

In the following pages you will find the Internal Governance Committee's final draft of a revised governance document. Although the entire document is vital to the smooth running of internal governance, there are a number of sections that I wish to highlight because they represent fairly substantial changes from the current enabling legislation:

Section 1.3 – This sets out the governance authority of the statutory faculty.

Section 2.2 – This is the definition of “statutory faculty”. We have used this term throughout the document so that there is no confusion.

Section 4.1 – One Senate seat has been added for career non-tenure track research faculty, who previously had no explicit representation on the Senate.

Section 4.3 – We have reapportioned the Senate to more accurately represent the distribution of faculty FTE across the various academic units. We have also added an additional Senate seat for academic units not contained within CAS or the professional schools.

Section 4.8 – We removed the term limits for senators.

Section 7.2 – This sets out the authority of the Senate and delineates the difference between legislation and resolutions.

Section 7.4 – This describes the process whereby the University President would call a Statutory Faculty Assembly meeting in the event the s/he concludes that Senate legislation is not in the best interests of the University.

Section 8.1.5 – This describes the proposed Academic Council.

Section 9 – This section outlines the details of how Statutory Faculty Assembly meetings shall be called. We have set the quorum requirements 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.

Section 9.3.5 – This describes how a veto by the University President of Assembly legislation requires the Chancellor to either uphold or overturn the decision.

In addition to the revised internal governance document the committee is also planning to make a series of recommendations in our final report. One of these in particular relates to faculty input surrounding enrollment and admissions issues. We had originally proposed the formation of a faculty-led undergraduate admissions committee. After additional feedback from a variety of colleagues, we now will pull back that proposal and instead recommend that there be an increase in the number of faculty seats on the Enrollment Management Council and that this Council provide input to the Academic Council as needed.

A Proposed
University of Oregon Statement of Internal Governance
8 April 2010

UNIVERSITY OF OREGON CONSTITUTION*

We, the Professors and President of the University of Oregon, in recognition of the need for effective cooperation among its constituent groups, do hereby agree that this Constitution defines the manner in which the Statutory Faculty, acting as a Faculty Assembly, shall exercise its governance obligations (Definitions of Professor, Statutory Faculty, Faculty Assembly and Constituent Groups are in SECTION 2.)

SECTION 1. GOVERNANCE PRINCIPLES

1.1 The University of Oregon recognizes the scope of faculty governance prescribed by the Oregon State Legislature and the Oregon State Board of Higher Education. [The texts of ORS 352.010, ORS 352.004 and IMD 1.123 are in SECTION 3.]

1.2 The University of Oregon is governed by the President and the Professors. (See 2.1 for the definition of “professor”, which is based on the 1876 University of Oregon Charter, ORS 352.010, and the Oregon Department of Justice memo of 7 November 2008.)

1.3 Sole faculty governance authority at the University of Oregon resides in the Faculty Assembly. This authority extends to all matters that relate to the academic mission of the University. The Faculty Assembly may delegate this authority (as stated in DoJ 7 November 2008 memo) but retains oversight responsibility.

1.4 The Faculty Assembly of the University of Oregon delegates its daily governance authority to the University Senate defined in SECTIONS 4-8. The Faculty Assembly shall carry out its oversight responsibility as described in SECTION 9.

1.5 The University of Oregon Constitution may be altered only by the Faculty Assembly in accordance with the 1876 University of Oregon Charter, ORS 352.010, ORS 352.004, and IMD 1.123.

*This Constitution replaces the University Senate Charter and Enabling Legislation as modified on 6 May 2009 by passage of Motion SF08/09-1: “Be it moved that the statutory faculty delegates the exercise of its statutory powers to the University Senate and ratifies the version of the Senate Charter, enabling legislation, and bylaws as amended, that exist as of 28 April 2009.”

SECTION 2: RELEVANT DEFINITIONS

2.1 "PROFESSOR". In this document, "professor" as used in ORS 352.010 and as clarified by the office of the Oregon State Attorney General in their November 7, 2008 memorandum, footnotes 9 and 12, is: "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 "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 tenured senior officers of instruction.

2.3 "FACULTY ASSEMBLY". In this document, "Faculty Assembly" refers to a meeting of the Statutory Faculty as regulated by SECTION 9.

2.4 "CONSTITUENT GROUPS". In this document, "Constituent Groups" refers to the categories of constituents represented by members of the University Senate. These are the Statutory Faculty, librarians, officers of administration, career non-tenure-track research faculty, students, and classified staff.

SECTION 3. RELEVANT STATUTES, REGULATIONS AND MEMOS

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 paragraph 4; 1989 c.492 paragraph 3]

3.1.2 ORS 352.004 Presidents 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 paragraph 249]

3.2 State Board of Education Internal Management Directive (May be altered only by the State Board of Higher Education):

IMD 1.123 Internal Governance and Authority over the Faculty.

(1) The President shall have the right to convene and preside over the faculty or faculties of the institution and shall have the right of veto over their decisions or those of the representative body, subject to review by the Chancellor. The President shall define the scope of authority of faculties, councils, committees, and officers, subject to review by the Chancellor, when not otherwise specifically defined by Board policy or established in the internal governance statement.

(2) Each institution shall have the right to formulate a statement of internal governance expressed as a constitution or in other appropriate format, which shall be ratified as the official statement of internal governance by those included in the internal governance structure of the institution and by the President. The internal governance statement is subject to review and modification when a new President assumes office and at such other times as shall be provided for in the internal governance statement; any amendatory action shall also be subject to ratification by those included in the internal governance structure and by the President.

3.3 Department of Justice Memorandum of 7 November 2008 is at:

<http://www.uoregon.edu/~assembly/dirSF/dirExtra/DOJ-OP-6735.pdf>.

SECTION 4: UNIVERSITY SENATE MEMBERSHIP*

4.1 The Senate shall consist of 50-53 Members distributed amongst the constituent groups as follows:

- 36 Statutory Faculty
- 2 Librarians
- 3 Officers of Administration
- 5 Students
- 3 Classified Staff
- 1 Career Non-Tenure Track Research Faculty

4.2 The Senate shall elect its President and Vice President from among the Statutory Faculty according to the Senate's By Laws. The chair of the Academic Council (SECTION 8.1.5) shall also have a seat in the Senate. If these officers are not from among the 36 Statutory Faculty members of the Senate, the Statutory Faculty membership of the Senate may rise to 39, raising total membership as high as 53.

4.3 The thirty-six Statutory Faculty senators shall represent each college/school as follows:

College of Arts and Sciences (22):

- 8 Humanities
- 9 Natural Sciences
- 5 Social Sciences

Professional Schools and Colleges (13):

- 4 Architecture and Allied Arts
- 2 Business
- 3 Education
- 1 Journalism and Communication
- 1 Law
- 2 Music and Dance

Other academic units (1) (e.g., Bend Program, Honors College, Labor Education & Research Center, Museum of Natural and Cultural History, Physical Education & Recreation, Teaching & Learning Center)

4.4 The Senate shall maintain a list of the academic units in SECTION 4.3 and make appropriate adjustments when changes occur.

4.5 The number of Statutory Faculty senators representing each college/school/unit shall be based on the approximate proportion of Statutory Faculty full-time-equivalent (FTE) appointments in the college/school/unit relative to the total University of Oregon Statutory Faculty FTE.

* The membership changes represented in SECTIONS 4.1 and 4.3 shall take effect in the Spring 2011 elections.

4.6 If major changes occur in the distribution of Statutory Faculty, the Senate shall undertake reapportionment.

4.7 In the absence of major changes in the distribution of Statutory Faculty, the Senate shall consider reapportionment every 10 years starting 2021 and make appropriate recommendation to the Faculty Assembly for Senate reapportionment.

4.8 Terms of office for all non-student senators shall be two years, with approximately half of the senators' terms expiring each year.

4.9 The five (5) student members of the University Senate shall be drawn from the academic senators as defined in the constitution of the Associated Students of the University of Oregon (ASUO). The five student members of the University Senate shall be chosen by the ASUO Senate in a method designed by the latter. They shall serve in the University Senate for one academic year. The number of student senators shall be independent of future changes in the ASUO constitution.

SECTION 5: ELECTION PROCESS FOR NON-STUDENT UNIVERSITY SENATORS

5.1 Elections shall take place each spring term to elect new non-student senators, whose eligibility is defined in SECTION 6. Senate representatives shall be elected only by their constituent groups (SECTION 4.1). Eligible candidates shall be required to indicate to the Secretary of the Faculty a willingness to serve.

5.2 The Secretary of the Faculty shall arrange for and conduct the election to the Senate seats held by each non-student constituent group. Nominating information shall be circulated to each constituent group for either self-nomination or for nomination of another member. This process shall be facilitated by the Dean's Advisory Council or a similar elected body within each constituent group. At least two more candidates than the required number of senators to be elected for each constituent group shall be nominated.

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

5.4 In the event of a failure of the procedures of SECTION 5.2, the Secretary of the 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 for the represented constituent group. If no eligible candidate is available to fill the vacancy, the following procedure will be followed:

5.4.1 If the vacancy is for a Statutory Faculty senator, career non-tenure track research faculty senator, or for a library system senator, the Secretary of the 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 senator from the constituency in question. If, following such a request, a suitable replacement is not appointed within two calendar weeks during which the University is in regular academic session, the Secretary of the Faculty shall appoint an eligible replacement senator selected using a random process from the constituency in question.

5.4.2 If the vacancy is for an officer of administration senator or for a classified staff senator, the Secretary of the Faculty shall ask the OA Council 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 two calendar weeks during which the University is in regular academic session, the Secretary of the Faculty shall appoint an eligible replacement senator selected using a random process from the constituency in question.

5.4.3 Appointments made by the Secretary of the Faculty using a random process pursuant to SECTIONS 5.4.1 and 5.4.2 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 5.4.1 and

5.4.2 serve until the end of the academic year and are eligible to stand for election for a full term.

5.4.4 If the vacancy is for a student senator, the Secretary of the Faculty shall ask the President of the student senate for an appointment of an eligible replacement student senator to fill the vacancy. A vacant position may be filled no more than once per term.

SECTION 6: ELIGIBILITY AND VOTING CRITERIA FOR STATUTORY FACULTY, OFFICERS OF ADMINISTRATION, CAREER NON-TENURE TRACK RESEARCH FACULTY, LIBRARIANS, AND CLASSIFIED STAFF

6.1 All Statutory Faculty, officers of administration, career non-tenure track research faculty, librarians, and classified staff employed at .50 FTE or greater shall be eligible for the purpose of voting for and nominating candidates to serve as non-student senators.

6.1.1 Non-student constituents who are appointed at .50 FTE in each of two units, as specified in SECTION 4.3 shall declare in writing to the Secretary of the Faculty in which one of those two units they want to be eligible for the purpose of Senate nominations and elections.

6.1.2 Each constituent group, specified in SECTION 4.1, shall determine who is eligible for the purpose of voting for and nominating candidates to serve as non-student senators.

6.2 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 Senate.

SECTION 7: AUTHORITY OF THE UNIVERSITY SENATE

7.1 The Senate shall recognize the responsibilities and limitations of the authority bestowed on it by the Faculty Assembly as described in SECTION 1, 1.1 – 1.4.

7.2 Effective execution of the authority delegated to it requires that the Senate express its views on University policies and priorities through appropriate legislation and resolutions. Legislation shall be limited to issues that relate to the academic mission of the University or student conduct. Resolutions shall be unrestricted in their scope.

7.3 Except for the contingencies described in SECTION 7.4, legislation passed by the Senate shall become effective within 60 academic-calendar days, unless otherwise specified.

7.4 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 Senate, s/he shall explain to the Senate, in a timely manner, the reasons for inaction or for amended action. If the University President concludes that it is not in the best interests of the University to adopt legislation approved by the Senate, s/he shall take the steps necessary to convene the Faculty Assembly (see SECTION 9), within 60 academic-calendar days, to deliberate and take action (*pro* or *con*, following amendment if necessary) on the contested legislation. The action of the Faculty Assembly shall supersede the action of the Senate. Should the Assembly fail for lack of a quorum (SECTION 9.3.1), the President shall veto the Senate legislation. The legislation shall nevertheless become effective within 60 academic-calendar days after the second attempt to convene the Assembly (SECTION 9.3.1), unless the Chancellor sends a written notice upholding the veto to the University President and Senate President during the 60 day period.

SECTION 8: SENATE RULES AND PROCEDURES

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

8.1.1 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 Senate, unless the Secretary of the Senate has been notified in advance of the senator's illness or anticipated absence on university business.

8.1.2 The schedule, location and agenda of Senate meetings shall be posted and those meetings shall be open to the public. Senate meetings shall keep minutes, 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 reason(s) for going into executive session, the Senate President shall be allowed to close a meeting to non-senators.

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

8.1.4 No motions shall be debated or voted on in the absence of a majority of the Senate membership. The quorum requirement remains half plus one of the prescribed membership (50-53, see SECTION 4.1) even if some Senate positions are unfilled.

8.1.5 The Senate shall establish, and be advised by, the Academic Council (described below) charged with bringing issues relating to academic mission to the Senate with recommendation(s) for action.

8.1.5.1 Membership of the Academic Council shall include a Statutory Faculty representative from each committee that has responsibilities covering academic issues, such as Academic Requirements, Committee on Courses, Graduate Council, Scholastic Review Committee, Undergraduate Council, and University Library Committee. The committees represented on the Academic Council shall be determined by the Senate and be subject to change by that body. The Provost, Senior Vice-Provost for Academic Affairs, and Senate President [or designee] shall be *ex-officio* non-voting members. Consultation with relevant members of the central administration and related committees (e.g. Academic Infrastructure Committee, Enrollment Management Council) shall be sought as appropriate.

8.1.5.2 The Academic Council shall act on request by any of the

committees it represents, or on request by the Senate or on its own initiative. In addition, the Academic Council shall be responsible for vetting Senate motions that may affect academic excellence.

8.1.5.3 The Academic Council shall designate its chair, who shall sit on the Senate Executive Committee and shall have a seat in the University Senate. The Academic Council shall adopt its own internal rules and procedures.

8.1.5.4 The Academic Council shall report to the University Senate. At a minimum this report shall be in the form of an annual written report submitted by the Committee Chair to the Secretary of the University Senate no later than the final University Senate meeting in May. The committee shall also make additional written or oral reports to the Senate as necessary.

SECTION 9: FACULTY ASSEMBLY

9.1 Convening the Statutory Faculty

9.1.1 The Statutory Faculty may be assembled at the request of the University President, by an affirmative vote of the Senate, or by petition. Meetings shall be chaired by the President of the University (or a designee) in his/her role as President of the Faculty.

9.1.2 The Assembly, which shall be open to the public and publicized, shall normally be held on a Wednesday afternoon, three to eight weeks after it is requested.

9.1.3 The Secretary of the Faculty shall give the Statutory Faculty, Emeritus Statutory Faculty and Senators timely notice of meetings. An annually updated, alphabetical list of members of the Statutory Faculty shall be maintained and linked from the Assembly Web site.

9.2 Agenda and Minutes

9.2.1 Statutory Faculty, Emeritus Statutory Faculty and members of the Senate may submit motions.

9.2.2 Motions for inclusion in the agenda of an announced meeting shall be submitted to the Secretary of the Faculty not later than two weeks prior to the meeting.

9.2.3 The agenda of a Faculty Assembly called by the University President or by an affirmative vote of the Senate shall be composed jointly by the University President, the Senate President, the Senate Vice President and the Secretary of the Faculty. For a Faculty Assembly requested by petition, a representative of the petitioners shall also participate in composing the agenda. Except for Assemblies called in emergency, the agenda shall be published at least 48 hours prior to a meeting.

9.2.4 Minutes of the meeting shall be posted on the Assembly web site no later than one month after the meeting.

9.3 Rules and procedures

9.3.1 With the exception below, no motions shall be debated, or actions taken, in the absence of 50% of the Statutory Faculty. A meeting adjourned for lack of quorum shall be reconvened, normally on the following Wednesday. In such an event, the President shall take action to ensure a quorum. If the second attempt to convene a quorum of the Statutory Faculty fails, no further attempts shall be made. Should this meeting have been called for the sole purpose of amending this Constitution, however, those Assembly members present shall represent the Statutory Faculty and vote on the amendment. Approval of the amendment shall

require an affirmative vote by two thirds of those attending.

9.3.2 Except as otherwise specified in this Constitution (or as amended by the Faculty Assembly), meetings shall proceed according to Robert's Rules of Order. Statutory Emeritus Faculty and Members of the Senate may participate in discussions, but only Statutory Faculty may vote.

9.3.3 Motions shall pass upon an expressed affirmative vote by a majority of Statutory Faculty in attendance. However, a change in the governance document shall require an affirmative vote by 66% of the Statutory Faculty in attendance followed by ratification by the University President.

9.3.4 Except for the contingency described in SECTION 9.3.5, legislation approved by the Assembly shall become effective within 60 academic-calendar days of the meeting, or as specified in the legislation.

9.3.5 If the University President concludes that it is not in the best interests of the University to adopt legislation approved by the Assembly, s/he shall veto the legislation. Legislation vetoed by the President shall, nevertheless, take effect within 60 academic-calendar days after being passed by the Assembly unless the Chancellor sends a written notice upholding the veto to the University President and Senate President during the 60 day period.

9.4 Faculty Assembly by petition

The Secretary of the Faculty shall arrange a Faculty Assembly upon receipt of a petition prepared and signed by Statutory Faculty members in accordance with SECTION 9.4.

9.4.1 A valid petition to assemble the Statutory Faculty shall contain the text of the motion(s) that the petitioners intend to make at the meeting. Prior to circulating the petition, the petitioners shall submit this text, endorsed by at least 40 members of the Statutory Faculty, to the Secretary of the Faculty, who will forthwith apprise the Statutory Faculty of the petition, and provide the petitioners with a printed Statutory Faculty membership list, complete with titles and campus addresses, organized by departments.

9.4.2 If the petitioners provide the Secretary with a valid petition signed by 25% of the Statutory Faculty within 100 days of the petition announcement, the Secretary shall assemble the Statutory Faculty.

9.5 Communication

Statutory Faculty members, Emeritus Professors and Members of the Senate wishing to communicate with the membership of the Faculty Assembly regarding Assembly business shall submit their communication to the Secretary of the Faculty, who shall forward it after determining its suitability in consultation with the Senate President or Vice President.