

UNIVERSITY COUNTERPROPOSAL

7-22-13

ARTICLE 3

SHARED GOVERNANCE

Preamble

Oregon state law and the University of Oregon's original Charter, as well as long-established practice, recognize the vital role of shared governance between the University's governing board, president, and faculty, as a guarantee of the freedom to teach and engage in research, creative activity, and scholarship upon which excellence in higher education depends. In that regard, it is mutually desirable that the collegial system of governance be maintained and strengthened so that the role of the faculty will be similarly maintained and strengthened.

Section 1. The parties agree that it is desirable that the faculty have primary authority over choice of method of instruction; subject matter to be taught; academic standards for admitting students; and standards of student competence in a discipline. The University affirms that in these areas the power of supervision, review and final decision lodged in the Board of Trustees of the University of Oregon should be exercised adversely to the faculty only in rare instances and for compelling reasons communicated to the faculty.

Section 2. The faculty in each department or unit may develop written policies for internal governance of the department or unit. At the outset of its formulation of written policies, the faculty will first consider any input provided by the appropriate department or unit head, dean, Vice President, Provost, or designee. The faculty will submit their recommended policy to the appropriate dean, vice president, or designee for review. The dean, vice president, or designee will provide a written explanation to the faculty and an opportunity to discuss any alterations he or she makes to the recommended policy before submission to the Provost or designee. The Provost or designee will have final authority to establish policy for each department or unit. The department or unit head, dean, vice president, Provost or designee may initiate changes to established policy regarding internal governance of a department or unit by informing the appropriate faculty of the change being considered, thereby initiating this process for policy development.

Section 3. Oregon law provides for the Board of Trustees of the University of Oregon to include one person who is a member of the faculty. (SB 270, section 6 (2013).) The Board of Trustees manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the Board by law, or that are implied by law or are incident to such powers, rights and duties. (SB 270, section 2.) The Board may establish policies for the organization, administration and development of the university and, subject to Oregon law, establish, supervise and control academic and other programs, units of operation and standards, qualifications, policies and practices relating to university matters such as admissions, curriculum, grading, student conduct, credits, scholarships and the granting of academic degrees,

1 certificates and other forms of recognition. (SB 270, section 11 (2013).)

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3 The president of the university is the president of the faculty. The president is also the executive
4 and governing officer of the university, except as otherwise provided by statute or action of the
5 governing board. Subject to the supervision of the governing board, the president of the
6 university has authority to direct the affairs of the university.)ORS 352.004; SB 270, section 9
7 (2013)).
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9 The president and professors constitute the faculty and as such have the immediate government
10 and discipline of the University and the students therein, except as otherwise provided by law or
11 action of the Board of Trustees. The faculty may, subject to the supervision of the Board and
12 Oregon law, prescribe the course of study to be pursued in the university and the textbooks to be
13 used. (ORS 352.010; SB 270, section 18 (2013))
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15 Under Oregon law, the Board of Trustees of the University of Oregon must submit any
16 significant change in the University's academic programs to an office designated by the Higher
17 Education Coordinating Commission as being responsible for university coordination. (SB 270,
18 section 8.)
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20 **Section 4.** The purpose of this Article is for the parties to affirm their commitment to shared
21 governance. A perceived violation of this Article is not subject to grievance or arbitration, but
22 rather is a matter to be resolved among the Board of Trustees, the president and the faculty.