, and the contributions that individuals may make to the class as a whole. But admission and graduation decisions shall be made strictly without regard to race, gender, sexual orientation, political affiliation, or religious faith.

Section 3. All decisions about hiring and promoting faculty at UATX shall be made entirely on the basis of the quality of scholarship, teaching, service, and contribution to the university community, and strictly without regard to race, gender, sexual orientation, political affiliation, or religious faith.

Section 4. Where they do not arise from failure to fulfill specific contractual obligations, or in the case of the President from the loss of confidence of Trustees (Art. I, Sec. 7), all decisions regarding suspension or dismissal of an employee or student shall be based solely on proven violations of the law or of the Constitution or regulations of UATX.

Section 5. Neither UATX nor any of its Centers or Institutes shall express opinions on religious, political, or social issues, modify its corporate activities to foster political or social change, or take collective action, except insofar as these activities are directly in the service of its mission.

Section 6. The Trustees, President, Provost, Deans, academic staff, and administrative staff may advocate positions on religious, political, or social issues in their capacity as private individuals but not in their official capacities as representatives of UATX.

Section 7. UATX aspires to intellectual pluralism. Students are free to form voluntary associations or societies and these associations are free to invite such outside speakers as they wish, so long as it is made clear that the invitation comes from the association and not the university. Students may

peacefully protest an event held on UATX premises, but they may not prevent or substantially disrupt the proceedings.

Section 8. Academic and administrative staff at UATX may not use their authority or their control over measures of academic achievement such as grades or letters of recommendation to exert pressure on students for reasons unrelated to their studies, such as to adopt any particular position on religious, political, or social issues.

Section 9. All employees and students of UATX are free to express criticisms of the Constitution and Mission Statement of UATX for purposes of debate, clarification, and instruction.

Section 10. Notwithstanding Art. VI, Sec. 9, the Trustees, President, Provost, Deans, academic and administrative staff of UATX must respect and support the Constitutional order that enables the University to fulfill its purpose. They have a positive obligation to model and teach intellectual humility, civil discourse, and open inquiry.

Article VII. Amendments

Section 1. This Constitution may be amended only with at least a three-quarters vote of the Trustees.

Section 2. All Trustees, employees and students are at liberty to propose Constitutional amendments to the Trustees.