

THE CONSTITUTION

OF

DAVIDSON COLLEGE

Effective July 1, 1976

(Revised as of October 9, 2020)





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## DAVIDSON COLLEGE CONSTITUTION

This Constitution is promulgated by the Trustees of Davidson College in accordance with its charter power to provide for the government of the College. All powers not expressly delegated herein are reserved to the Trustees. This Constitution becomes effective July 1, 1976, and thereupon supersedes all other instruments of government then in existence, except 1) the College's Charter a



## 2. Appointments and Terms

The President is appointed by the Trustees to serve for such term and on such conditions as they consider appropriate. The Trustees shall establish procedures to assure that Trustee Presidential Search Committees have consultations with Faculty, Students and the Administrative Staff in carrying out their Committee function. Other administrative officers are appointed by the Trustees upon nomination of the President. They serve for such terms and upon such conditions as may be proposed by the President and approved by the Trustees.

## 3. Faculty Consultation and Advice

The addition, abolition or significant change of function of the office of Vice President for Academic Affairs, Vice President for College Relations, Vice President for Finance and Administration, Vice President for Student Life and Dean of Students, Registrar, or Director of the Library, and the nomination by the President of persons to be any of the foregoing administrative officers of the College may be done only after consultation by the President with the Executive Committee of the Faculty. The written advice of the Faculty Executive Committee shall accompany every such proposal or nomination by the President which the President gives to the Trustees. (Provided, that all administrative offices and their occupants as of the effective date of this Constitution are confirmed without requirement of such advice.)

[Revised: See Trustee Minutes February 22, 1980, February 21, 1986, May 2, 1986, February 5, 1993, February 12, 1999, and April 7, 2010]

## 4. General Powers and Duties

The President is the chief executive officer of the College and Chair of the Faculty. The President is responsible to the Trustees for achievement of the stated purposes of the College and for its on-going operations, and to this end the President shall have the foregoing general powers, the specific powers given the President in other Articles of this Constitution, and all powers commonly associated with and required for the discharge of the duties of a chief executive officer of a college. The President represents the College in its relationships with related associations, other institutions, the news media, government agencies, alumni, and the general public. The President organizes and directs administrative officers in the performance of their assigned duties. The President is a member of the Faculty and is entitled to preside at its formal meetings. The President reports periodically to the Trustees on the condition of the College, and

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## ARTICLE II. THE FACULTY

### 1. Composition

The voting Faculty consists of the President of the College; the Vice President for Academic Affairs and Dean of Faculty; the Vice President for Student Life and Dean of Students; the Director of the Library; the Registrar; all persons holding the ranks of Professor, Associate Professor, Assistant Professor, Instructor, or Lecturer; and “visiting” academicians whose appointments cover a minimum of a regular academic year and entail full-time teaching. In addition, faculty emeriti active on short-term reappointment and half-time teaching appointees after three years of continuous service shall have voting privileges. Upon recommendation of the President and with the approval of the Trustees, the Faculty may authorize membership on the Faculty for persons other than those specified above. Subject to approval of the Board of Trustees, the Faculty may determine that any person above specified other than the President shall not hold membership on the Faculty on the basis that the nature and extent of such person’s primary duties are substantially incompatible with the responsibilities and authority of the Faculty. (Provided that all persons who are members of the Faculty upon the effective date of this Constitution shall continue to retain Faculty status.)

[Revised: See Trustee Minutes October 2, 1987, February 5, 1993 and April 12, 2002]

### 2. Organization

The President of the College presides over Faculty meetings, and in the absence of the President the Vice President for Academic Affairs presides unless the president otherwise designates. The Faculty elects from its teaching Faculty membership a Vice Chair of the Faculty pro tem, who presides in the absence of the President and the Vice President for Academic Affairs or at such other times as the President so designates. The Vice Chair of the Faculty pro tem serves as a representative of the Faculty with the Administration and performs such other functions as are specified in this Constitution. The Vice Chair pro tem is selected from the tenured Faculty for a three-year term, and may not serve two consecutive terms. The Faculty elects a Secretary, for a two-year term who performs the duties commonly associated with that office. Formal action of the Faculty is taken by majority vote of those present and entitled to vote. Upon motion of any teaching Faculty member passed by 2/3 vote of all members of the Faculty present, the Faculty convenes in executive session for consideration of any matter specified in the motion.

### 3. Meetings and Proceedings; Bylaws

The Faculty ordinarily meets monthly and in such special sessions as may be called. The times and places of regular meetings, the provisions for call of special meetings, and the procedures to be followed in its meeting are as provided in its Bylaws. The Faculty is authorized to adopt Bylaws, subject to Trustee approval, for its organization and proceedings not



inconsistent with this Constitution. Administrative officers may be designated by the Faculty to attend Faculty meetings with the privileges of the floor but without the privilege of voting. Guests may attend Faculty meetings at the discretion of the presiding officer. The President of the Student Body shall be invited to attend all Faculty meetings with the privileges of the floor but without the privilege of voting

4. Powers

The Faculty has general responsibility for the planning and guidance of the Educational Program and Policy of the College as defined in Article III.

5. Committees

Committees of the Faculty shall include an Executive Committee and such other committees as the Faculty may deem appropriate. Subject to the ex-officio memberships and other conditions stated in this Section 5, the Faculty may by its Bylaws or by resolution provide for committees of such sizes, with such qualifications of membership, such terms of

measures that shall be (3) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

discourtesy to the President but with the President's knowledge, present a report to the Trustees through the Chair of said committee.

[Revised: See Trustee Minutes October 2, 1987]

### ARTICLE III. EDUCATIONAL PROGRAM AND POLICY

#### 1. Definition of Scope

The "Educational Program and Policy of the College" is defined as consisting of the College's

- (a) curricula, curriculum requirements, and academic standards;
- (b) international study programs;
- (c) formal programs for faculty study, research, and development;
- (d) selection and use of library materials;
- (e) awarding of academic degrees and honorary degrees;
- (f) establishing, regulating and changing of academic departments;
- (g) academic and career counseling and guidance programs;
- (h) academic and scholarly lecture programs and cultural programs initiated by academic departments;
- (i) determination of requirements and standards of the physical education program including intramural sports;
- (j) determination of the academic qualifications to be applied in the admission of students.

#### 2. Basic Responsibility

Responsibility for the formulation and implementation of Educational Program and Policy is reposed, subject to provisions herein for Trustee review, in the Faculty acting in conjunction with officers of the administration in accordance with succeeding sections of this Article.

### 3. Formulation and Implementation

The President and Vice President for Academic Affairs share with the Faculty responsibility for proposing Educational Program and Policy. Proposals are made through the appropriate committees of the Faculty, for legislative action. The President, the Vice President for Academic Affairs, and such other administrative officers, Faculty and Staff members as may be designated by them are responsible for the orderly implementation of Educational Program and Policy adopted by the Faculty.

### 4. Trustee Review

Any Education Program or Policy adopted by the Faculty may be submitted by the President to the Trustees for review and approval prior to its implementation. When any Educational Program or Policy adopted by the Faculty is under review by the Trustees, the appropriate committee of the Faculty, as designated by the Vice Chair of the Faculty pro tem, may submit in writing a statement conc(he)4 ( Tb)3 (o t)-2nng Ed6 0 Td[(foa ( )]T-2nnap)-4 (i0)1 (d6 08BD





conduct of the established program; 3) to supervise the organization and conduct of the intercollegiate athletic programs within the general fiscal policies of the College; 4) to provide means of liaison and consultant between officers and staff members of the intercollegiate athletic program; 5) to supervise administration of the fiscal affairs of the intercollegiate athletic programs within the general fiscal policies of

(b)





The President is primarily responsible to the Trustees for the development of policies and programs which will enhance the quality of campus life in this total sense. To this end the President is authorized to employ, subject to Trustee approval, administrative officers and staff personnel to conduct religious, social and cultural programs and to make provision within the annual budgets for their financial support. The President maintains and encourages by all available means the fundamental relationship between the College and the Presbyterian Church in the United States as a means of enrichment of the spiritual aspect of campus life. Responsibility for the creation and implementation of social and cultural programs which complement the educational program is vested in the College Union Board, which involves all portions of the Community, is reviewed by the Advisory Council on Campus and Religious Life, and whose Bylaws are subject to Trustee approval. The President reports periodically to the Trustees on the state of campus life and makes recommendations for Trustee action to improve its quality.

3. Advisory Council on Campus and Religious Life

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expiration of an appointment after two or more years of service at the College. The College will normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case will such information be given later than April 15.

[Revised: See Trustee Minutes February 3, 2017]

(d) When a decision not to renew an appointment has been reached, the faculty member involved will be informed of that decision in writing by the President or the President's delegate. The faculty member may request a reconsideration by the President.

#### 6. Termination of Appointment by the Faculty Member

A faculty member may terminate his or her appointment effective at the end of an academic year, provided that the faculty member gives notice in writing at the earliest possible opportunity.

because of financial exigency, or because of the discontinuance of a program or department of instruction, the released faculty member's place will not be filled by a replacement within a period of four years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

[Revised: See Trustee Minutes October 9, 2020]

(d) Inability to Perform for Medical Reasons. If the reason for a faculty member's lack of fitness to perform his or her position(s) as a teacher-scholar or as an administrator is for medical reasons, the faculty member may request leave or may apply for disability benefits or disability retirement benefits, as applicable. Further, termination of an appointment with continuous tenure, or of a nontenured or special appointment before the end of the period of appointment, may be made because of a faculty member's continued inability to perform the essential functions and duties of his or her position(s) with the College, with or without reasonable accommodation, by reason of any medically determinable physical or mental impairment. The College will comply with all applicable laws regarding leaves of absence and other laws that relate to disabled or injured employees in connection with any such action. The College will also make a good faith effort to reasonably accommodate qualified faculty members with known disabilities as defined by law unless doing so would result in an undue hardship or the continued engagement of a faculty member would present a direct threat of substantial harm to the faculty member or others, even with potential reasonable accommodations.

The decision to terminate will be reached only after there has been appropriate consultation and the faculty member or the faculty member's representative has been informed of the basis of the proposed action and been afforded an opportunity to respond. If the faculty member so requests, the basis for the disability-related termination will be reviewed by the FHC before a final decision is made by the Trustees on the recommendation of the President of the College.

[Revised: See Trustee Minutes February 3, 2017]

## 8. Dismissal and Suspension Procedures

(a) [Intentionally omitted]

[Revised: See Trustee Minutes February 3, 2017]

(b) Except for dismissal of a faculty member for violation of the Policy and Procedures on Ethical Research and Scholarship, which shall be handled according to procedures provided therein, dismissal of a faculty member with a continuous tenure appointment, or with a special or probationary appointment before the end of the specific term, will be preceded by: 1) discussions between the faculty member and appropriate administrative officers looking toward a

to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; 3) a statement of reasons, framed with reasonable particularity by the President or the President's delegates.

[Revised: See Trustee Minutes October 9, 1992; February 3, 2017]

- (c) A dismissal, as defined in Section 8 (a), will be preceded by a statement of

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(13) The findings of fact and the decision will be based solely on the hearing record.

(14) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Trustees.

[Revised: See Trustee Minutes February 3, 2017]

(i) Decision. At the conclusion of the presentation of evidence, the FHC shall deliberate as it requires and make its decision expeditiously. The decision shall be made by majority vote. The President and the faculty member will be notified of the decision in writing and upon request will be given a copy of the record of the hearing.

(1) If the FHC concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, the President will state the President's reasons for doing so, in writing, to the FHC and to the faculty member, and provide an opportunity for response before transmitting the case to the Executive Committee of the Trustees.

(2) If the FHC concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend to the President with supporting reasons. If the President rejects the report, the President will state the President's reasons for doing so, in writing, to the FHC and to the faculty member, and provide an opportunity for response before transmitting the case to the Executive Committee of the Trustees.

(3) If the FHC concludes that adequate cause for dismissal has been established, it will so report to the President. If dismissal is recommended, the President will, on request of the faculty member, transmit to the Executive Committee of the Trustees the record of the case.

(j) Action by the Trustees. The Executive Committee of the Trustees shall decide upon the disposition of the case within two (2) weeks following receipt of the record of the case (including any and all reports and responses permitted in subsection (i) above) and shall instruct the President of the College to report its decision to the President of the College.



(c) Organizational Procedures of the FHC Prior to Hearings. Upon the call of the Chair of the FHC, the FHC shall take the following actions:

(1) Members of the FHC who are members of the Appellant's department, and any other members deeming themselves disqualified for bias or interest, shall remove themselves from the case by so notifying the Chair of the FHC. (If the Chair is thereby disqualified, he or she shall appoint a convener from among the remaining members.)

(2) The Chair (or convener) shall promptly notify the Appellant and the Administration of any disqualifications of the FHC members.

(3) Members of the FHC may also be removed from the appeal at the request of the Appellant or the Administration; each party will have a maximum of two challenges without stated cause. The Chair (or convener) of the FHC shall set an appropriate schedule for the exercise of such challenges.

(4) The Chair (or convener) will notify the Secretary of the Faculty Executive Committee of any resultant vacancies, which will be filled by action of the Faculty Executive Committee. (*See* Faculty Bylaws IV.D.2.e(1)(b))

(5) The FHC as then constituted shall meet for the purposes of electing a Chair, if necessary, and a Secretary; it shall notify the Appellant and the Administration of its current membership; and shall set an appropriate deadline for the Appellant to submit a detailed statement of the facts and contentions supporting the appeal.

(6) If the FHC deems it desirable to have independent legal counsel, the College will provide such counsel at the expense of the College, which shall supply a list of at least two attorneys from which the FHC shall select one.

[Revised: See Trustee Minutes February 3, 2017]

(d) Ex Parte Communications. There shall be no ex parte communications with the members of the FHC by the Appellant, the Administration or their representatives regarding the subject matter of the appeal at any stage of the proceedings.

(e) Confidentiality. All matters pertaining to the appeal shall remain strictly confidential, except that after its conclusion the FHC, without naming or otherwise identifying the Appellant, shall notify the Faculty that an appeal has been conducted and concluded. All proceedings shall be private.

(f) Action of FHC Upon Filing of Appeal. Based on its review of the appeal filed by the Appellant, the FHC may:

(1) dismiss the appeal for one or more of the following reasons: (A) failure of Appellant to file the appeal within the required time, or (B) failure of Appellant to allege and support in detail the presence of one or more of the grounds justifying an appeal (as described in section a, above); or

(2) allow Appellant to amend the written statement of appeal in order to address deficiencies identified by the FHC; or

(3) proceed to pre-hearing meetings.

(g) Pre-hearing Meetings. Upon the call of the Chair of the FHC, the FHC shall conduct one or more pre-hearing meetings:

(1) The Appellant, a representative of the Administration, an advisor from the Davidson faculty chosen by the Appellant, and counsel for the Appellant for the Administration and for the FHC may attend pre-hearing meetings. The Appellant and the Administration will be given adequate notice of each pre-hearing meeting.

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(1) The FHC shall deliver a copy of its decision to the Appellant and the Administration within one (1) day of making its decision by majority vote.

(2) If the FHC does not uphold the appeal, the appeal shall thereby be dismissed.

(3) If the FHC upholds the appeal, the committee shall specify the ground or grounds in its report to the President of the College. The President shall make a recommendation for the disposition of the appeal to the Executive Committee of the Board of Trustees within two (2) weeks after receiving the FHC's report. A copy of the President's recommendation will be sent to the FHC.

(4) The Executive Committee of the Board of Trustees shall decide upon the disposition of the appeal within two (2) weeks following receipt of the President's recommendation and shall instruct the President of the College to report its decision to the Appellant and the FHC.

[Revised: See Trustee Minutes February 4, 1994 and April 18, 1997]

## 12. Procedures for Evaluation of Faculty Members

The President or the President's delegate, in conjunction with the Faculty or its Committee on Professional Affairs, shall formulate and may thereafter amend procedures for evaluating faculty members for initial appointments, renewals of appointment, promotions, conferrals of tenure, and salary increases, in preparation for the President's recommendation thereon to the Trustees. Such procedures shall be incorporated in a document titled "Code of Faculty Evaluation Procedures". In the event the parties authorized to promulgate such procedures are unable to agree upon specific elements therein the matter in disagreement

approval, for their organization and proceedings not inconsistent with the College's Charter and this Constitution.

2. Substantive Powers

The Student Body acting in such forms of organization as it may adopt under Section 1 of this article, has the power to charter any student group or organization, subject to review and suspension by the President and the Faculty as stated in paragraph 3 of Article V of the Bylaws of the Corporation, to budget and administer funds appropriated by the Administration for student purposes and to adopt and implement any programs, which are not inconsistent with other provisions of this Constitution, the Code of Responsibility of 1968, as amended, or the Code of Disciplinary Procedure of 1971, as amended.

3. Review by Trustees of Organization and Function

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## 2. The Academic Process

(a) Freedom of Expression in the Classroom. Students are responsible for learning thoroughly the content of any course of study, but are free to take reasoned exception to data or views offered. Only by protection of this freedom may productive discussion, inquiry, and expression serve as means toward learning.

(b) Evaluation. Students are responsible for maintaining fair and reasonable standards of academic performance established by their professors as appropriate to the work of a particular course. Where disagreements about the reasonableness of evaluation arise, students have the right to appeal through appropriate channels.

(c) Disclosure. Information about student views, beliefs, and political association which instructors and counselors acquire in confidence is considered privileged. Protection of the student from improper disclosure of such information is a serious professional obligation.

(d) Academic Eligibility. Students are responsible for adhering to the Academic Regulations, which establish standards of performance. Only if a student fails to meet these standards may he or she be required to withdraw for academic deficiency. In such a case, the student is accorded the right of due process.

## 3. Student Records

(a) Confidentiality. Student academic, disciplinary, medical, and counseling records held by the College shall be maintained separately. Records kept for their own use by individual professionals associated with the College are considered their property. All those who hold or supervise the holding of student records shall respect their confidential nature in accordance with applicable law and ethical standards. Guidelines regarding the maintenance and release of information from student records held either by the College or by associated professionals shall be set forth in the College Registry.

(b) Right to Inspect. Students have the right, subject to waiver, to inspect and review their own records, except as specifically excluded by law or by College regulations under applicable law. They may challenge any information which they consider inaccurate. Students have the right to have inserted statements of rebuttal or explanation into other files which they consider inaccurate or misleading, so long as copies of such statements are made available to those directly involved in making statements which are challenged.

[Revised: See Trustee Minutes April 7, 2010]

(c) Access. Only those employees of the College with reasonable grounds for access to student files, or other persons who have the express permission of the student, may have access to student records, unless such access is otherwise permitted by law. Confidential information so obtained shall continue to be treated as confidential.

#### 4. Association

Students are free to organize and join associations of their own choice. To receive SGA funds, an organization must be chartered. The authority to charter on-campus student organizations is delegated to the SGA, subject to the relevant provisions of Article XI of this Constitution. Chartered student organizations are open to all students without regard to race, creed, sex, or national origin.

#### 5. Expression and Assembly

(a) Expression. The College may not infringe upon the rights of students, particularly those of freedom of speech, of peaceable assembly, and the right of petition. The student is both a citizen and a member of the College. The student who speaks or writes in his or her capacity as citizen should make it clear that he or she is spokesperson for neither the College nor the students within it, but must remember that others may judge the College and its students by his or her utterances and actions. The student has the obligation to exhibit accuracy, appropriate restraint, and respect for the opinions of others.

(b) Assembly. Students and their organizations are free to examine and discuss all questions of interest and to express opinions publicly and privately. They are also free to support issues by orderly means which do not disrupt operations essential to the function of the College, which shall establish reasonable regulations, equitably applied, as to time, manner, and place of assembly.

(c) Speakers. Students and their organizations may invite and hear speakers, performers, and entertainers of their choice, utilizing procedures established as necessary to assure orderly scheduling of and preparation for campus events. Institutional control of campus facilities may not be used to prevent the appearance of a person or group which has been properly scheduled. Students have the responsibility of realizing that events on the campus affect the public image of the College and of its students, and should invite only those who may be seriously considered to have potential contributions to the exchange of ideas or to the quality of campus life. Sponsorship by student organizations should be clearly publicized.

(d) Student Responsibility. Students have the responsibility not to infringe upon the rights of others, particularly as concerning free speech and peaceable assembly.

#### 6. Student Media

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(b) Publications written and edited by students, but which may not be considered to have the College as publisher, are subject only to public law and to reasonable regulations concerning manner of on-campus distribution. Student editors of publications for which the College legally may be considered publisher are authorized to determine and are responsible for content and editorial policy, in accordance with the provisions of this Constitution and subject to Article V of the Bylaws of the Trustees of Davidson College. They must be removed only for proper and stated cause and are accorded due process in any removal proceedings, including notice of charges and the right to be heard by the body ruling upon them.

[Revised: See Trustee Minutes October 9, 2020]

(c) Student managers of electronic media staffed by students are accorded the same rights and responsibilities as editors of student publications.

#### 7. Student Participation in Institutional Government

Students shall have clearly defined means of participation in the formulation of and, where appropriate, the application of College policy. Student affairs shall be free from intervention which does not accord with the provisions of this Constitution. No student may be denied the right to vote by secret ballot in SGA elections.

#### 8. Standards of Disciplinary Procedure

To protect its educational purposes, the College sets standards of conduct and established regulations for the use of its facilities in accord with this Constitution. To develop through discipline a climate of responsible student conduct, the College emphasizes counseling, guidance, admonition, and example. Disciplinary proceedings may be instituted only for violation of the Honor Code and the Code of Responsibility, the Code of Disciplinary Procedure, or the College Regulations.

### ARTICLE XIII. ALUMNI ASSOCIATION

#### 1. Composition

The members of the Alumni Association shall be all graduates of the College, all non-graduates no longer in attendance at the College who have successfully completed one or more semesters, and all recipients of any honorary degrees conferred by the Board of Trustees. The Alumni Association may develop rules for associate membership, provided that associate members shall not have voting rights.

#### 2. General Powers of Organization; Bylaws

The Alumni Association is organized in associational form and is governed pursuant to the Alumni Association Bylaws existing as of the date of the adoption of this Article. Any change to the Bylaws of the Alumni Association is subject to Trustee approval.

3. Review by Trustees

Any action taken by the Alumni Association is subject to review by the Trustees.

4. Communications with Trustees

By a majority vote of members present at a meeting of the Board of Directors of the Alumni Association at which a quorum is present, the Alumni Association may petition the Trustees for direct action in respect of any matter substantially affecting the fundamental interests of the College. Prior to submission to the Trustees, the petition must be presented to the President by the President of the Alumni Association.

[Article XIII Added: See Trustee Minutes 1382-2 for 32010] on 0 t ofnts(i-2

