

Introduction

The need for revisions to the structure of internal governance 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, the University must revise its internal governance so that "the statutory faculty" meets in compliance with state law.

We view this necessity to revise our internal governance as an opportunity. Over the past several years, members of our community have expressed concern that our current structure of internal governance has become less effective or more burdensome than in the past. Our hope is that by revising our internal governance structure, it will become more effective and thereby re-engage faculty as we move forward. This opportunity is further provided for by Internal Management Directive 1.123.2 of the Oregon State Board of Higher Education associated with the hiring of a new University President, which states in part:

"The internal governance statement is subject to review and modification when a new President assumes office..."

President Lariviere fully supports this process and his office is working with the committee charged with revising the internal governance documents and the broader community to bring this process to a fruitful conclusion.