Revised Internal Governance Document
Executive Summary

The Internal Governance Committee was charged by President Lariviere and the Faculty Advisory Council with revising the current internal governance structure. The need for revisions arose as a result of a November 2008 Oregon Department of Justice opinion stating that the University’s system of government is not in compliance with state law. Under state law, “[t]he President and the professors constitute the faculty,” and the law delegates to that faculty “the immediate government and discipline” of the University (ORS 352.010). At the University of Oregon, however, the University Assembly and then the University Senate have been the governing authority within the University. Those bodies have been composed of officers of instruction, librarians, officers of administration, classified staff, and students – a group that the Department of Justice explained is broader than “the statutory faculty.” The Department of Justice concluded that “in the absence of a separate faculty body and a proper delegation from that body, the Assembly [and Senate] may not exercise the authority conveyed only on the faculty by ORS 352.010.” Based on this opinion, it was clear that the University needed to revise its internal governance so that the “statutory faculty” have a mechanism to meet to be in compliance with state law.

Thus, the responsibilities of the committee included defining the following:

- A proposed structure for the governing body of the statutory faculty
- Constitution of the membership
- Purview of the authorities of any proposed body to act and legislate as distinguished from making recommendations
- Authority and mechanisms to convene any proposed bodies
- Frequency of any regularly scheduled meetings
- Operating procedures including questions of quorum
- Presiding officer or officers
- Relationship of any proposed new bodies to existing structures

The committee has been meeting since September 2009 and has now produced a revised internal governance document that addresses all of these issues. Each is outlined below along with the relevant Section numbers from the document:

A proposed structure for the governing body of the statutory faculty (Section 9)

A Statutory Faculty Assembly mechanism is proposed which will provide the means by which the statutory faculty can exercise their obligation to provide oversight of faculty governance authority. Because the statutory faculty have delegated their authority to the University Senate, it is likely that Statutory Faculty Assembly meetings will be infrequent. However, should the need arise, the revised governance document outlines the circumstances and procedures under which such meetings may be convened.

Constitution of the membership (Section 2.2)

The constitution of the membership embodies the struggles associated with defining the “statutory faculty”. After much discussion, the committee settled on a definition that focused on the instructional responsibilities of the faculty. To this end, tenure-related officers of instruction, career non-tenure track instructional faculty, and tenured senior instructors met the inclusion criteria. It is important to note that UO community members who are not included in this definition nevertheless have explicit representation in the University Senate which will continue to be responsible for daily internal governance.
Purview of the authorities of any proposed body to act and legislate as distinguished from making recommendations (Sections 1.3 & 7.2)

The current enabling legislation contains a general statement (taken from ORS 352.010) which gives the president and the professors the responsibility for “the immediate government and discipline of” the institution. The committee felt that more explicit statements were required which clarified the legislative authority of the internal governance structures relative to the decisions/policies implemented by the President in directing the “practical affairs of the institution” (ORS 352.004). Towards this end, statements were included in the Sections noted which more clearly delineate that legislative authority shall be limited to issues related to the academic mission of the University, whereas resolutions are unlimited in their scope. In addition, we outline different mechanisms by which the President may respond to legislation as opposed to resolutions should s/he determine that they are not in the best interests of the University.

Authority and mechanisms to convene any proposed bodies (Sections 7.4, 9.1 & 9.4)

The revised internal governance document provides details of the 3 mechanisms by which Statutory Faculty Assembly meetings may be convened: at the request of the University President, by an affirmative vote of the University Senate, or by petition by a subset of Statutory Faculty members. The 1st mechanism would be triggered if the University President felt that University Senate legislation was not in the best interests of the University.

Frequency of any regularly scheduled meetings

As noted above, it is likely that Statutory Faculty Assembly meetings will be infrequent in nature.

Operating procedures including questions of quorum (Section 9.3)

The committee has set the quorum requirements for the Statutory Faculty Assembly meetings at 50% (i.e., ~350 statutory faculty) to ensure that meetings only occur when substantive issues are being addressed, and thus, likely to draw a large proportion of the group.

Presiding officer or officers (Section 9.1.1)

The University President will be the presiding officer at Statutory Faculty Assembly meetings. Together with the Senate President, Vice-President, and the Secretary of the Faculty, the University President shall compose the agenda

The relationship of any proposed new bodies to existing structures (Sections 1.4, 7.4, 8.1.5)

In addition to the Statutory Faculty Assembly, the committee proposes the creation of an Academic Council composed of the chairs (or delegates) of the University committees with responsibilities covering academic issues. The charge of the Academic Council will be to provide institutional-level oversight and exchange of information related to academic issues and bring such issues before the Senate when appropriate.

An additional change to the current structure is a reapportionment of the University Senate to better reflect the relative FTE totals across the Colleges and Schools, and two new Senate seats – one for a career non-tenure track research faculty representative, and another for academic units with FTE which don’t fall within the current listing of Colleges and Schools.