

MOTION regarding an interim governance document (attached).

SUBMITTED by Franklin W. Stahl (Biology Emeritus) and Nathan Tublitz (Biology).

MOVED: That the Faculty Assembly legitimize the UO Senate by adopting the attached interim governance document with the understanding that the Senate will scrutinize it and, if necessary, propose specific amendments, deletions and/or additions before returning it to the Faculty Assembly for ratification.

Discussion:

In response to the DoJ opinion of 7 November 2008

(<http://www.uoregon.edu/~uosenate/dirsen089/DOJ-OP-6735.pdf>), which revealed shortcomings in the existing governance document, the MOTION asks the Faculty Assembly to ratify an interim governance document that establishes a legitimate UO Senate and serves as a guide for the preparation of a document to be presented to the incoming university president. The DOJ opinion points out that the current UO governance document (sometimes referred to as the Senate Charter) lacks legitimacy because its creator, the UO Assembly, did not have the authority to delegate faculty governance to the Senate. In accordance with that opinion, the Faculty ("Professors and the President") has been convened (May 6, 2009) to legitimize the Senate. To effect that obligation, the Faculty is hereby requested to ratify a governance document that bestows on the UO Senate the governance authority that was intended by the Assembly in 1995 (<http://www.uoregon.edu/~uosenate/SenateCharter.html>).

Whereas the primary purpose of the attached document is to "restore" governing authority to the Senate as intended in 1995, additional changes in the 1995 document were sorely needed. However, to facilitate passage of this MOTION, the only changes we have made, other than improvements in organization and the removal of redundancies and ambiguities, are the few noted below.

Other Changes Incorporated into the Proposed Governance Document

1. Oregon Public Meeting Law (OPML): The reference to the OPML has been omitted because it has no demonstrable applicability to UO internal governance -- its place at the top of the existing (1995) governance document has been a source of confusion. In its place, you will find documents from the State Legislature and the State Board of Higher Education that precisely define the nature and limits of faculty governance. Understanding of these documents is essential for proper functioning of the UO Senate. Their substance is summarized below:

(A) **ORS 352.010 Status of Faculty** puts responsibility for University governance in the hands of the Faculty (“Professors and President”).

(B) **ORS 352.004** gives the University President “authority to control and give general directions to the practical affairs of the institution”

(C) **IMD 1.123**, issued by the State Board of Higher Education, defines the manner in which the President shall execute the authority granted by ORS 352-004.

“(a) The President *shall* [emphasis added] 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.” The paraphrased version of IMD 1.123 in section 4.5 of the existing governance document has been omitted.

(b) “The [University] President ... shall have the right of veto over ... [Faculty] decisions or those of the representative body, subject to review by the Chancellor.” This section of IMD 1.123 clarifies the nature of Presidential control over those areas of authority granted to the Faculty by the President.

2. Strengthening the Senate: With respect to participation in Senate meetings, the interim governance document grants to all members of the Classified Staff the rights that were formerly reserved for members of the Assembly as it was defined in the 1995 governance document. These rights include the right to elect representatives with full voting privileges to the University Senate, and the right to participate in Senate meetings (e.g. to address the Senate, and to bring motions to the Senate).

NOTE: In order to formalize the veto requirements of IMD 1.123 (b), a default timeline for the realization of Senate actions is prescribed in the interim governance document.

3. Creation of a Faculty Assembly (to replace the Assembly of 1995). According to the DoJ opinion, the Faculty is obliged to exercise oversight on the Senate. This function was inappropriately assigned by the 1995 governance document to a body that contained non-faculty members.

4. Faculty Oversight Committee: Creation of a mechanism (Faculty Oversight Committee) by which the Faculty can most effectively exercise its required oversight on the actions of the Senate.